


# Minnesota Board of Water and Soil Resources. Minutes.


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Version 3
August 20, 2018

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

**APPOINTED MEMBERS PRESENT**
Jim Nielsen, Jim Rossman, Don Ogaard, Sharon Clark, Ted Lovdahl, Barbara Uppgaard, Barbara Cobb, Kathleen Roer, Warren Rodning, and Howard Peterson.

**AGENCY MEMBERS ABSENT**
John Boulton and Dwain Otte.

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

**OTHERS PRESENT**
Pat Wulff, Minnesota Lake Association (MLA)
Curtis Borchert, Minnesota Association of Conservation District Employees (MACDE)
Gary Nordstrom, Soil Conservation Service (SCS)
D'Wayne DeZiel, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Marlin Libbesmeier, Minnesota Association of Townships (MAT)
Bill Clapp, Attorney General's Office
Susan Schmidt, Legislative Water Commission
Cheryl Miller, Audubon Society

**STAFF PRESENT**
Ron Harnack
Keith Grow
Greg Larson
Doug Thomas
Jim Haertel
John Jaschke
Barbara Ohman
Bruce Sandstrom
Marybeth Block
Al Kean
Mary Jo Anderson

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

** 93-26 **Adopt Agenda** - Moved by Peterson, seconded by Rodning, to adopt the agenda as presented. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

**Minutes of April 28, 1993** - Howard Peterson stated that a correction needs to be made on page six regarding his comments. It should read "Star Tribune" -- not Star and Tribune.
** 93-27 Moved by Rossman, seconded by Lovdahl, to approve the minutes of April 28, 1993, as corrected. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

**Chairman's Report** - Chairman Nielsen briefly commented on the BWSR's budget; he said that the worst case for the BWSR would be a one percent cut.

Chairman Nielsen reported that he met with Elton Redalen, Commissioner of the MDA, regarding appropriations for feedlots in the Minnesota River area. They would like to meet with PCA and DNR soon so efforts can be coordinated by June 15. Chairman Nielsen asked staff to come up with ideas to better streamline the services BWSR provides or is asked to provide. He asked members to let him know of their ideas.

Chairman Nielsen stated that the BWSR has a "world class executive director" -- Ron has spent many hours on legislation this session and he thanked him for his good work.

**Executive Director's Report** - Ron Harnack briefly reported on the BWSR budget and gave a budget comparison of all funds for 1993 and 1994. Ron stated that the BWSR broke even this year in the budget category and the same can be said for the policy side of legislation. Although the budget will be very tight in the coming two years, we can maintain the current staffing and administrative capability. Ron stated that the wetlands bill passed and it does not have a major impact on the Wetlands Conservation Act.

Ron reported on "Envirothon 1993" -- a learning experience held at the Wood Lake Nature Center on May 18. About 100 high school students from various metro schools participated in soils, wildlife, wetlands, forestry, and recycling learning stations. Ron commended Susan Tsakakis for her fine efforts in organizing "Envirothon 1993." He thanked the BWSR Education Committee, Barbara Ohman, Mary Jo Anderson, and Lynette Morrisette for their active participation. Sharon Clark stated that it was a very successful day. The participants were very enthusiastic; most of the kids said they would like to do this again. She gave credit to the sponsors. Sharon also commended Susan Tsakakis for all her work. Copies of the questions and evaluation responses will be sent to members.

Ron Harnack commented that an appeal has been received from southwest Minnesota. Ron recommended that watershed designated Board member or members be appointed to try a and mediate before formal hearing comes to the BWSR Dispute Resolution Committee. Kathleen Roer and Don Ogaard will take this on.

**Emergency Funding Request from Cass SWCD** - Greg Larson explained that this is a critical streambank project, jointly initiated by the Mississippi Headwater's Board, Cass SWCD, and the landowner. Cass has requested that BWSR authorize them to use remaining funding from other projects for completing this priority project. Greg briefed members on the
** allocation process and recommended approval of this project from rollover funds. Moved
93-28 by Uppgaard, seconded by Lovdahl, to approve the Cass SWCD emergency request. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

**Adoption of Wetland Rules** - Greg Larson distributed copies of Chapter 175, and explained the changes that the Legislature made that need to be incorporated into the provisionally
** adopted rules. Moved by Lovdahl, seconded by Roer, to adopt the recent legislative
93-29 changes to the wetlands rule. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** Moved by Rodning, seconded by Lovdahl, to approve the provisional wetland rules with the
93-30 modified changes. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** Moved by Rossman, seconded by Clark, to authorize Chairman Nielsen to sign the necessary
93-31 documents regarding the wetland rules. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

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

**Minnehaha Creek Watershed District Watershed Management Plan** - Jim Haertel introduced Tom Maple and Pat Malloy, representatives of the Minnehaha Creek Watershed District. Jim explained that staff have reviewed the plan and recommend approval. Discussion followed. Barbara Cobb stated that it's mandatory that the District maintain a
** citizen advisory committee. Moved by Cobb, seconded by Ogaard, to approve the
93-32 Minnehaha Creek Watershed Water Management Plan. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Mr. Maple appreciated the staff assistance on their plan.

**Isanti County Water Plan** - Keith Grow introduced Lawrence Collin, Charles Rickstrom, Myron Folkner, and Steve Moss, representatives of Isanti County. Keith gave a chronological overview of the Isanti County Water Plan, and recommended approval.
** Moved by Uppgaard, seconded by Lovdahl, to approve the Isanti County Water Plan.
93-33 Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Chairman Nielsen thanked everyone for the time spent on this plan.

**Cottage Grove Ravine Watershed District Petition** - Bruce Sandstrom explained that the cities comprising the Cottage Grove Ravine Watershed Management Organization (WMO)

have decided that a watershed district is the most appropriate approach for addressing the watershed management issues in the area; therefore, they have filed a petition for such establishment. The request requires that the BWSR conduct a hearing on the petition at Middleton Elementary School or City Hall. Staff recommended that Chairman Nielsen appoint three members to conduct the hearing and to authorize staff to take appropriate steps to schedule the notice of the hearing. Moved by Rodning, seconded by Clark, to approve the Cottage Grove Ravine Watershed District petition to hold a hearing on June 24 at Middleton Elementary School. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Chairman Nielsen appointed Howard Peterson (chair), Barbara Cobb, and Dwain Otte to attend and conduct the hearing.

** 93-34

**Watershed District Management Plans and Red River Valley Environmental Assessment** - Don Ogaard gave a presentation on some of the key elements of watershed plans in his area as they relate to environmental assessment being conducted in the Red River Valley. Don continued his presentation after lunch.

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

**U.S. Department of Agriculture Reorganization** - Ron Harnack introduced Wally Sparby, Agricultural Stabilization and Conservation Service (ASCS); Jim Haggerty, U.S. Representative Tim Penny's Office; Fred Bergsrud, MES; and Gary Nordstrom, SCS. They presented a panel discussion on their ideas and concerns of the potential consideration of farm related programs into one division called "Farm Services Administration." Ron asked the panel for suggestions how the BWSR can contribute. Mr. Haggerty said public perception is very important and that there is a need to be creative in the delivery of services. Gary asked the BWSR to consider the utmost important services and have provisions to address those. He asked that a letter be sent from the BWSR to Secretary of Agriculture Espy, and also to the Congressional Delegation. Ron said that we can't forget about our federal partner and we need them to help get conservation practices on the land. Chairman Nielsen thanked the panel for coming in today.

**Landowner David Geise, Request to Release Easement** - Marybeth Block explained that David Geise requested release from a Reinvest In Minnesota (RIM) Reserve easement on 21.3 acres and in exchange offers 25 acres of highly erodible land. The BWSR has discretion to make the decision when in the best interests of the resource. The Redwood SWCD and the DNR Wildlife Manager in the area have provided letters of support for the request. Staff recommends the proposed alteration of Mr. Geise's RIM easement contingent upon: 1) Amending the existing easement in section 34 of Charlestown Township in Redwood County to allow haying and grazing. In addition, amend the conservation plan to address establishment of buffer zones and grazing and pasture management techniques that prevent erosion and nutrient run-off. 2) Acquire a conservation easement on 25 acres in section 27 of Charlestown Township in Redwood County at no easement compensation to the landowner. 3) All legal costs of acquiring the easement in section 27 and altering the

** 93-35 easement in section 25 must be born by Mr. Geise. Moved by Ogaard, seconded by Clark, to accept and approve staff's recommendation regarding Mr. Geise's alteration of the RIM easement. Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

**Tim Gramm Easement** - Al Kean introduced Tim Gramm, explained the situation as presented last month, and reported on the agreement of the conservation plan and practices. Wayne Edgerton, DNR, stated that he wanted it clarified that "under easement" should be used, not "recorded conservation plan" as stated. Discussion followed. Al stated that the intent of this was for soil conservation. The compromise entails the BWSR releasing 15 acres in the conservation easement, Mr. Gramm paying $9,200 and putting a conservation plan in place for the southwest corner. Al stated that staff recommends termination of the existing conservation easement; a) cash payment to the state in the sum of $9,225 to purchase the right to use the existing easement area as tillable land; b) implementation and recording of the conservation plan recommended by the Pope SWCD to control soil erosion and maintain wetland values, including windbreaks, conservation tillage and protection of the existing small wetland identified; c) inclusion in the easement of the establishment and maintenance of wildlife nesting habitat within the approximately seven acres of non-irrigated land in the southwest corner of the southeast quarter of Section 29, T123N, R40W, as discussed with DNR area wildlife manager. Element a) is for the purchase of a land right previously retained by the state. Elements b) and c) would provide resource protection guarantees as compensation for administrative expenses incurred in the termination of the

** 93-36 easement and restitution for the violation. Discussion followed. Moved by Rossman, seconded by Roer, to lift the easement, cash payment be paid to the state, and implement and record a conservation plan. (After the plan has been prepared, a copy of will be sent to BWSR.) Affirmative: Clark, Cobb, Lovdahl, Peterson, Ogaard, Rodning, Roer, Rossman, and Uppgaard. Opposed: Nielsen. Carried. There was considerable discussion relating to use of an easement as use of a restrictive covenant recorded with the parcel.

**State Non-Point Plan Revisions** - Kathy Svanda, PCA, explained the non-point application process; the non-point source management plan; and the format for the 1993 revised management program. She also reviewed the 319 funding authorizations by the Environmental Protection Agency (EPA).

**Advisor Comments**

-Minnesota Association of Conservation District Employees (MACDE): Curtis Borchert stated that approximately 3.2 million trees will be planted statewide in May and June. MACDE Area I will meet the end of June.

-Minnesota Association of Townships (MAT): Marlin Libbesmeier reported that MAT keeps track of what BWSR is doing, although it's unfortunate that so many meetings overlap and are scheduled for the same day.

-Soil Conservation Service (SCS): Gary Nordstrom reported on the 1994 proposed budget for SCS. He stated that enough additional funds have been proposed for CRP to fund 1

million acres in the 1994 sign-up and 1.5 million in 1995; 1 million acres nationwide in the Wetland Reserve Program; and $150 million for watershed and flood prevention for watershed construction. Gary said that it's impossible to tell anything yet regarding staffing. SCS is finishing the Natural Resource Inventory (NRI) efforts and hopes to have that complete by June 15. Gary commented on a national grazing land initiative proposed to enhance grazing land from coast to coast. No particular application in Minnesota, however, funding for the initiative would likely come from existing programs.

-Minnesota Association of Watershed Districts (MAWD): Howard Peterson stated that MAWD has had good response from the BWSR for the MAWD summer meeting and tour. Howard commented on a handbook that has been published for developers on rules and regulations; a concern of watershed districts. ↑ by Riley Purgatory Bluff Creek

-Minnesota Association of Soil and Water Conservation Districts (MASWCD): D'Wayne DeZiel sadly reported that Don Ahrens, NACD, died Sunday of skin cancer. D'Wayne reported that things are moving along well for the summer NACD North Central Region Leadership Conference in Duluth.

-Minnesota Lake Association (MLA): Pat Wulff impressed upon staff that a citizen advisory committee be in place in the comprehensive water plans. Pat stated that education programs are needed in watershed districts and water management organizations. Pat stated that metro area lakes did not receive any desperately needed funding for eurasian milfoil. MLA will be looking into this further. She expressed that it was a successful legislative session this year regarding funding. Pat reported that MLA received a grant from EPA for citizen outreach for $51,000 over a three year period.

Don Ogaard continued his presentation and distributed copies of the Red River Management Board's Annual Report.

Chairman Nielsen adjourned the meeting at 3:30 p.m.

Respectfully submitted,

D. James Nielsen
Chair

# Board member Update

Minnesota Board of Water & Soil Resources

**May 1993**

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

## Southern Region

BWSR southern region board conservationists were very busy during the month of April offering support and assistance to many local governmental units (LGUs). Activities included Reinvest in Minnesota (RIM) Reserve/Permanent Wetland Preserve (PWP) reviews, workshops, meetings and Wetland Conservation Act (WCA) informational meetings.

- RIM/PWP activity in soil and water conservation districts (SWCDs) continues, especially in the upper half of the south central region. New Ulm Board Conservationist (BC) Thomas Fischer has reviewed 33 easement applications, and about 20 more will soon be submitted for review. Several SWCDs have indicated that many landowners are anxiously awaiting the next sign-up to make application to enroll land into RIM/PWP.

- With spring's arrival, the Wetland Conservation Act has generated additional activity. Responding to questions from LGUs, making use of the technical panel process and attending several WCA information-generating meetings has helped in the administrative process.

- The BWSR southern staff and John Jaschke, BWSR wetland specialist, attended a meeting that the South Central Minnesota Counties Comprehensive Local Water Planning Project group held with representatives of the Army Corps of Engineers (ACOE) to discuss WCA/ACOE regulation concerns.

- An excellent one-day seminar entitled "Exploring Ethical Leadership" was held in New Ulm and presented by Barbara Liukkonen and Susan Tsakakis of BWSR and Catherine Huebner of the University of Minnesota Extension Service. Over forty representatives from SWCDs, as well as six BWSR southern region staff, participated.

- Southern Supervisor Jeff Nielsen and Thomas Fischer attended a workshop facilitated by Marshall Board Conservationists David Sill and Tabor Hoek in Marshall for watershed districts located in southwestern Minnesota. Doug Thomas, BWSR water planning coordinator, provided information and answered questions pertaining to updating watershed district management plans.

- Thomas Fischer and New Ulm BC Chris Hughes each facilitated a meeting of LGUs administering the WCA in south central Minnesota. Participants had the opportunity to share their past year's experiences of administering WCA within their counties. John Jaschke provided information and answered questions. All participants felt this type of meeting was very worthwhile and requested follow-up meetings to continue sharing experiences and information.

- David Sill has continued to assist the Lac qui Parle-Yellow Bank Watershed District as they consider the implications of the WCA as it relates to their local sponsorship of the Lac qui Parle Floodways Project. Area II staff also continues to assist the watershed district. This ACOE-designed project has received significant interest and comment from various state agencies.

- David Sill recently represented the BWSR at the Upper Minnesota River Partnership Group. The members (ACOE, U.S. Fish and Wildlife, the Soil Conservation Service (SCS), the Pollution Control Agency (PCA), the Department of Natural Resources (DNR) and BWSR, will work to expand the present Minnesota River Assessment/Implementation Project process to the upper basin of the Minnesota River.

- Tabor Hoek and staff hydrogeologist Eric Mohring met with the Okabena-Ocheda Watershed District to review the effects of a proposed hog operation on the city of Worthington's water well fields. There is little chance for contamination of Worthington's well field; however, there should be considerable concern for downstream landowners as groundwater and surface water will be impacted due to a poor waste utilization plan.

- Tabor has also been working with Marshall PCA staff to initiate a coalition of lake associations in southwest Minnesota. Communication and unity are wanted at the local level, and they are working on how to best facilitate this process. It appears the agency people will need to initiate the program and then bow out once it gets going.

- The members of the South Central Minnesota County Comprehensive Water Planning Project met on April 21 and elected Dave Thompson of Cottonwood County to chair the committee. Dave is the successor to Rick Hanna of Blue Earth County. Rick was applauded at the joint powers board meeting for his years of work coordinating the regional projects. The evening's meeting also included several presentations on the current status of the state's feedlot program; particular attention was paid to Blue Earth County and other south central Minnesota counties. Agriculture Commissioner Elton Redalen also spoke on the issue of feedlots, emphasizing the need to work together to clean up the Minnesota River.

- Gary Wehrenberg and Linda Meschke, Faribault and Martin County WCA contacts, are looking at several sites with which to open a wetland bank account at the First National BWSR Bank of Minnesota.

- The EPPL 7 Local Water Planning Interface Project will be demonstrated in Rochester on May 5. The Zumbro Root River water plan coordinators, as well as other GIS users and potential users on the individual county water planning staffs, will be attending the demonstration. The south central counties will be seeing a demonstration at upcoming technical meetings and will also be inviting GIS users and potential users.

## Northern Region

Northern staff report joy at the news that we will all still be working for BWSR for at least another year instead of another much larger agency. The talk of reorganization had our field staff concerned. While it wasn't the end of the world or anything even close, it was still one of those things that was always on people's minds. The uncertainty of it all causes a certain amount of stress. But in spite of all the talk of a new employer, staff kept plugging away, getting a lot of good conservation work accomplished.

- Bemidji Board Conservationist Keith Grow reports that the snow is gone but wetland problems are not. Keith estimates that he has spent about 60 percent of his time on wetland issues and technical panel meetings. Keith met with Anoka sandplain counties in April to discuss direction. Keith suggested that individual sandplain counties look at their water plans and try to match up projects and funding. Keith also attended a watershed district administrators' meeting as the BWSR liaison. The administrators discussed training needs, which Keith will channel through the BWSR Training Team. They also discussed accounting system issues.

- Brainerd BC Dan Steward recently represented the north at a Grants Team meeting in St. Paul. Dan had specific orders to steal as much money from the south as he could and bring it north (just kidding). Under the leadership of former BWSR grants guru, Chuck Niska, the G-Team carved up available Streambank, Lakeshore and Roadside (SLR) and Special Project dollars. Dan states that it is great to see BWSR get some public money out there for real resource management without making locals jump through a bunch of hoops.

- Bemidji BC Bill Best did an on-site visit with Land and Water Section Administrator Greg Larson at Tilden Farms in Polk County to tour some potential wetland violation sites. Bill and Greg toured the sites with SWCD staff, county commissioners, the county coordinator, and the county ditch engineer. Bill and Bemidji BC Dale Krystosek also hosted a state/federal interagency meeting in Bemidji on April 13th. They discussed WCA (of course), water well code changes, planning and team building efforts by the SCS, state and federal reorganization, and wetland restoration projects in the

Red River of the North. About 20 people attended. Bill also met with Koochiching's new water plan consultant and discussed strategies for having the water plan completed by the end of the year.

- Dale was busy in April assisting Itasca and Becker SWCD staff in laying the groundwork for setting up local wetland banking programs. Dale worked with East Ottertail SWCD, West Ottertail SWCD, and two lake associations providing training on approaches to lake watershed management.

- Duluth BC Mark Nelson estimates he spent almost 50 hours in April on WCA site visits and Technical Evaluation Panels (TEPs). Mark spoke to 41 conservation officers at their regional meeting in Grand Rapids on April 19. The meeting went well, with a lot of good questions from the COs.

- Duluth Forester Jim Lemmerman keeps expanding the BWSR role in the forestry arena. Jim was recently elected chair of the Tree Certification Committee of the Minnesota Crop Improvement Association. The committee will try to implement the adopted certification standards for the forest reproductive materials in Minnesota. Jim did a lot of work on the summary of the Tree Program Survey of the SWCDs in Minnesota. Al Schacht from the U.S. Forest Service was very impressed with the districts' tree programs. Jim has been asked to do an article summarizing the Tree Survey for the National Association of Conservation District (NACD) Forestry Notes newsletter in May. Jim gets teacher of the month accolades for teaching a Natural Resource Technology class at Vermillion Community College. Jim covered wetlands and forest BMPs for water quality.

- Acting Northern Supervisor Ron Shelito spent ten days in the Caribbean with temporary BWSR deserter Chris Hofstede. The air was warm, the water was warm, and the bananas were ripe. Nothing more needs to be said. Chris says he'll be back with us in September.

## Land and Water Section

- As the end of the fiscal year approaches, staff has been spending considerable time developing SWCD allocations for the June BWSR meeting and preparing for the annual staff planning meeting where work plans for the upcoming year are discussed.

- Wetland Specialist John Jaschke continues to spend the majority of his time answering phone calls from LGUs, the public, and our staff concerning wetlands.

- John and Greg Larson have been working with the Minnesota Association of Soil and Water Conservation Districts (MASWCD) on locating field sites and developing the curriculum for wetland delineation training. Two sessions, four days each, are planned in the Brainerd area for July and August.

- Bryan Alpaugh, the BWSR computer specialist, has been working with RIM and accounting staff on revising the RIM database. He's also been working with southern field staff out of New Ulm on a database project for the Minnesota River Basin that will allow for the manipulation and presentation of watershed and county statistics. Bryan recently spent a day with northern field staff in Grand Rapids to assess computing and data base needs in that region.

- Hydrogeologist Eric Mohring has been attending to questions and requests from two legislative auditors who spent approximately one week in the office for the purpose of auditing LCMR projects, including the Abandoned Well Sealing Program and the pilot Sinkhole Project. Eric's also been providing technical assistance to the Okabena-Ocheda Watershed District in SW Minnesota on a site evaluation for potential groundwater contamination from a proposed pork production facility being planned across the border in Iowa.

- Doug Thomas, water planning coordinator, has been spending considerable time since Grant Coordinator Chuck Niska's departure working with accounting staff and the Attorney General's Office finalizing grant agreements and contracts prior to the end of the fiscal year. Doug continues to work with the Land Management Information Center on the development of the BWSR Local Water Planning Interface; the interface will be installed in the pilot areas in June.

- Programs Analyst Dave Behm continues to work hard as BWSR staff moves further into the RIM retooling effort, including the development of a new RIM alloca-

tion formula. Dave has also represented the BWSR at recent Agricultural Environment Forums focusing on the future of the Conservation Reserve Program (CRP) in Minnesota.

## Engineering and Technical Services Section

### Feedlots

- Marshall Feedlot Specialist Brad Matlack got married on May 1 and returned last week from a honeymoon in the Puget Sound area. On May 20, Brad and Chris Hughes orchestrated the first of a four-part training series for SWCDs in the Blue Earth River basin regarding feedlot regulations, analysis, design and construction inspection. Attendance was reportedly good. Brad and Chris have been asked to summarize their perceptions of existing capabilities and program needs in the area based on discussions at the training session.

- The recently created FLAG (Feedlot Advisory Group) task force on earthen basin design (for manure storage) met last month for the first time. Brad Matlack is a member of this task force and is working with John Ourada of the SCS to develop cost comparisons for different liner designs. This is an outgrowth of concerns about cracking of clay liners and erosion by manure agitation equipment. There also appears to be a need for more uniform design methodology for basin sizing.

- At the request of BWSR and other FLAG members, the FLAG also created a task force for alternative systems at its March meeting. This task force will meet for the first time the last week of May. The PCA has conducted a literature search and prepared a discussion paper for this meeting, which should be interesting and, hopefully, fruitful.

### RIM/PWP Conservation Easement Programs

- The process and handbook retooling effort continues. Two full team meetings have been held since late April to try to mesh the different parts of the process and identify problems. Although a number of problems still exist, substantial progress has been made to simplify and/or clarify many aspects of the conservation easement acquisition process. We have established the third week of June as our goal for having a draft of the entire retooled handbook together.

- Marybeth Block, easement and special programs coordinator, attended a Minnesota Association of Conservation District Employees (MACDE) meeting on May 6 to provide an update on the conservation easement program retooling effort. The proposed revisions were reportedly well received. Further coordination with MACDE and SWCDs is planned as the effort progresses.

### Area II

- At its monthly meeting on May 6, the Area II board of directors passed a resolution to hire a coordinator to perform day-to-day coordination and administrative functions of the corporation. Members of the board seem to recognize the more comprehensive and multi-purpose nature of future projects associated with the state's Minnesota River initiative. The board intends to be an active participant in this initiative. The position description for Darrell Apelgrain, BWSR Area II staff engineer, will be updated to refocus his work on technical assistance, consistent with state statutes. We expect these efforts to strengthen the capabilities and role of Area II.

- The recent flooding along the Redwood River, including at Marshall, Minn., resulted in increased interest in the planned RW-22 flood control dam upstream of Marshall. Near the end of the legislative session, $250,000 of bonding was authorized for land rights acquisition for the flood control reservoir area. Area II is currently in the process of hiring a consultant to develop the final design and construction plans and specifications for the project and assist with permit application.

### North Shore

- Tentative approval has been received for a Great Lakes Commission grant to reduce sedimentation via shoreline stabilization at the Two Harbors, Minn., campground. Duluth North Shore Engineer Jack Salmela and Board Engineer Al Kean met with Lake County SWCD staffer Wayne Seidell and city officials on May 20 to identify final design considerations. Blast rock from the Silver Cliff tunnel project northeast of Two Harbors was stockpiled near the campground last

winter. Additional larger armor stone is currently being stockpiled. SWCD staff will work with Jack to obtain surveys necessary for final design. Plans and specifications will be prepared for construction later this year, or possibly next winter to take advantage of off-season construction rates and frozen ground conditions.

- Early design options for shoreline stabilization of the 65 foot high banks at the Sucker Bay site were estimated to be cost prohibitive. Therefore, lower cost options will be considered at the site. South St. Louis SWCD Manager Rich Harms and BWSR staff met with landowners at the site on the evening of May 20 to lay out current issues and a plan for identification of the final project design. Three of the landowners are recent residents of the site and are particularly concerned about local ordinance requirements for shoreline stabilization.

- The Legislature recently authorized a permanent lakeshore engineer position. We intend to use nationwide advertising to competitively fill this position. Jack Salmela, whose current EPA grant-funded North Shore engineer position runs out in September, has indicated that he does not intend to compete for the permanent position, but will return to the DOT from his current leave of absence. We hope to have the permanent position filled by October.

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Minnesota Board of Water & Soil Resources

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May 16, 1993

TO : Ron Harnack

FROM : Greg Larson

RE : Emergency funding request from Cass SWCD

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

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

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

Contact me if you have questions.

CASS SOIL AND WATER CONSERVATION DISTRICT

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

**MINNESOTA**
**SOIL AND WATER CONSERVATION DISTRICTS**

May 12, 1993

RECEIVED
MAY 14 1993
BOARD
& SOIL ... WATER

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

RE: Green Shores Project Guidelines; Cost Breakdown

Dear Greg:

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

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

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

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

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

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

Thank you, Greg, for your cooperation.

Sincerely,

John M. Sumption, District Manager
Cass SWCD

AN EQUAL OPPORTUNITY EMPLOYER

BWSR request

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

CASS SOIL AND WATER CONSERVATION DISTRICT

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

**MINNESOTA**
**SOIL AND WATER CONSERVATION DISTRICTS**

RECEIVED
MAY 13 1993

May 10, 1993

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

RE: Emergency Roll-over Funding

a challenge grant (1993) - approved in April

Dear Greg:

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

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

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

Sincerely,

John M. Sumption, District Manager
Cass SWCD

May 10, 1993

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

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

Dear Molly:

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

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

I propose the following measures to correct these problems:

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

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

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

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

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

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

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

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

Sincerely,

John M. Sumption, District Manager
Cass SWCD

B

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:**

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

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

Box 267
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

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May 14, 1993

TO : Board Members

FROM : Greg Larson

RE : Adoption of the wetland rule

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

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

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

May 17, 1993

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF MINNESOTA

BOARD OF WATER AND SOIL RESOURCES

DRAFT

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

FINDINGS,
CONCLUSIONS,
AND ORDER ADOPTING RULE

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

## FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONCLUSIONS

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

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

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

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

Dated May , 1993

---

D. James Neilsen, Chair

Board of Water and Soil Reources

# RINKE-NOONAN

**RINKE, NOONAN, GROTE, SMOLEY, DETER, COLOMBO, WIANT, VON KORFF, DEGIOVANNI, AND HOBBS, LTD.**
**ATTORNEYS AT LAW**

*Suite 700 Norwest Center Box 1497 St. Cloud, MN 56302*
*(612) 251-6700 Fax: (612) 251-5114*


May 17, 1993


RECEIVED
MAY 19 1993
BOARD OF WATER & SOIL RESOURCES


ATTN: Secretary
Board of Water & Soil Resources
155 South Wabasha, Suite 104
St. Paul, MN 55107

Re: Jessen Farms
Our File No. 9783.001

Dear Sir or Madam:

Enclosed for filing please find Notice of Appeal and Bond for Permit No. 2212, a copy of which is attached to the Notice of Appeal.

Very truly yours,

RINKE-NOONAN

By Kurt A. Deter
Kurt A. Deter

KAD/df

Enclosures

cc: Jessen Farms

Kathy & Don O.


*D. Michael Noonan*
*Gerald R. Grote*
*William A. Smoley* [1]
*Kurt A. Deter*
*Barrett L. Colombo*
*James L. Wiant*
*Gerald W. Von Korff*
*James Degiovanni*
*Sharon G. Hobbs*
*David J. Meyers* [2,3]
*John J. Meuers*
*Thomas E. Kiernan*
*Roger C. Justin*
*John J. Babcock*
*Jill A. Pinkert*
*Igor S. Lenzner* [3]

*Orrin V. Rinke*
*of Counsel*

[1] *Admitted to Practice Law in Indiana*

[2] *Real Property Law Specialist Certified by the Minnesota State Bar Association*

[3] *Admitted to Practice Law in Wisconsin*

**LAC QUI PARLE - YELLOW BANK WATERSHED DISTRICT**

**NOTICE OF APPEAL**

Irv Jessen and Jeff Jessen, d/b/a Jessen Farms, hereby file this Notice of Appeal before the Board of Water and Soil Resources in regard to Permit No. 2212 given to the Augusta Township for the repair of an abandon culvert, issued on May 3, 1993. This appeal is taken on the following grounds:

1. That any alleged culvert under this road was abandoned years ago and has served no purpose for the applicant Augusta Township.

2. The replacement of this abandoned culvert is not for integrity or safety of the road and is being done solely for the purpose of attempting to drain a wetland onto Appellants' property.

3. That the replacement of this abandoned culvert will cause irreparable damage to Appellants as their drainage system cannot handle additional water and Appellants' property will be damaged and flooded.

An appeal bond in favor of the Lac Qui Parle - Yellow Bank Watershed District in the amount of $250.00 is enclosed. This bond is conditioned that the Appellant will:

1. Make the appeal;

2. Pay all costs and disbursements that may be adjudged against the Appellants; and

3. Comply with the Order of the Board and/or Court.

Dated this 17 day of May, 1993.

RINKE-NOONAN

By Kurt Deter

Kurt A. Deter, No. 22342
Attorneys for Appellants
700 Norwest Center
P.O. Box 1497
St. Cloud, MN 56302
(612) 251-6700

9783.001\NOAD.KAD

LAC QUI PARLE–YELLOW BANK WATERSHED DISTRICT

APPLICATION FOR PERMIT Number #2212

Approval of permit necessary before work can start.

Name and address of applicant (s) Augusta Twsp.
Roger Schuelke Chairman.

Telephone number 612-668-2532 Township Augusta
County Lac Qui Parle.

Name and address of owner if other than applicant Roger Schuelke.
RR I box 124 Marietta, Mn.

Permit requested for: Replace or Repair Culvert.

Location where work will be done: Replace or fix culvert between Sections 2 + 3 in Augusta Twsp. at the same level & size.

The work is necessary because: The culvert is abandoned and plugged.

Attach necessary maps, drawings, data, etc. to support proposal. Use additional paper if needed.

I hereby apply for a permit to proceed with the proposal described above.

Dated 5/3/93 Signed Roger Schuelke Chairman

Dated _____ Signed _____

Dated _____ Signed _____

LAC QUI PARLE–YELLOW BANK WATERSHED DISTRICT

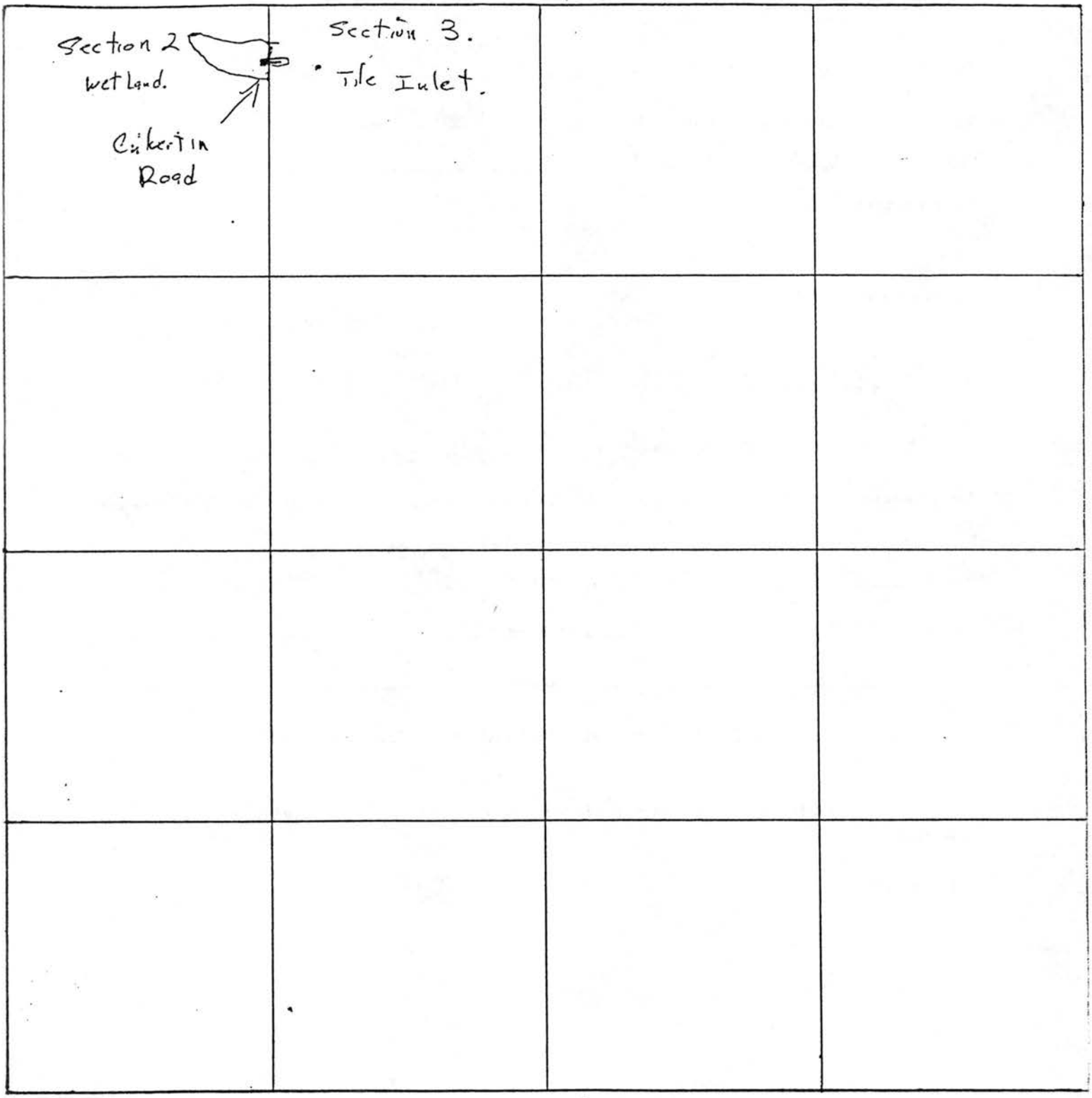
Permission is granted to do work in accordance with the purposes and overall plan of the district.

Comments:

Date 5-3-93 Signed David Judge

## MAP OF PROJECT

N




Contractor _____ Address _____

Contractor's signature _____ Date work completed _____

Contractor: Please complete map and return to Watershed District.

**Minnesota Trust Company**
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AUSTIN, MINNESOTA 55912

Bond in Cost # J **Nº 70451**

Jeff and Irv Jessen dba: Jessen Farms — Plaintiff
vs
Lac Qui Parle -- Yellow Bank Watershed District — Defendant

STATE OF MINNESOTA
COUNTY OF LAC QUI PARLE } ss

IN COURT
BOARD OF SOIL AND WATER RESOURCES

KNOW ALL MEN BY THESE PRESENTS, That we, the above named plaintiffs as principals and MINNESOTA TRUST COMPANY OF AUSTIN, a Minnesota corporation, holding a certificate of authority from the Insurance Commissioner to contract on bonds in said State of Minnesota, are held firmly bound unto the named defendant in the penal sum of Two Hundred Fifty and no/100 ---------- ($250.00) Dollars lawful money of the United States to be paid to said defendant, its heirs, legal representatives, assigns or successors for which payment well and truly to be made, we jointly and severally bind ourselves and our legal representatives or successors firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that appellants will:

1. Make the appeal;
2. Pay all costs and disbursements that may be adjudged against the appellants; and
3. Comply with the Order of the Board and/or Court.

That whereas, the above-named principals appealed to the Board of Soil and Water Resources, County of Lac Qui Parle, State of Minnesota, from Permit No. 2212, dated 5-3-93.

NOW THEREFORE, if appellants named above shall pay all costs and charges which may be awarded against him on appeal, then this bond shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 17th day of May 19 93.

In Presence of

Alicia L. Bains
Rosann M. Parker

Kurt A. Deter
RINKE-NOONAN By: Kurt A. Deter — Principal
MINNESOTA TRUST COMPANY OF AUSTIN
by _____ SEAL
President

ACKNOWLEDGEMENT OF PRINCIPAL

STATE OF MINNESOTA
COUNTY OF STEARNS } ss

On this 17 day of May 19 93, before me appeared Kurt A. Deter to me well known to be the person who executed the foregoing bond as Principal, and stated that he executed the same for the purpose herein expressed.

Cheryl A. Popowski
Notary Public

CHERYL A. POPOWSKI
NOTARY PUBLIC - MINNESOTA
STEARNS COUNTY
My Commission Expires Dec. 12, 1996

ACKNOWLEDGEMENT OF SURETY

STATE OF MINNESOTA
COUNTY OF MOWER } ss

Peter D. Plunkett, President

On this ..... day of ..... 19 ....., before me appeared ....., to me well known to be the person who executed the foregoing bond as Surety, and did say that he is the aforesaid officer of the Minnesota Trust Company of Austin, a corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and the said instrument was executed in behalf of said corporation by the aforesaid officer, by authority of its Board of Directors; and the aforesaid officer acknowledged said instrument to be the free act and deed of said corporation.

JANETH I. RANUM
NOTARY PUBLIC—MINNESOTA
MOWER COUNTY
MY COMMISSION EXPIRES 2-3-97

Janeth I. Ranum
Notary Public

*Minnesota Trust Company*
of Austin
Phone 437-3231
107 West Oakland Ave.
Austin, Minnesota 55912

STATE OF .....

County of .....

# COURT

I hereby approve the within bond and the surety thereon.

Dated _____ 19____.

_____

_____

Filed the _____ day of _____, 19____ and said bond recorded _____

_____

☐ Clerk ☐ Judge

## NOTARIAL BOND

## AND QUALIFICATION

(PLEASE FILL OUT)

Name .....

Home Address .....

Post Office .....

County .....

Mail Commission to:

Name .....

Street Address .....

Post Office .....

**TO**

**The State of _____**

Date of appointment ..... 19..

Approved ..... day of ..... 19..

.....
Governor.

Filed in this office ..... 19..

.....
Secretary of State.

**Term, 7 Years**

## OATH OF OFFICE

STATE OF _____
County of _____ } ss.

I do solemnly swear that I am 18 years of age; that I am a citizen of the United States and of the State of _____ and that I will support the constitution of the United States and the constitution of the State of _____ and will honestly, faithfully and impartially discharge the duties of a notary public in and for the State of _____ to the best of my ability so help me God.

Subscribed and sworn to before me this
..... day of ..... ,19.....

.....
Notary Public, ..... County, Minn.
My commission expires .....

STATE OF MINNESOTA )
)
COUNTY OF STEARNS )

AFFIDAVIT OF SERVICE BY MAIL

The below signed, being duly sworn, states that on the _____ day of May, 1993, I served the annexed Notice of Appeal and Bond on:

Mr. Roger Schuelke
Rural Route 1, Box 124
Marietta, MN 56257

Lac Qui Parle County Auditor
Lac Qui Parle Courthouse
Madison, MN 56256

Mr. David C. McLaughlin
212 Second Street NW
Ortonville, MN 56278
Attorney for Francis Brandenburger

Mr. Steve Torvik, Esq.
Nelson & Torvik
Montevideo, MN 56265
Attorney for Lac Qui Parle County

by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at St. Cloud, Minnesota, directed to said persons at their last known addresses.

Kurt Deter

Subscribed and sworn to before me
this 17 day of May, 1993.

Dorothy Zenner
Notary Public

DOROTHY ZENNER
NOTARY PUBLIC - MINNESOTA
STEARNS COUNTY
My Comm. Exp. Feb. 14, 1995

C

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# M E M O R A N D U M

May 13, 1993

**TO:** Board Members

**FR:** Jim Haertel, Board Conservationist

**RE:** APPROVAL - Minnehaha Creek Watershed District
Watershed Management Plan

---

The Minnehaha Creek Watershed District (MCWD) started preparing the above referenced Plan over 10 years ago. BWSR staff reviewed a draft plan and submitted comments to MCWD in September of 1991. However, comments from some other agencies were received up to a year later by MCWD which resulted in further delays to approval of the Plan.

MCWD incorporated all of the comments from BWSR and many of the comments by other agencies into their final draft. BWSR staff have reviewed the final draft and recommend approval of the MCWD Watershed Management Plan.

BWSR staff have commended MCWD for compiling a very good Plan, and also for MCWD's many accomplishments over the past 25 years. The Plan is especially strong in its approach to water quality and quantity management on a subwatershed basis. The Plan describes what MCWD has done and what managers want to accomplish in the future. Incorporation of wetland management policies are another strong point of the Plan.

The Plan covers the time period 1990 to 1995. The Plan is scheduled to be updated in 1995 with proposed revisions completed in 1994. MCWD has already started the revision process.

BWSR staff recommend approval of the MCWD Watershed Management Plan.

c: Ron Harnack
Bruce Sandstrom

## EXECUTIVE SUMMARY

For over a quarter of a century the Minnehaha Creek Watershed District has managed water quality and quantity along Minnehaha Creek. The District covers about 181 square miles on the western edge of the Twin Cities Area. It is about 29 miles long and 15 miles wide. While flooding and drainage issues formed the District's first focus, water quality problems have received increasing emphasis. The District's water management programs have included data collection, permitting of development projects, and several capital improvement projects.

This plan looks at the Minnehaha Creek Watershed District's water resources to learn how to best manage them. It guides the District's Board of Managers. It culminates a ten year effort. The planning process involved all levels of government within the district. This process included 27 cities, three townships, two counties and several regional and state agencies.

A seven member Board of Managers governs the District. They regulate, conserve and control District water use. They can direct staff to set up monitoring devices. The Board of Managers' rules and permits protect and enhance water quality in District streams or water bodies.

This plan responds to the Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B.201-255, formerly Chapter 509. The plan includes much of the data that cities will require when they prepare their local plans. It also discusses local planning requirements.

The plan provides valuable baseline data. It discusses the physical, biological and human environment, including existing land use and future development.

The glaciers that once covered the region carved the watershed's landforms. As the last ice sheet retreated it dumped unsorted glacial debris of all sizes and shapes called "drift" in various patterns across the district. This glacial drift generally covers and obscures the underlying bedrock.

Following the glacial ice's retreat, physical, chemical and biological processes turned the upper 2 to 4 feet of drift material into the soil layer that today covers the watershed. This relatively thin soil mantle largely controls how people may use the land. The impact of future urban growth on existing soil poses utmost concern.

Two major subwatersheds make up the Minnehaha Creek watershed. The largest subwatershed is the total area draining to Lake

Minnetonka (Upper Watershed). This area covers 126 square miles and makes up 69 percent of the total area flowing to Minnehaha Creek. The other subwatershed lies downstream of Lake Minnetonka and drains directly into Minnehaha Creek (Lower Watershed). The Lower Watershed covers 55 square miles and is 31 percent of the total area that drains to Minnehaha Creek.

In its natural state, the Minnehaha Creek watershed area had three distinct natural habitats: prairies, forests, and water. Although they still occur in the District, human activity has forcefully altered each. Originally, prairie covered most of the Watershed District's eastern part. Maple-Basswood forest once covered the District's western part near and around Lake Minnetonka. East of this woods along Minnehaha Creek and in areas with enough sources of water the Oak-Savannah forest grew.

The Twin Cities area's immense habitat diversity supports the areas' wide variety of plant and animal species. However, many of these critical habitat areas have fallen victim to changing land use patterns and pollution. Competing non-native species and activities that disrupt natural migration routes further stress native biological communities.

The plan looks at the District's human population. It breaks down the watershed's area by community and profiles existing and

future land use. It talks about housing, commercial, industrial and farming uses. Metropolitan Systems highlights water supply and waste disposal. It also summarizes transportation systems and watershed recreational opportunities and lists possible sources that contaminate surface water and groundwater.

Since the 1960's, the District's urban population has shifted outward from the fully developed eastern part of the watershed to outlying western suburbs. The District estimates its 1980 population at about 296,960. Population trends show continuing expansion in the west with growth leveling off and possibly declining in the more urbanized eastern region. This will increase demand on the western watershed's groundwater resources.

Before the regional waste water treatment system developed, the various watershed communities routed wastewater to one of eight municipal sewage treatment plants serving the District. Several communities bordering Lake Minnetonka had independent waste water treatment plants that discharged directly to the lake.

The effects various land use practices have on the District's water resources raise growing concerns. Non-point source pollutant loadings from urban runoff, soil erosion or animal wastes could, unless properly managed, contaminate existing surface water systems. Any number of activities can pollute

groundwater supplies. Major concerns include abandoned or existing dumps, industrial practices, spills and petroleum pipelines.

The plan catalogs basic water quality and quantity data. It describes the surface water system and defines the ground water system. It also portrays existing and potential problems. It provides a subwatershed summary of these data.

The plan's discussion of the Surface Water System examines drainage patterns, protected waters and wetlands, and major watershed lakes. It also looks at shoreland management and flooding.

The Groundwater part describes major watershed aquifers. It also discusses recharge to important water-bearing formations. The Water Quality subpart traces trends in the District's water resources' chemical and physical qualities. It presents stream loading and past and present lake quality data.

Man influences the Minnehaha Creek watershed's water quality and quantity in many ways. Developing land increases runoff while artificial reservoirs increase evaporation. Deforestation decreases transpiration. Stormwater systems and man-made ditches also impact the District's hydrology.

The watershed has 29,823 acres of protected waters and wetlands.

The Minnesota Department of Natural Resources currently lists 345 protected watershed basins and wetlands. The Minnesota DNR classifies forty watershed basins as lakes while the watershed lake inventory includes 67 basins over 10 acres in size.

Minnesota DNR ranks Lake Minnetonka, the largest and deepest lake in the watershed, the fifteenth largest lake in Minnesota. It covers an area of 14,310 acres (22.6 square miles), has 131 miles of shoreline and a maximum depth of 91 feet. The district has 21 other principal lakes.

The watershed area's ideal location has afforded it with an abundant supply of groundwater readily available for commercial, industrial and public use. Six major aquifers underlie the Minnehaha Creek watershed. Sand and gravel lenses within the glacial drift provide domestic water supplies in many areas. Domestic wells that fail to yield ample water from the glacial drift often succeed in the underlying St. Peter sandstone. In most areas, the Shakopee formation will yield more than 1,000 gallons per minute. The watershed's best known and most important aquifer is the Jordan sandstone. Most of the area's large capacity wells tap the Jordan sandstone.

Groundwater recharges throughout the watershed. Thus all watershed areas are vulnerable to groundwater contamination from surface sources.

While many chemical processes affect lake water quality, nutrient enrichment poses the greatest threat to Lake Minnetonka. Nutrient enrichment degrades lake water quality in several ways. Besides feeding algae, nutrients encourage growth of larger rooted and floating aquatic plants. Closing six of the seven wastewater treatment facilities between 1971 and 1980, effectively removed the primary source of nutrients. This cut total phosphorus loading by around 33,000 pounds annually. Overall, Lake Minnetonka is eutrophic. Control of phosphorus holds the key to improving Lake Minnetonka's water quality.

Because a lake receives most water and hence pollutants from its drainage basin, land use patterns significantly affect overall lake water quality. Urban growth and agricultural alter a drainage system's soil structure, flora, and topography. This changes the nature and availability of potential pollutants.

Today, "non-point" sources of pollution most seriously threaten lake and stream water quality.

The plan looks at the nutritional status of 26 other watershed lakes. Of those lakes, only two -- Christmas Lake and Lake Minnewashta -- had adequate water quality. The remaining 24 lakes or 92 percent of those surveyed were either eutrophic (57 percent) or hypereutrophic (35 percent). The watershed's lakes are over-enriched with nutrients. Roughly 90% of these are

either eutrophic or hypereutrophic. Past wastewater in part created this condition. Non-point sources, however, contribute most to decreasing lake water quality.

Following the removal of the last point source discharges in 1986, non-point sources accounted for all pollutants carried by watershed streams.

Effective rainfall, or the amount of precipitation that produces direct surface runoff, depends upon plant cover, soil type and the percentage of impervious surfaces covering the watershed.

Surface water runoff impacts many District activities. These include flood plain management, stream flow forecasting, reservoir design, lake level regulation, drainage system design, water quality control, recreation, and fish and wildlife management.

Land use practices significantly affect how water flows through a watershed but the character of the area's rainfall and snowfall ultimately controls runoff volume.

The plan looks at two levels of hydrology. First, it looks at the upper and lower basins and then it focuses on individual subwatershed units. This appraisal found that existing rates and

volumes of runoff will remain relatively constant to year 2000 in the Upper Basin.

Man has profoundly altered the Lower Basin's natural drainage patterns. While Lower Basin development increased runoff potentials, activity in floodplain areas altered the creek's natural ability to convey flood water. The Lower Basin area will see only minor increases in peak discharge rates under year 2000 conditions because no significant changes in Basin land use will occur.

Manager objectives and policies address flood control through runoff management, preserving existing storage capacity and restricting development in flood plains. The District controls erosion and sedimentation by requiring erosion control plans for construction and land development, encouraging best management practices, and by taking corrective measures to restore navigation in water bodies. The District allows dredging when necessary for recreation, wildlife and fisheries and to maintain navigational rights. It also allows dredging to remove harmful sediments. It controls dredging to maintain the appearance of the shoreline and to minimize degradation of water quality. The district manages projects in protected water areas to maintain navigation and water courses.

The plan looks at key management issues facing the watershed.

The Upper Basin's most critical issue hinges on water quality. Improving lake water quality requires the reduction of non-point source phosphorus loading. The District promotes reducing phosphorus loadings to the upper lakes by providing an additional 2,600 acre feet of storage. This will also reduce peak rates of stormwater runoff. In the lower basin, urban development has filled in natural storage areas and development in floodplain areas has made the problem worse. The District targets two subwatershed areas for management efforts to cut peak flows.

The Board of Managers have followed and carried out this plan since its first draft. The draft inspired several projects and changes to the District's Rules. It also guided the managers in issuing over 1,000 permits.

The plan fosters and regulates construction and public works projects. This advances the District's goals. It defines how the District relates to cities and discusses how the District will delegate its authority to carry out the plan. The plan details the District's Capital Improvements Program and gives a schedule for updating and revising the plan. It also describes how to change various parts of the plan.

WATER RESOURCES MANAGEMENT PLAN

MINNEHAHA CREEK WATERSHED DISTRICT

LIST OF TABLES


Page

SECTION II - MINNEHAHA CREEK WATERSHED DISTRICT OVERVIEW

1. Permit Activity . . . . . 6
2. Governmental Units in the Watershed . . . . . 8

SECTION III - INVENTORY OF EXISTING AND FUTURE CONDITIONS

1. Ice-out Dates for Lake Minnetonka . . . . . 4
2. Precipitation Normals for the Maple Plain and Minneapolis-St. Paul Areas . . . . . 5
3. Temperature Normals for the Maple Plain and Minneapolis-St. Paul Areas . . . . . 6
4. Mean Monthly and Average Annual Lake Evaporation in the Watershed . . . . . 8
5. Wind, Relative Humidity and Sunshine Normals for the Watershed . . . . . 11
6. Generalized Geologic Column . . . . . 20
7. Hydrologic Soil Groups . . . . . 23
8. Soil Unit Interpretation for the Watershed: General Characteristics . . . . . 25
9. Soil Unit Interpretation for the Watershed: Suitability and Features Affecting Uses . . . . . 26
10. Soil Unit Interpretation for the Watershed: Degree and Type of Limitation . . . . . 27
11. Common Animals of Various Habitat Types . . . . . 34
12. Biological Composition: Water Areas and Wetlands . . . . . 35
13. Biological Composition: Prairie Community . . . . 37
14. Biological Composition: Maple-Basswood Forest Community . . . . . 38
15. Biological Composition: Oak Savanna Community . . 39
16. Areal Composition of MCWD by Municipality . . . . . 47
17. Municipal Population: 1980 . . . . . 49
18. Projected Population: 1985-2000 . . . . . 50
19. Number of MCWD Households by Municipality: 1985-2000 . . . . . 52
20. Projected Employment: 1985-2000 . . . . . 53
21. Acres of Land in Major Land Use Groups: 1980 . . . 55
22. Municipal Water Supply Data: 1985. . . . . 59
23. Municipal Water Supply: Current and Projected Use . . . . . 60
24. Municipal Wastewater Flows: 1980 and 2000 . . . . 66
25. Public Boat Launches . . . . . 75
26. Regional Parks and Activities . . . . . 78
27. Permitted Feedlots . . . . . 80
28. Potential Sources of Groundwater Contamination . . 82

LIST OF TABLES (Continued)

SECTION IV - INVENTORY OF HYDROLOGIC SYSTEMS


1. Key to Location Map . . . . . 5
2. Summary of Protected Waters and Wetlands in the Watershed . . . . . 12
3. Major Lake Basins Over 10 Acres, Lake Minnetonka Sub-basin: Hennepin County . . . . 17
4. Major Lake Basins Over 10 Acres, Minnehaha Creek Sub-Basin: Hennepin County . . . . . 18
5. Major Lake Basin Over 10 acres, Lake Minnetonka Sub-Basin: Carver County . . . . . 19
6. Principal Watershed Lakes: Physical Description . 21
7. Principal Watershed Lakes: DNR Classification . . 22
8. Minnesota Department of Natural Resources Lake Ecological Classification System . . . . . 23
9. Principal Watershed Lakes: Fish Species Present . 25
10. Principal Watershed Lakes: Families of Occurring Aquatic Vegetation . . . . . 26
11. Species of Aquatic Vegetation Present in Principal Watershed Lakes . . . . . 27
12. State Minimum Standards for Lot Size and Setback . 30
13. Watershed Municipalities with Approved Shoreland Ordinance Programs in Effect . . . . . 31
14. National Flood Insurance Program: Participating MCWD Communities . . . . . 34
15. Summary of Past Municipal Wastewater Discharges to the Lake Minnetonka Watershed . . . . . 58
16. Water Quality Standards for Watershed Lakes and Streams . . . . . 59
17. Trophic State Categories Relative to Carlson's TSI . . . . . 62
18. Morphometric Characteristics of Lake Minnetonka . . . . . 64
19. Near-surface Concentrations of Total Phosphorus in Lake Minnetonka . . . . . 68
20. Near-bottom Concentrations of Total Phosphorus in Lake Minnetonka . . . . . 71
21. Trophic State Indices: Lake Minnetonka . . . . . 72
22. Trophic State Indices: Other Watershed Lakes 1968-1985 . . . . . 74
23. Total Phosphorus (TP) Loadings: Lake Minnetonka Tributaries . . . . . 78
24. Total Phosphorus (TP) Loadings: Minnehaha Creek . . . . . 79
25. Total Suspended Solids (TSS) Loadings: Lake Minnetonka Tributaries . . . . . 83
26. Total Suspended Solids (TSS) Loadings: Minnehaha Creek . . . . . 84
27. TR-20 Uses . . . . . 88
28. TR-20 Data Input Requirements and Output Options . 91
29. Runoff Curve Numbers for Selected Soil Cover Complex Scenarios . . . . . 93

LIST OF TABLES (Continued)


30. Subwatershed Categorization by Major Drainage Unit . . . . . 96
31. Subwatershed Planning Unit Charactristics Existing and Projected Conditions of Development. . . . . 103
32. Upper and Lower Basin Response to 24-Hour and 10-Day Duration Events of 1 and 100-Year Recurrence: Existing Conditions and Development . . . . . 104
33. Upper Basin Area Subwatershed Planning Unit (SPU) Modeling Summary: Peak Rates and Volumes of Discharge for Storms of 100-Year Recurrence Frequency . . . . . 108
34. Upper Basin Area Subwatershed Planning Unit (SPU) Modeling Summary: Peak Times and Elevations for Storms of 100-Year Recurrence Frequency . . . . . 109
35. Lower Basin Area Subwatershed Planning Unit (SPU) Modeling Summary: Peak Rates and Volumes of Discharge for Storms of 100-Year Recurrence Frequency . . . . . 113
36. Lower Basin Area Subwatershed Planning Unit (SPU) Modeling Summary: Peak Times and Elevations for Storms of 100-Year Recurrence Frequency . . . . . 114
37. Gleason Lake Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 120
38. Gleason Lake Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 121
39. Long Lake Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 123
40. Long Lake Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 125
41. Classen Lake Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 128
42. Classen Lake Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 129
43. Painter Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 132
44. Painter Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 133
45. Dutch Lake Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 135
46. Dutch Lake Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 136
47. Langdon Lake Subwatershed Modeling Summary 100-Year Storm Event . . . . . 139
48. Langdon Lake Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 140
49. Six Mile Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 143

LIST OF TABLES (Continued)


50. Six Mile Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 145
51. Lake Minnewashta Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 148
52. Lake Minnewashta Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . 149
53. Lake Minnetonka Subs Subwatershed Modeling Summary 100-Year Storm Event . . . . . 154
54. Lake Minnetonka Subs Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 162
55. Lake Minnetonka Subwatershed Modeling Summary 100-Year Storm Event . . . . . 169
56. Lake Minnetonka Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 170
57. Loading Summary: Total Phosphorus Upper Watershed Basin . . . . . 173
58. Loading Summary: Total Suspended Solids Upper Watershed Basin . . . . . 175
59. Non-Contributing Subs Subwatershed Modeling Summary 100-Year Storm Event . . . . . 179
60. Non-Contributing Subs Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . 180
61. Richfield/South Minneapolis Subwatershed Modeling Summary 100-Year Storm Event . . . . . 182
62. Richfield/South Minneapolis Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . 183
63. City Lakes Subwatershed Modeling Summary 100-Year Storm Event . . . . . 185
64. City Lakes Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . . . 186
65. Lower Minnehaha Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 189
66. Lower Minnehaha Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . 190
67. Upper Minnehaha Creek Subwatershed Modeling Summary 100-Year Storm Event . . . . . 192
68. Upper Minnehaha Creek Subwatershed Modeling Summary 1-Year, 24-Hour Storm Event . . . 194
69. Loading Summary: Total Phosphorus Lower Watershed Basin . . . . . 198
70. Loading Summary: Total Suspended Solids Lower Watershed Basin . . . . . 199

SECTION V - OBJECTIVES, POLICIES AND RULES
1. Objectives and Policies . . . . . 11

SECTION VI - MANAGEMENT STRATEGIES
1. Detention Storage Required to meet Guideline of 0.10 MG/L Total Phosphorus . . . . . 6

LIST OF TABLES (Continued)

SECTION VII - IMPLEMENTATION


1. Permit Activity: 1987 to 1992 . . . . . 1
2. Plan Chronology . . . . . 4
3. Minnehaha Creek Watershed Management District Plan Update Management Matrix . . . . . 8
4. Activities Required in 1997 Plan Revision . . . . . 9
5. Minnehaha Creek Watershed District 509 Plan Review Cycle . . . . . 11
6. 509 Plan Amendment Process . . . . . 17
7. Requirements for Local Project with Approved Local Plan . . . . . 21
8. Rules the District will Delegated to local community . . . . . 30
9. Delegated Permit Programs Matrix Agreement Schedule . . . . . 33
10. Management Matrix . . . . . 34
11. Management Matrix Agreement Schedule . . . . . 36

WATER RESOURCES MANAGEMENT PLAN

MINNEHAHA CREEK WATERSHED DISTRICT

LIST OF FIGURES

SECTION I - INTRODUCTION
Figure I-1. Watershed Management Plan Development

SECTION II - MINNEHAHA CREEK WATERSHED DISTRICT OVERVIEW
Figure II-1. Hydrologic and Governmental Boundaries Map

SECTION III - INVENTORY OF EXISTING AND FUTURE CONDITIONS
Figure III-1. Geomorphic Regions Map
Figure III-2. Generalized Geologic Cross Sections
Figure III-3. Geologic Structure of the Twin Cities Artesian Basin
Figure III-4. Generalized Soils Map
Figure III-5. Potential Natural Vegetation Map
Figure III-6. Land Use Map
Figure III-7. Metropolitan Systems Map
Figure III-8. Transportation Systems Map
Figure III-9. Recreation and Open Space Map
Figure III-10. Potential Sources of Groundwater Contamination

SECTION IV - INVENTORY OF HYDROLOGIC SYSTEMS
Figure IV-1. Location Map: Hydrologic Monitoring Program
Figure IV-2. Schematic Diagram of the Hydrologic Cycle
Figure IV-3. Storm Sewers and Ditches Map
Figure IV-4. Protected Waters and Wetlands Map
Figure IV-5. Flood Boundaries Map
Figure IV-6. Surficial Hydrogeologic Map
Figure IV-7. Bedrock Hydrogeologic Map
Figure IV-8. Prairie du Chien Aquifer: Areas Exposed to Glacial Drift
Figure IV-9. Jordan Aquifer: Areas Exposed to Glacial Drift
Figure IV-10. Water Levels in the Prairie du Chien-Jordan Aquifer, August 1980
Figure IV-11. Water Levels in the Mt. Simon-Hinckley Aquifer, August 1980
Figure IV-12. Subwatershed Planning Unit Map
Figure IV-13. Subwatershed Planning Unit Composition Map: Units U-1 to U-6
Figure IV-14. Subwatershed Planning Unit Composition Map: Units U-7 to U-8
Figure IV-15. Subwatershed Planning Unit Composition Map: Units U-9 to U-10
Figure IV-16. Subwatershed Planning Unit Composition Map: Units L-1 to L-5

WATER RESOURCES MANAGEMENT PLAN

MINNEHAHA CREEK WATERSHED DISTRICT

TABLE OF CONTENTS


Page

EXECUTIVE SUMMARY..... i

LIST OF TABLES.....xi

LIST OF FIGURES.....xvi

**SECTION I - INTRODUCTION**

**SECTION II - MINNEHAHA CREEK DISTRICT OVERVIEW**

A. Organization of the District..... 1
B. Government of the District..... 4
C. Location and General Description..... 8

**SECTION III - INVENTORY OF EXISTING AND FUTURE CONDITIONS**

A. Introduction..... 1
B. Physical Environment..... 1
1. Climate..... 1
2. Topography and Drainage..... 8
3. Geology.....15
4. Soils.....21
C. Biological Environment.....29
1. Vegetation.....29
2. Wildlife.....32
a. Threatened and Endangered Species.....40
D. Human Environment.....41
1. Historical Development Pattern.....42
2. Demography.....45
3. Land Use Trends.....51
4. Metropolitan Systems.....56
a. Municipal Water Supply System.....56
b. Wastewater Systems.....62
C. Transportation Systems.....68
D. Recreation.....71
E. Potential Environmental Hazards.....79

TABLE OF CONTENTS (Continued)

**SECTION IV - INVENTORY OF HYDROLOGIC SYSTEMS**


A. Introduction..... 1
B. Surface Water System..... 2
1. Hydrologic Cycle..... 2
2. Protected Waters and Wetlands..... 7
3. Principal Watershed Lakes.....15
4. Shoreland Management.....28
5. Flooding.....31
C. Groundwater System.....35
1. Principal Aquifers.....35
a. Glacial Sand and Gravel.....36
b. St. Peter Sandstone.....40
c. Shakopee-Oneota Dolomite.....41
d. Jordan Sandstone.....42
e. Hinckley and Other Sandstones.....42
2. Recharge.....43
D. Water Quality.....50
1. Origin and Characteristics.....50
2. Pollutant Sources and Transport.....52
3. Water Quality Criteria.....55
4. Summary of Lake and Stream Quality.....56
a. Watershed Lakes.....61
b. Watershed Streams.....76
E. Water Quantity.....86
1. Hydrologic Model.....87
a. Model Description.....87
b. Subwatershed Delineation.....94
c. Implementation.....97
2. Modeling Results.....101
a. Upper Basin Area.....104
b. Lower Basin Area.....109
F. Subwatershed Summary.....114
1. Upper Basin Subwatershed Planning Units.....115
a. Unit U-1: Gleason Lake Creek.....115
b. Unit U-2: Long Lake Creek.....121
c. Unit U-3: Classen Lake Creek.....125
d. Unit U-4: Painter Creek.....129
e. Unit U-5: Dutch Lake.....133
f. Unit U-6: Langdon Lake.....136
g. Unit U-7: Six Mile Creek.....140
h. Unit U-8: Lake Minnewashta Creek.....146
i. Unit U-9: Lake Minnetonka Subs.....149
j. Unit U-10: Lake Minnetonka.....167
k. Upper Basin Loading Summary.....170
2. Lower Basin Subwatershed Planning Units.....176
a. Unit L-1: Non-Contributing Subwatersheds.....176
b. Unit L-2: Richfield/South Minneapolis.180
c. Unit L-3: City Lakes.....183
d. Unit L-4: Lower Minnehaha Creek.....186
e. Unit L-5: Upper Minnehaha Creek.....190
f. Unit L-6: Lower Basin Loading Summary.195

TABLE OF CONTENTS (Continued)

**SECTION V - OBJECTIVES, POLICIES AND RULES**

A. Introduction..... 1
B. History of Minnehaha Creek Watershed District Policy..... 2
C. Management Objectives and Policies..... 6
D. Watershed District Rules.....12
1. General Policy Statement.....12
2. Draft Policy Statement on Application and Inspection Fees.....14
3. Relationship of Watershed District to Cities...15

**SECTION VI - MANAGEMENT STRATEGIES**

A. Introduction..... 1
B. Watershed Management Issues..... 2
1. Upper Basin Area..... 3
a. Water Quantity..... 3
b. Water Quality..... 4
2. Lower Basin Area..... 7
a. Water Quantity..... 7
b. Water Quality..... 8
C. Watershed Management Strategies..... 9

**SECTION VII - IMPLEMENTATION**

A. Introduction..... 1
B. District Implementation..... 3
1. The Planning Process..... 3
2. Communication..... 3
3. Future Planning Issues..... 6
a. Section 8410 Requirements..... 6
b. Plan Revision Schedule..... 7
4. Plan Amendment Procedures..... 7
a. Amendments to the Comprehensive Plan.....13
b. Amendment Procedures and Revisions to Incorporate Local Plans and Agreements with Local Units of Government.....14
C. Local Plans.....15
1. Introduction.....15
2. Relationship of the Watershed District to Local Units of Government .....16
3. Local Management Plans.....17
a. Floodplain Management Plan.....21
b. Shoreland Management.....22
c. Erosion and Sedimentation Control.....22
d. Stormwater Management.....24
e. Wetland Management.....25
f. Groundwater Protection.....26
4. Required Regulations and Ordinances.....27
5. Status of Local Plans.....31
6. Delegation of Authority.....36
7. Agreements with Local Units of Government.....36

TABLE OF CONTENTS (Continued)


D. The Capital Improvement Program.....38
1. Selection of Projects.....38

2. Financing of Studies and Projects.....61
a. Work Plan for Feasibility Studies.....61
b. County Review of Work Plan.....61
c. County Approval of Work Plan.....61
d. Public Hearing on Proposed Project.....62
e. Findings by District's Board of Managers...62
f. County Board Review of Preliminary Engineering Report and.....62

District's Findings.....62
g. County Approval of Proposed Project.....62

3. Capital Improvement Plan Amendment Procedure....63
a. Amendment Initiated by the District.....63
b. Amendments Initiated by Persons Other than the District.....63
c. Action by District upon Approval.....64
d. Review Under Section 473.878, Subdivisions 5, 6 and 7.....64
e. Projects Petitioned Under Chapter 112.....65

REFERENCES

APPENDICES

A - PROTECTED WATERS AND WETLANDS INVENTORY

B - SUBWATERSHED SUMMARY OF EXISTING AND PROJECTED LAND USE DATA

C - HYDROLOGIC MONITORING PROGRAM SUMMARY: 1968-1985

D - GLOSSARY OF TERMS

E - SCHEMATIC REPRESENTATION: SUBWATERSHED PLANNING UNITS U-1 TO L-5

F - ONE-YEAR, 24-HOUR STORM RUNOFF SUMMARY: SUBWATERSHED PLANNING UNIT

G - RULES AND DEFINITIONS

H - BIBLIOGRAPHY

For May mtg agenda

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

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

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

## County Description

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

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

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

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

within this sand plain area.

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

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

E

Cottage Grove Ravine Watershed District

Establishment Petition

Background

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

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

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

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

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

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

Staff Recommendation

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

Ron

# NATIONAL ASSOCIATION OF STATE CONSERVATION AGENCIES

**NASCA**

RECEIVED
MAY 14 1993
BOARD OF
& SOIL RESOURCES

May 11, 1993


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Dear NASCA Members:

I am enclosing a copy of the Board of Director's minutes from the May 3, 1993 meeting. Normally minutes are distributed through our regional representatives, however, because of the timeliness of information, I am providing them directly to each member.

With the USDA reorganization underway along with several other "front burners", this of course will be a very active year for our association. Teleconferences are scheduled for August 2, 1993, and November 1, 1993. Additional board sessions may be necessary as the reorganization plan and other associated items begin to unfold.

Your interest in NASCA is greatly appreciated and the Board will look forward to hearing your suggestions.

Sincerely,

Dayle

Dayle E. Williamson
Secretary

Enclosures: Enclosure 1 - Agenda
Enclosure 2 - Minutes, May 3, 1993
Enclosure 3 - Senator Kerrey's letter
Enclosure 4 - Board Roster

ENCLOSURE #1

# NATIONAL ASSOCIATION OF STATE CONSERVATION AGENCIES

NASCA

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TO: NASCA Board of Directors

FROM: Blake Vander Vorst, President BVV

DATE: April 26, 1993

RE: NASCA Conference Call

**Reminder!!**

The NASCA Board of Directors conference call is scheduled as follows:

2:30 p.m. (CT)
May 3, 1993

Topics to be discussed:

1. President Clinton's 1994 budget - Geddes
2. NACD Regional Meetings - Partnership Presentation - Vander Vorst
3. English bill - Geddes
4. Glickman bill - Geddes
5. CWA - Oberstar bill - Geddes
6. NASCA Issue Papers - Vander Vorst
7. SCS - Guidelines for the Creation of an Urban and Community Assistance Division - Race and Geddes

Please remember to call Kelli at my office should you not be able to attend or you need an alternative telephone number from those we listed in our prior letter.

BVV:kjs

ENCLOSURE #2

**MINUTES**

**NASCA BOARD OF DIRECTORS**
**May 3, 1993**

The teleconference was initiated at 2:30 p.m. CDST. Those participating were President, Blake Vander Vorst; Vice President, Glenn Bissett; Past President, Mason Mungle; Treasurer, Jon Anderson; Secretary, Dayle Williamson; Northeastern Rep., Samuel Race; North Central Rep., James Gulliford; South Western Rep., Daniel Parker; Southeastern Rep., Gale Martin; Northern Plains Rep., Ken Kern; South Central Rep., Bradley Spicer; Pacific Rep., Wayne Faude; and Washington Rep., Roland Geddes.

President Vander Vorst started the meeting by asking Washington Representative Roland Geddes to review the 1994 administration budget, USDA restructuring, items from Max Peterson of the State Fish and Wildlife Agencies Association, and to mention NACD Vice-President Jerry Vap's testimony.

Roland noted that the proposal to fund the Farm Service Agency was included in the 1994 budget. Current USDA staff years are 112,000. In 1994, staff years would be reduced to 110,000. By 1998, staff years would be reduced to 104,000 or a reduction of 8,000 staff years. He noted this was a reduction of 6.7 percent. The large reduction proposed would be through the Farm Service Agency, due to the consolidation of SCS, ASCS and FmHA. That agency would initially have 29,577 staff members in 1993, and it would be reduced to 22,865 staff members by 1998. This would be a 23 percent reduction. Roland summarized the individual program totals and noted they were outlined in a recent Conservation Briefs.

Blake asked about a statement that FSA will provide technical assistance through soil conservation districts to land users, communities, watershed groups, federal and state agencies and cooperators with erosion control and water management problems. He

noted that no one has a clear picture of what Secretary Espy is proposing at this time regarding the role of districts and county committees.

Gale Martin indicated that Secretary Espy would be out of the country for about the next ten days, but he felt the plan would now be available about June 1.

Roland noted that many of the board members had made contacts with members of the committees on agricultural appropriations and there was good feedback from everyone that was called.

He noted this proposal (USDA restructuring) has a long way to go. Roland also noted that when he testified before Congressman English (D-OK) the prior week, the Congressman indicated that agencies would not be established through the budget bill.

Blake read the letter that Dayle had received from Senator Kerrey (D-NE) relative to the organization proposal (attached).

Roland noted that the two-page position paper put out by NACD and NASCA caused quite a bit of flak from the forestry, wildlife, and other conservation people. He said, since then the group has focused their attention toward the Natural Resources Work Group. This group is made up of a number of different associations around Washington that have been assigned certain responsibility for the USDA reorganization effort.

Roland also explained the Glickman (D-KS) bill. He noted that if you read the bill, it is amazing how closely it follows the NASCA/NARD two-page discussion paper. He said it also closely follows the paper that has been put together by the Natural Resources Work Group.

Roland then outlined the bill in more detail and noted four

agencies were to be consolidated into a Farm Services Administration. They are the ASCS, the Extension Service, the FmHA, and the FCIC. He also noted that certain programs would be shifted to the Rural Development Administration. The Glickman bill has a provision to establish offices in administrative districts consisting of more than one county, and it has provisions for reorganizing the current ASCS Committee on a district basis rather than on a county basis.

One of the concerns voiced was the fact that only farmers who are participating or cooperating producers within a district could serve on a district committee as well as vote in the election. No discussion was directed at the current Soil and Water Conservation District Director activities, and it was noted that many SWCD directors are elected at the general election to represent a cross section of the community.

Dayle noted that Jerry Vap had indicated that Congressman Glickman probably would not push the bill hard since he was a good Democrat and he would wait to see how the Administration proposal faired.

Blake indicated that he had heard from Russ Stone through Senator Tom Daschle's (D-SD) office that the English bill didn't stand a very good chance, and prospects for the Glickman bill were better.

Blake asked if the Glickman bill would have a hearing and if anyone would have comments on the bill (HR 1319). He asked that everyone get a copy from their Congressman and send those comments to him and Roland. Comments should be sent back by **1 June**.

Dan Parker noted that most of the districts in the state of Colorado were more in favor of the Glickman bill than the English bill. The Colorado districts would much prefer a natural resource

agency over a farm service agency. Dan also noted that there is a lack of understanding of the difference between the county ASCS Committee and the conservation district boards on the Hill. Roland noted that many people think that soil and water conservation district boards are a creation of SCS and are not aware of the fact that they are organized under state law.

Dan also pointed out that in many states, the soil and water conservation district supervisors are elected in the general election and their responsibilities are much broader than ASCS county committeemen.

Mason mentioned the differences between the Glickman and English bills. He noted the English bill simply says the planning process will be consolidated with the Soil Conservation Service. Roland further pointed out the English bill has nothing to do with reorganization. Blake asked Roland to clarify issues on the English bill in his next newsletter to state agencies.

Sam Race indicated he had a concern, from an urban perspective, with the use of the word "commodity" and felt they would go back to the Food Security Act definition of commodity.

Jim Gulliford noted that Representative Stenholm (D-TX) conducted a hearing in Des Moines as part of the Farm Aid conference. USDA reorganization was discussed at the hearing and Jim said he brought in some of the "wildest groups". A commodity group from Texas said "we don't care about SCS, but do take care of ASCS." Jim said however there was some strong testimony from the Iowa Farm Bureau and the National Pork Producers to leave SCS alone.

Roland noted that he felt there was strong support for the one-office concept throughout the nation (local level). Gale agreed and said we would have just one office. Sam Race asked if

there's one office combined, who would head up that office?

Gale Martin responded that ASCS would serve as the lead since they are appointed through the political process.

Dan asked what would happen to the technical capability? Gale felt that there wouldn't be any major effect on how programs would be delivered.

Dayle noted that the problem with the CED being totally responsible at the local level relates to the fact that they almost have local autonomy. Even the state ASCS CED cannot provide a great deal of direction at this point. SCS has been a strong line agency with a better impact on standardized performance.

Gale wanted everyone to note that he was not supporting that concept but, just bringing it up.

Dan said that would give them many problems in Colorado since many of their agricultural problems are connected with land in transition from agricultural land to urban land. He said they were really concerned about availability of technical assistance in soil and water conservation. Others remarked if that was a problem in Colorado, you ought to come to the East Coast or Florida.

Gale again noted that Secretary Espy had left for overseas the day prior to our meeting and would be gone for eight to ten days. He further noted that at the national level, he felt that the reorganization may follow the Madigan plan and he felt suggestions probably would come out around June 1st.

Blake asked if there would be an opportunity for review after the June 1 announcement. Gale indicated there will be some hearings during the month of June, and in addition, they may be selecting several pilot states to bring USDA employees in for

cross-training.

Roland indicated that we were first told that the Secretary would put together a 20-person advisory committee on reorganization. Now he has indicated he will not do that.

Gale asked Roland if he had that advice from an official source. Gale said the thing that he was hearing was the fact that the advisory committee that Hillary Clinton formed on health is an unconstitutional committee, and that it is very difficult to move ahead with advisory committees on short notice. He noted that advisory committees that are set up to provide Cabinet-level advice must have FBI clearance. It would take six months for such clearance. Gale said the person that is supposedly going to chair the advisory committee is a farmer from Mississippi, and he has never been notified that the committee would not go in operation. Gale said that Secretary Espy did spend some time with this individual last week at his home.

Blake asked if the major reason we are supporting a separate natural resources agency was because of the soil conservation district and the county committee situation?

Dan noted the reason he was supporting the natural resources organization is that it would give them the ability to deal with all of the resources and resource programs regardless of what land it was located on. Sam said that was a very important point because it would be unfortunate if everything had the label of "just agriculture."

Mason pointed out how important it was to continue the technical expertise at the field office level. He said in future farm plans, it will be very important to have water quality and all of the other elements included. He was concerned that we would not have that expertise if we went with the ASCS leadership concept.

Dayle noted he was concerned about the discussion on "cross-training" as all programs are quite complicated, and it is important to have a team approach with people who have expertise in specific areas. He said he felt it was unrealistic to think that people could be cross-trained to carry out such a vast array of activity without losing a great deal of expertise and efficiency. Glenn said he strongly shared the thought that we need to have the technical expertise to assist with planning on the land, and that element must not be sacrificed.

Blake further noted his concern that if the organization is politicized through the ASCS Executive Director, he would be concerned about the lack of influence local district boards would have. Wayne suggested that Blake had "really hit the nail on the head". He suggested that we all had to do a better job of selling the role of districts. Sam indicated that everyone should be in concurrence with that idea.

Blake asked the members what we were doing with our respective Governors? Wayne indicated they were ready to start working with their Governor. He said they would sit down soon with the Governor, outline their position.

Dan noted that his Executive Director was in Washington last week and he checked with Colorado's Congressional Delegation on the issue. However, he hasn't had a chance to get back to him. Dan also noted that they have a big re-evaluation of the role of the soil conservation districts in Colorado, and they had to postpone action with the Legislature because of the proposed USDA reorganization.

Dayle indicated that he had been keeping Governor Nelson of Nebraska informed and he did note the concern people had about losing a federal office in a small community. The people will talk to the Governor as well as the Congressional Delegation about this

issue, and probably in an inconsistent manner. Everyone wants to save taxes but no one wants to relinquish anything to do so.

Roland pointed out that the people that are really "hollering" about closing offices are counter-productive to the entire effort. "If people begin to think that all we are really interested in is maintaining all these little offices over the United States, we are dead." Roland noted that the group had been over to present the Conservation 2000 Plan and there were several closures throughout the country, but when conservation districts heard that, many of them had a fit. He said we must be willing to accept some office closures.

Dayle noted that is why it is important that everyone touch base with their Governors so that they are aware of the fact that there will be some closings, and they would be prepared to answer the comments from the small community.

Brad indicated that he hadn't talked to his Governor about it at this point. He noted that it may be more obvious for Governor's to side in with the political appointment concept.

Jon noted that they have had limited contact with the Governor but will continue to point out need for SCS offices in their state and make additional people aware of the work SCS accomplishes for the State and the districts.

Sam Race pointed out that one of the problems of having a minimum of a four-year political appointee in charge of local conservation issues would certainly not be in the best interest of anyone concerned.

Mason asked if Roland had been in touch with the National Governor's Association in Washington, DC. Roland indicated he had been by and talked to Tom Curtis. He said he would follow up and discuss the issue with him again.

Blake noted there are three things states could go to the Governor with:

1) Maintaining the strong conservation presence in USDA
2) The field-level technical assistance should be maintained or strengthened.
3) That districts need to be an integral part of the USDA conservation program.

Roland indicated that if USDA does come up with the concept of supporting a natural resources agency, they would no doubt go back to Conservation 2000 and utilize the document to provide the framework. Roland assured everyone that the new agency that everyone talks about is certainly not just SCS as we've all known it. He further noted that if he had anything to do with it, that he would push to shift the resources from the administrative side to the field side. He said you are not going to get any more resources. It will be a smaller agency.

Sam Race asked if the rural states were supporting a natural resources agency, who would fight it? Roland noted that Secretary of Agriculture has his own agenda and commodity groups would play a big role in the final decision. Jim indicated the people that would fight it would be the local soil and water conservation districts. He felt that NACD would not be able to control the message that districts brought in to their Congressional Delegations.

Dan noted that in Colorado some of the districts will be establishing offices of their own, and SCS will detail people to those offices. Dayle suggested that seemed like a sound approach and more districts should attempt to operate in that manner. Dan noted there wouldn't be any rent involved from SCS, the districts would pay the bill.

Sam asked if the Urban Community Assistance Program would survive if there was a move towards a Farm Service Agency. Roland indicated the decision-makers probably hadn't even given that issue a thought. Many of them probably don't even know there is such a thing. Sam indicated he felt the Secretary of Agriculture recognized the presence of the program.

Wayne asked if there is a clearing house for letters that are being sent regarding reorganization so board members would be aware of them. Blake asked Roland to follow through with that and send the letters to each member of the Board of Directors. They in turn should furnish copies to their region.

Roland described the Clean Water Act and said it was "heating up again." He suggested that the Bacus (D-MT) bill (S 1081) was still the basic bill on the Senate side. He suggested the bill would die. It was noted that Senator Graham (D-FL) has started to write new Clean Water Act legislation. Roland indicated he has been asked to talk to the Senator's staff. Glenn said that he would talk with the Senator's staff in Tallahassee and report on activity that may be underway at that level.

Roland described the Oberstar (D-MN) bill as a "working draft in the House." The Act is called the" Non-Point Source Pollution Prevention Act of 1993". It calls for each state to revise their programs (section 319 programs). Roland explained the bill in more detail. Roland said the bill would require very detailed and very complex information for targeted watersheds. This would place a full-scale regulatory program in effect. In Roland's estimate, it is a terrible bill. He said a state just couldn't handle the details required. Blake asked Roland if NACD or Roland would do a summary of the bill.

Mason noted that your 319 funding would be at stake if you wouldn't follow the law. Roland agreed.

Brad Spicer asked Roland to send him a copy of the bill.

Roland asked Jim Gulliford if it would be possible to develop NASCA's position statement on water quality for testimony for Oberstar's subcommittee on Water Resources for a hearing on May 11. Jim said since his Legislature has adjourned, he could possibly develop that testimony in time. Jim will use the National Governor's Association position paper as well as the NASCA paper from prior years.

Roland suggested that our position should be that "we think 319 is a good program and since adequate funds have not been available, let's continue it as it is. But, we should recommend new legislation requiring states to amend and update their management programs for action by EPA."

Brad Spicer asked Roland if managing the 319 Program required having an annual update and noted that they provided such an update in Louisiana. Roland indicated an annual update was not necessary.

Mason indicated he had read one part of the Oberstar bill and it does point to local conservation districts as a focal point.

Jim noted another thing he would draw on was an Iowa research group that found that the most cost-effective program is not likely to be a regulatory approach.

Blake moved on to item 6, NASCA issue papers. He noted that he had received a letter from John Mellott regarding the endangered species issue paper, and he will have several meetings during the month of May and June on the issue. He will be starting to develop the endangered species following those meetings. Therefore, we should have something to review on the Endangered Species Act by late summer.

Blake had not recently talked to Graham Liles on the CRP issue paper and he encouraged any of the board members to forward items to Graham if they had ideas for the CRP issue paper.

Blake went back and covered item 2 regarding the NACD regional meetings. He noted they would be focusing on the partnership effort, and board members or officers would be contacted to make a presentation at the meetings.

Blake asked Roland to provide comments to board members in order for everyone to have the same basic information for the regional meeting presentation.

The last item of discussion was on the urban and community assistance division.

Roland noted that under the agreement of the "conservation partnership", this is the first thing that broke down right off the bat. SCS went ahead and made all the arrangements for the community assistance division without contacting the states.

Sam indicated he was given a copy of the proposal early on and he fully recognized that low recognition was given to the role of state conservation agencies and that he had provided comments to SCS on that issue.

Roland noted this was a typical SCS position noting that their role was to work with local government and he felt that there may have been little intent of the group creating the Urban and Community Assistance Program to work with state agencies. Sam suggested that was the result of a poorly organized, total quality management task force.

Blake asked if NASCA should have comments, or if we should rely on individual state comments or if we should rely on Sam Race

and his contact with the committee. Sam suggested it would be a good idea if there would be a statement from NASCA. Blake indicated he would give Sam a call on this particular issue and the two of them would work together to develop a statement.

Dan noted that there was very limited input to the document itself, but now SCS was on a very fast track for the ten urban centers. He indicated that there had already been some contact made in Colorado.

Sam Race also suggested that each individual state should submit comments. Sam indicated he would send a copy of the letter he sent to Galen Bridge to each of us. Jim made a suggestion that Roland should certainly be on the mailing list for the Soil Conservation Service and treat his office "like a state" and make sure he receives all the information each conservation agency has received.

Wayne asked about availability of NASCA stationery. Jon said he had the supply and it would be mailed out within the week. Glenn indicated that he had distributed all of the NASCA envelopes. Jon indicated he also had envelopes and would send Roland envelopes and stationery.

The board decided to expand the NASCA network mailing list slightly, with no charge to the persons receiving it. The mailing list expansion may include about 12 people.

The next item discussed was the wetlands issue. Roland said that a number of groups were meeting in Washington to try to influence those working on the wetlands activity. However, he suggested that nothing will be done until the National Academy Sciences Study is completed which could be approximately a year from now.

Blake said he had a call from Russ Stone who indicated there was a newsletter from the National Association of State Agricultural Agencies noting that Senator Bond (R-MO) is going to provide amendments to make SCS responsible for making all determinations on wetlands or converted wetlands on agricultural land. These amendments are being entered in the bill that would authorize cabinet status for EPA. Blake noted that the Association of State Agricultural Directors would support the amendment but the National Wildlife Federation is already developing a campaign to defeat the amendment. Blake asked if the board members felt we ought to support such an amendment if there is an opportunity to do so. The board concurred with such a position.

The next item Roland discussed was the amount of time he has spent working for NASCA, he noted it was eating up all of the money as well as his time. He said he would have to start putting the brakes on what had to be done. He said he gets enough requests to be somewhere in Washington almost every day. He suggested we would have to get more input from NASCA and NASCA board members to help out in these activities.

Blake noted the demands for Roland's time is beyond the NASCA ability to pay. He asked Roland if there was an opportunity to acquire additional funds from an agency to direct effort at specific projects. Roland said that may not help much. The main thing he is being paid for is to establish working contacts with staff and members of Congress and it is doubtful that anyone other than NASCA could pay for those contacts. In other words, when you get funds from an agency, you must complete the special project required by the funding. Blake encouraged the board to be thinking about alternative funding sources.

Treasurer Jon Anderson indicated that funds were coming in as a result of his dues letter and at the present time he has $7000 in the bank.

In conclusion, Blake asked if we wanted to continue the conference calls as scheduled. The board indicated it was a good method to follow. Blake indicated the amount was either $3 or $4 per person for as long as we wanted to hold the call. It turned out to be a very inexpensive work session.

The meeting was concluded. The teleconference adjourned at 4:30 p.m CDST.

Dayle Williamson, Secretary

Everyone is to send ASINC number to Jon Anderson. He will put them out in a newsletter. Jon Anderson's ASINC is 768-1120.

ENCLOSURE #3

J. ROBERT KERREY
NEBRASKA

# United States Senate

WASHINGTON, DC 20510-2704

APR 1 [illegible] 1993

NEBRASKA [illegible]
SOURCES [illegible]

April 15, 1993

Dayle Williamson, Director
Natural Resource Commission
P.O. Box 94876
Lincoln, NE 68509-4876

Dear Dayle:

Thanks for writing to express your understandable concern about the Administration's proposal to merge ASCS, SCS, FmHA -- and perhaps even the Extension Service -- into a single Farm Services Agency (FSA). I fully share your skepticism over the entire concept.

I do support the notion of "co-locating," where economically feasible, the various USDA field offices so that farmers can benefit from the added convenience of "one-stop" shopping. However, I believe that the formal merger of these agencies, and the related proposal to "cross train" USDA employees to handle the variety of complex, technical duties now assigned to busy professionals and specialists at the different agencies, is both impractical and undesirable.

The possible inclusion of the Extension Service in the FSA concept is additionally troubling simply because, as you know, Extension personnel are not federal employees and they in fact receive most of their resources, including salaries and office space, from state and county governments.

A few points of clarification: Although the FSA idea was presented in the Administration's new budget, it is not assumed that the reorganization will be accomplished as a part of the appropriations process. Actually, the Secretary has considerable authority to accomplish much of this plan on his own, without the approval of Congress. Also, the budget states that the FSA concept is still very much in the planning stages, and that parts of the plan are subject to change. Finally, Secretary Espy continues to insist that he will not move to implement closures and consoliations in USDA's field structure until he has first pared and streamlined USDA employees and operations in Washington.

Please be assured that, as member of both the Agriculture Committee and the Appropriations Subcommittee on Agriculture, I will be taking an active role in encouraging the Administration not to fix what isn't broken.

Thanks again for the letter.

Sincerely,

J. Robert Kerrey

# NASCA BOARD OF DIRECTORS

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Samuel Race
State Soil Conservation Committee
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Trenton, NJ 08625

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Division of Soil Conservation
IDALS
Wallace State Office Bldg.
Des Moines, IA 50319

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State Soil Conservation Comm.
1215 W. State Street
Boise, ID 83720-7000

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PO Box 23005
Jackson, MS 39225-3005

**SOUTHWESTERN REP.**

Daniel Parker
CO State Soil Conservation Board
1313 Sherman St., Room 219
Denver, CO 80203-2243

**SOUTH CENTRAL REP.**

Bradley Spicer
Soil & Water Conser. Committee
PO Box 3554
Baton Rouge, LA 70821-3554

**WASHINGTON REP.**

Roland Geddes
NASCA
Rt. 3, Box 304
Tappahannock, VA 22560

5-5-93

G


# NASCA NETWORK

**A Publication of the National Association of State Conservation Agencies**

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


USDA
REORG

## STATEMENT ON H.R. 1440

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

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

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

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

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

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

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

local soil and water conservation districts.

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

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

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

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

## DISTRICT PARTNERSHIPS

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

### DUCKS UNLIMITED

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

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

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

PRESENTATION

# THE NEXT GENERATION OF U.S. AGRICULTURAL CONSERVATION POLICY

March 16, 1993
Kansas City, Missouri

Blake Vander Vorst, President
National Association of State Conservation Agencies

## Perspectives on Policy Futures

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

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

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

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

only where necessary, a regulatory backup.

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

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

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

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

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

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

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

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

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

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

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

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

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

In summary, NASCA believes:

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

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

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

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

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

Thank you!

REMARKS
presented to

NACD SPRING BOARD MEETING
Sunday, March 28, 1993

by: Blake Vander Vorst
NASCA President

# THE IMPORTANCE OF THE CONSERVATION PARTNERSHIP

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

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

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

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

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

*We share a commitment to:*

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

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

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

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

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

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

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

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

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

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

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

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

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

Congress is already raking over the commodity program proposals.

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

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

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

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

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

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

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

USDA Reorg.

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

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

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

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

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

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

Yours very truly,

The Kiplinger Editors

THE KIPLINGER WASHINGTON EDITORS

April 16, 1993

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SUBSCRIPTION INQUIRIES: 800-544-0155 OR 301-853-6590

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Adopted
5

May 14, 1993

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

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

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

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

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

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

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

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

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

c. Strategic placement of watering and mineral sites.

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

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

4) No changes in easement area will be allowed.

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

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

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

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

enclosures

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

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

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

Dear Marilyn:

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

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

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

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

Sincerely,

David A. Geis

REDWOOD SOIL AND WATER CONSERVATION DISTRICT

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

April 30, 1993

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

Dear Mr. Nielsen:

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

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

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

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

Sincerely,

Ralph Weber

Ralph Weber
Chairman

RW/sv

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

*EQUAL OPPORTUNITY EMPLOYER*

STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO. (507) 637-2320

FILE NO.

4/19/93

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

Dear Marilyn:

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

Sincerely,

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

AN EQUAL OPPORTUNITY EMPLOYER

Minnesota Board of Water & Soil Resources

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

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

RECEIVED
MAY 06 1993
BOARD OF
& SOIL RESOURCES

DATE: 5-3-93

TO: MARYBETH BLOCK

FROM: TABOR HOEK Tabor

SUBJ.: REDWOOD RIM EASEMENT RELEASE

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

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

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

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

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

**Regional Offices**

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

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

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

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

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

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

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

An Equal
Opportunity Employer

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

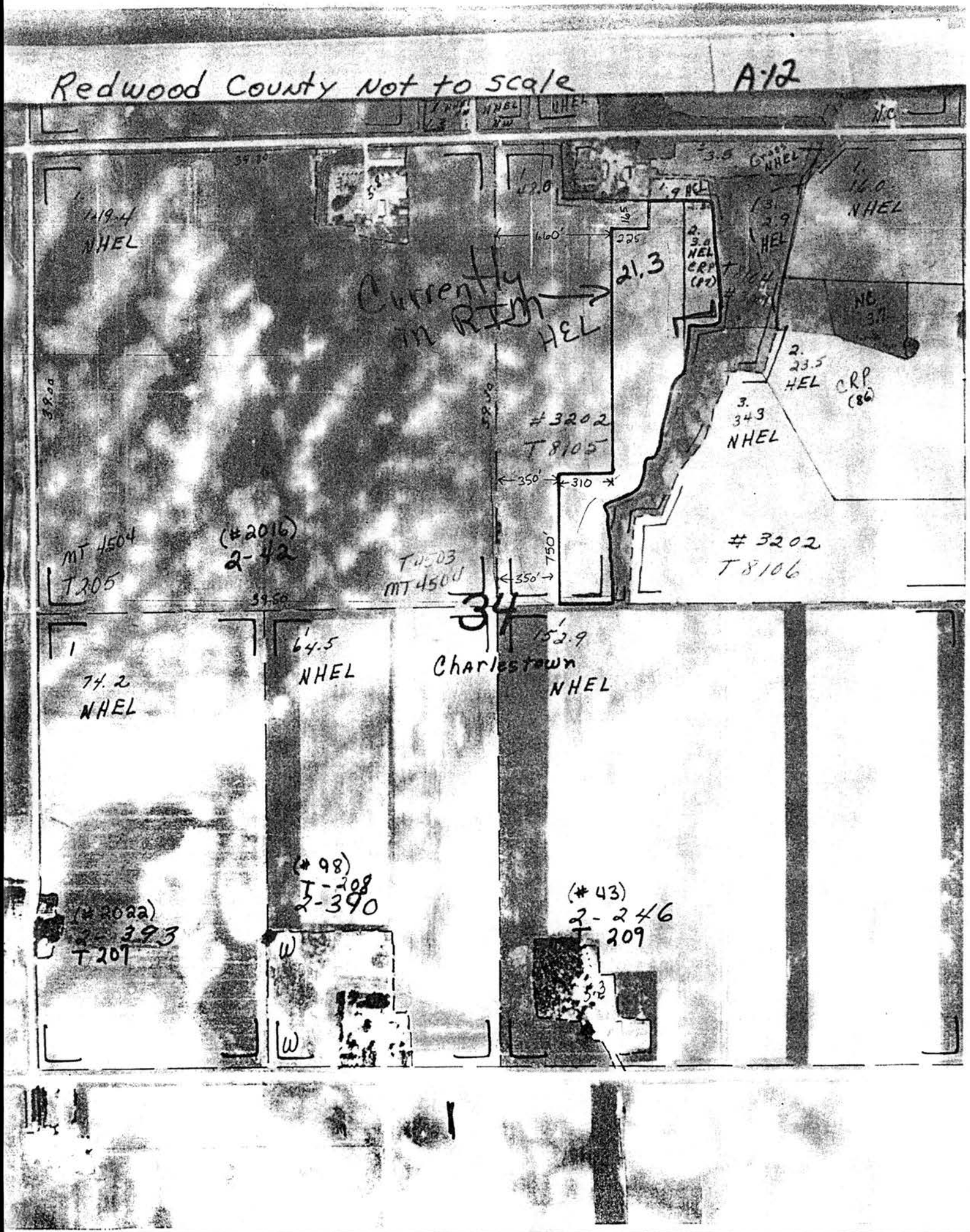
The temporary SCS District Conservationist in Redwood Co., Gary Moreau, is very capable of writting these types of plans. I feel confident in a management plan that he would approve from a technical standpoint.

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

cc: Redwood SWCD

1-2-92 21.3

Redwood County Not to scale A-12

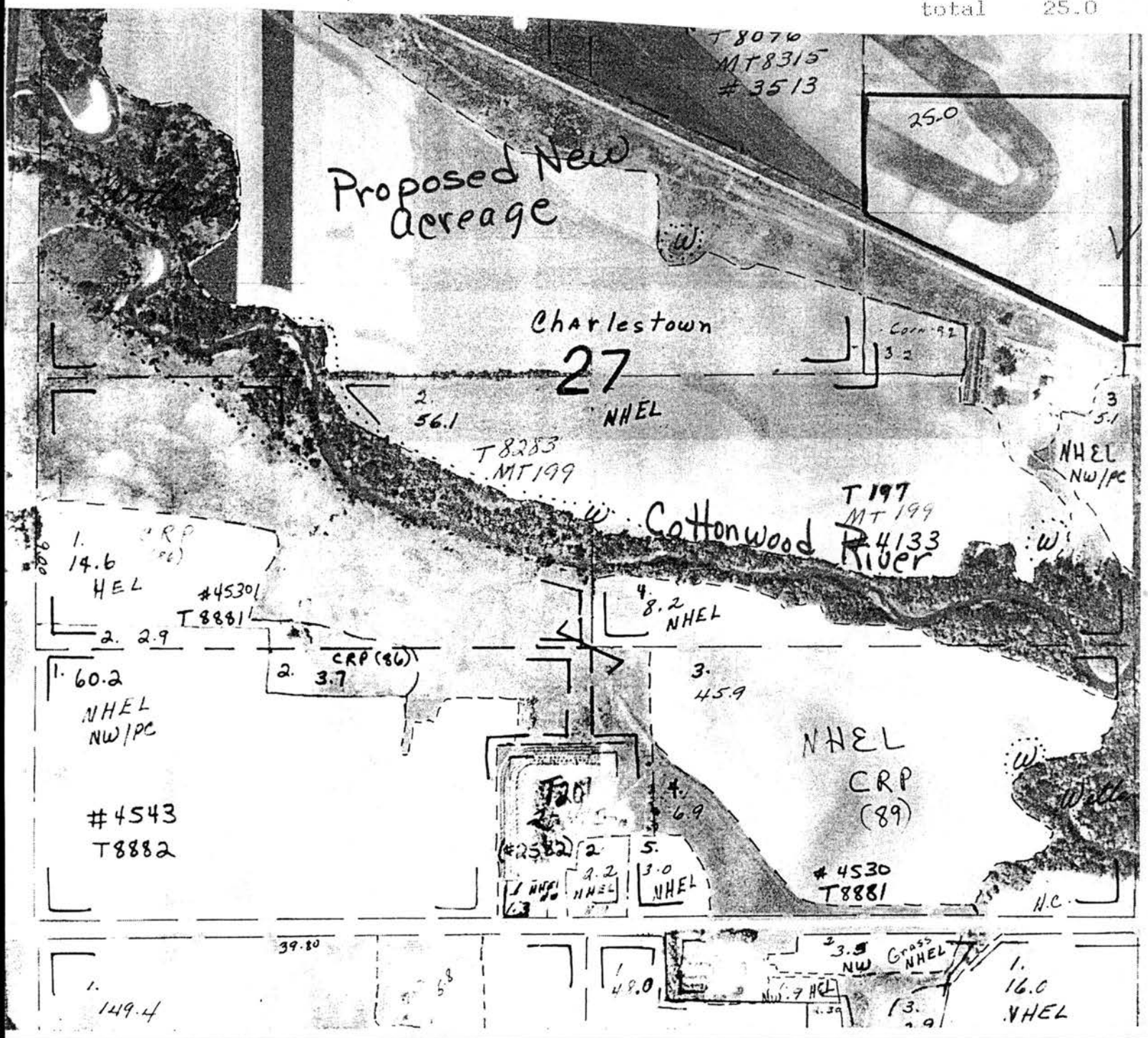


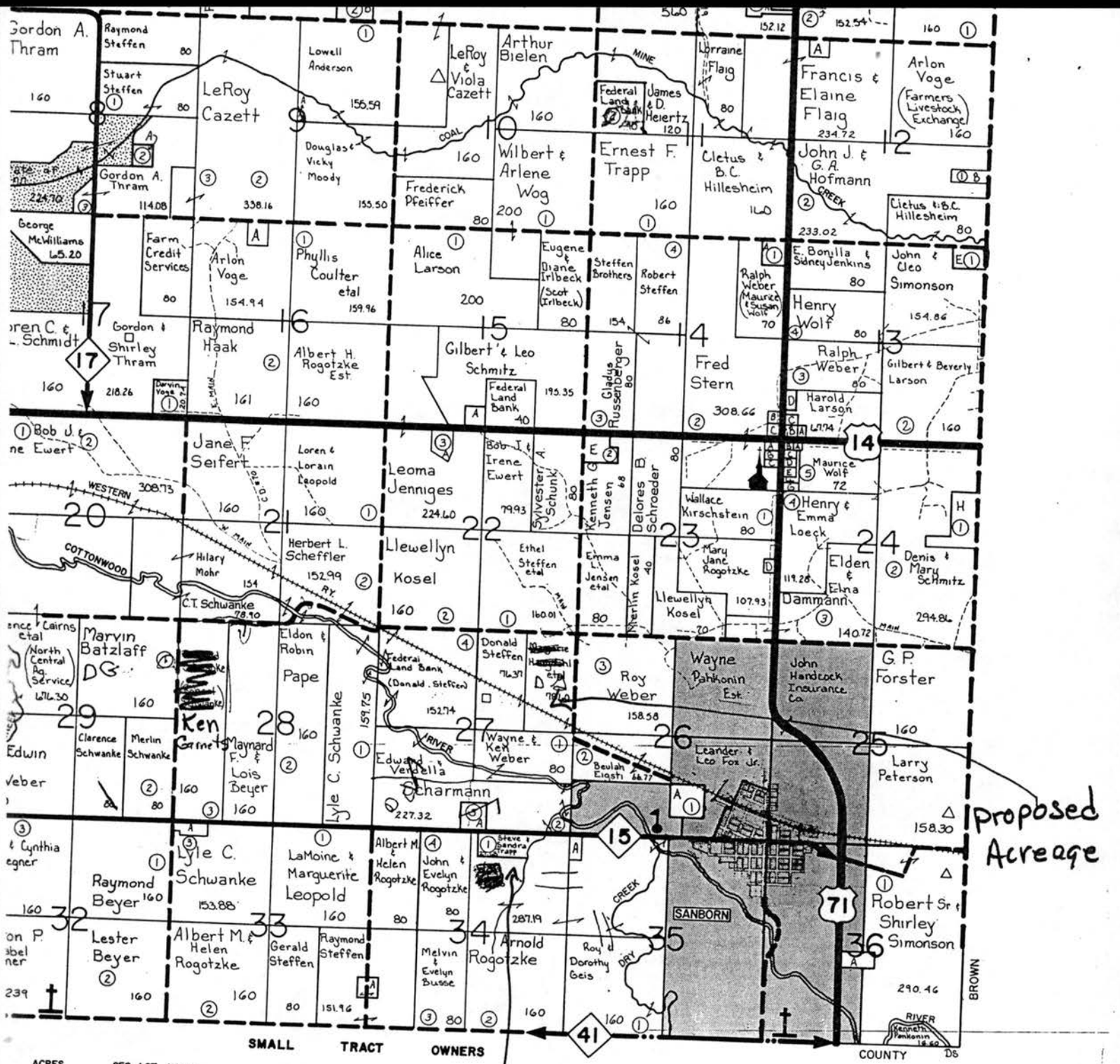
Ho-42 1C-15 S

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

SOIL SYMBOL LEGEND

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






SMALL TRACT OWNERS

| ACRES |
|---|
| 7.46 |
| 7.88 |
| 7.44 |
| 6.12 |
| 8.11 |
| 3.42 |
| 4.41 |
| 5.28 |
| 6.98 |
| 1.25 |
| 2.01 |
| 5.00 |
| 4.00 |
| 5.14 |
| 10.00 |
| .87 |
| 1.35 |
| 4.25 |
| 5.06 |
| 6.14 |

| SEC. | LOT | NAME | ACRES |
|---|---|---|---|
| 23 | A | Dan & Pat Raymond | |
| 23 | B | Gene Leopold | |
| 23 | C | Don & E. Hellickson | 3.77 |
| 23 | D | David Fox | 2.54 |
| 23 | E | Kriss Jensen | 12.00 |
| 24 | A | Clair Edgar (George McWilliams & Co.) | .29 |
| 24 | B | Hilltop Auto (Steve Lyle & Doug DeCock) | .71 |
| 24 | C | George Fox | .87 |
| 24 | D | William & Marian Stern | .98 |
| 24 | E | Sanborn State Bank | 2.10 |
| 24 | F | Albert Pabst | 1.00 |
| 24 | G | Richard Rogotzke | 1.62 |
| 24 | H | Stan McCone | 25.14 |
| 26 | A | Virgil Norcutt | 11.00 |
| 27 | A | Steven Reese | 12.68 |
| 33 | A | Schwanke Farms, Inc. (Bernel & Delores Schwanke) | 5.50 |
| 34 | A | Gerald Steffen | 8.04 |
| 35 | A | Duane & Gail Heuertz (Brian & Theresa Walker) | 5.16 |
| 36 | A | City of Sandborn | 9.87 |



I

Tim Gramm Conservation Easement

Summary and Staff Recommendations
5-17-93

Background

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

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

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

BWSR Authority

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

rules are also attached.

Conservation Easement Elements and Issues

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

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

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

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

Discussion

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

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

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

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

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

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

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

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

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

Staff Recommendations

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

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

existing conservation easement.

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

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

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

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

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

ATTACHMENT 1

PERPETUAL CONSERVATION EASEMENT

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

| | |
|---|---|
| COUNTY: | Pope |
| SIZE (ACRES): | Approximately 15 acres |
| LEGAL DESCRIPTION: | That part of the Southwest Quarter of the Southeast Quarter (SW¼ of SE¼), Section 29, T123N, R40W. |

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

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

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

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

3) grazing of livestock;

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

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

6) draining, filling, or altering wetlands.

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

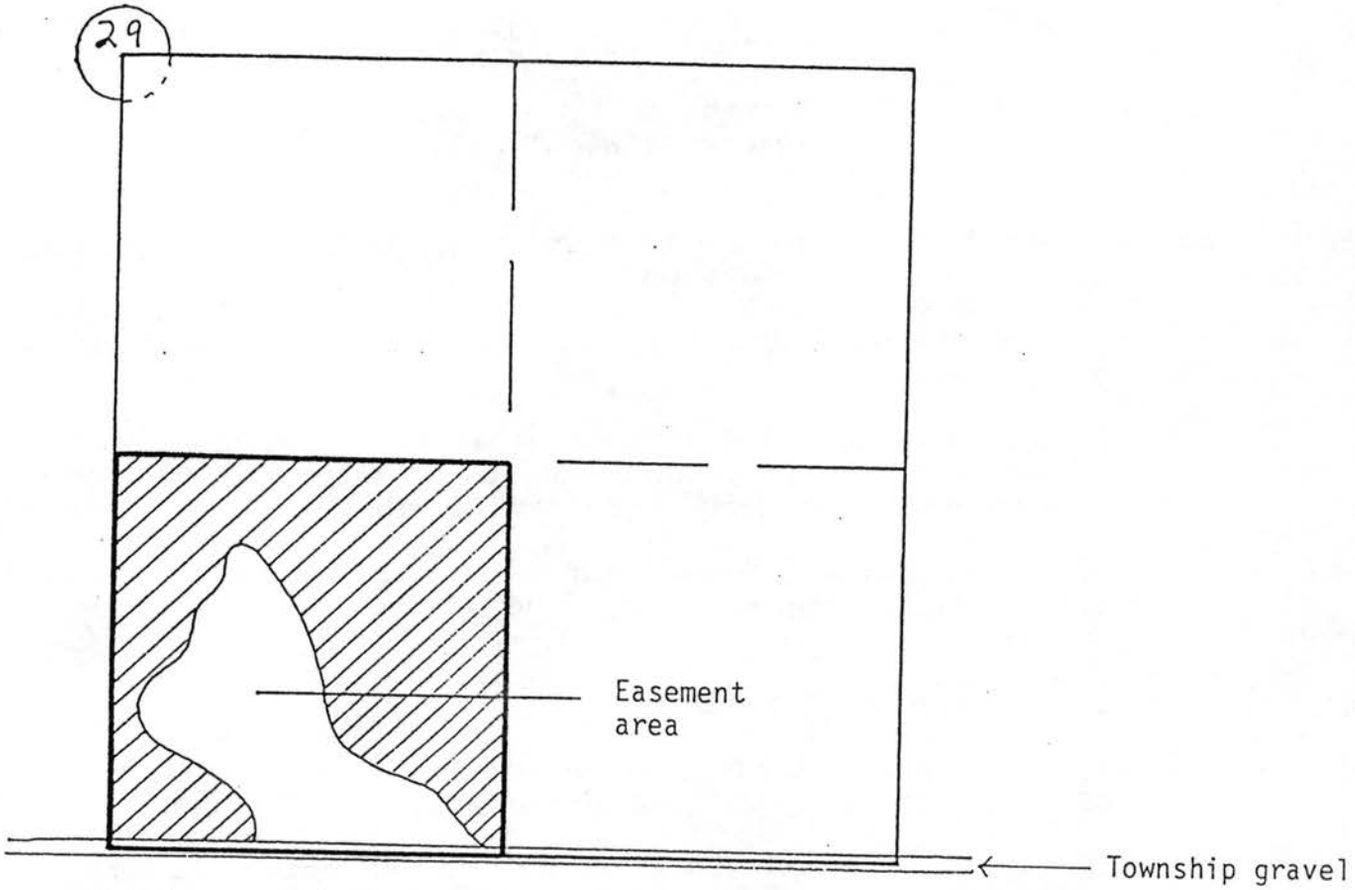
GRANTOR Minnesota Department of Agriculture MAP 1 OF 1

GRANTEE _____

# STATE OF MINNESOTA
# CONSERVATION EASEMENT
# EXHIBIT "A"

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

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



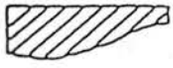

Scale: 8 inches = 1 mile

LEGEND:

_____ Boundary of Described Lands



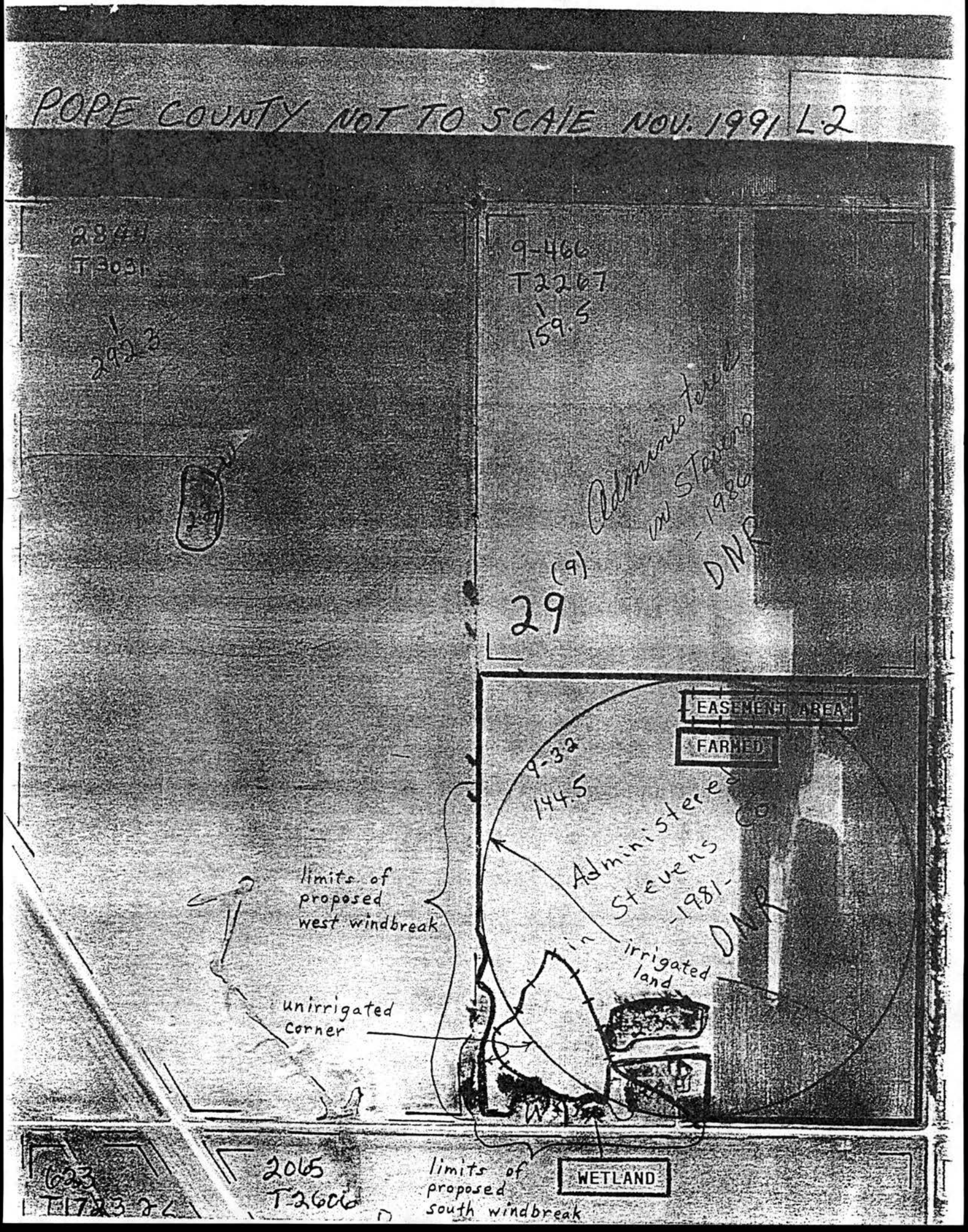

Lands Covered by Easement



Lands Not Included in Easement



Center of Section


POPE COUNTY NOT TO SCALE NOV. 1991 L.2
2844
T3031
1
292 3
9-466
T2267
1
159.5
Administered
by Stevens
-1986
DNR
(9)
29
EASEMENT AREA
FARMED
9-32
144.5
Administered
by Stevens
-1981-
DNR
limits of
proposed
west windbreak
irrigated
land
unirrigated
corner
limits of
proposed
south windbreak
WETLAND
623
T1723 2
2065
T2666

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

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

X-FORFEITED LAND; SCARLETT.

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

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

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

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

TED LAND IN CHISAGO COUNTY.

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

rm approved by the attorney general.

ocated in the city of Lindstrom, Chisago
rgs Beach.

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

AX-FORFEITED LAND; ST. LOUIS

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

nderline, deletions by ~~strikeout~~.



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

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

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

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

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

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

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

Sec. 9. RELEASE AND ALTERATION OF CONSERVATION EASEMENTS.

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

Grams

Sec. 10. REPEALER.

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

Sec. 11. EFFECTIVE DATE.

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

Presented to the governor April 17, 1992

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

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CHAPTER 562—S.F.No. 735

VETOED

**STATE OF MINNESOTA**
**OFFICE OF THE ATTORNEY GENERAL**

TO: Ron Harnack and Al Kean

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

JKP

RE: Tim Gramm Conservation Easement

DATE: May 18, 1993

---

## ISSUES

The issues you asked me to address are:

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

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

## DISCUSSION

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

#### A. Statutory Authority

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

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

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

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

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

B. Rule Authority

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

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

**2. Enforcement of non-RIM Conservation Easements**

A. Statutory Authority

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

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

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

B. Rule Authority

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

**CONCLUSION**

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

JKP/jkp

Board of Water and Soil Resources

Adopted Permanent Rules Relating to Reinvest in Minnesota Conservation Reserve Program

Rules as Adopted

**8400.3000 AUTHORITY.**

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

**8400.3830 VIOLATIONS.**

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

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

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

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

**8400.3610 ALTERATION, RELEASE, OR TERMINATION OF EASEMENTS.**

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

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

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

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

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

D. other supporting documents, including:

1. an aerial photo identifying the requested change;

2. a soil survey map of the area;

3. cropping history information; and

4. other pertinent documentation that will support the request.

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

?~

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

RECEIVED
MAY 14 1993
BOARD OF WATER & SOIL RESOURCES

DATE: MAY 11, 1993

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

SUBJECT: TIM GRAMM, MN DEPART OF AGRI CONS EASEMENT

Dear Sirs:

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

The easement area consists of Hecla Loamy Sand 0 to 3 percent slope, allowable soil loss is 5 tons/ac. To meet this a minimum of 1,000 pounds per acre flat small grain residue or equivalent would have to be used, (Conservation Tillage). With a rotation of corn and soybeans, he would have to have a 30 percent residue cover.

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

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

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

Sincerely,

Wayne Knutson

Wayne Knutson, Chair
Pope Soil & Water Conservation District

STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

@♦@♦ PHONE NO.

FILE NO.

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

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

May 17, 1993

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

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

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

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

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

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

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

cc Wayne A. Edgerton

DEPARTMENT: AGRICULTURE

STATE OF MINNESOTA
# Office Memorandum

DATE: May 17, 1993

TO: Chairman Nielson and BWSR

FROM: Elton R. Redalen, Commissioner

PHONE: 297-1551

SUBJECT: Gramm Conservation Easement Issue

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

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

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

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

cc: Jerry Heil
Dave Ball
Gail Ryan
Paul Burns

DATE: MAY 18, 1993

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

SUBJECT: TIM GRAMM, MN DEPT OF AG CONS EASEMENT

Dear Sirs:

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

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

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

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

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

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

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

Sincerely,

Tim Gramm

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

1992 PRODUCTION

| | |
|---|---|
| 5-7-92 NO-TILLED EDIBLE BEANS | |
| 80 POUNDS SEED/ ACRE AT $.52/ POUND= | $41.60 |
| 5-25-92 KILLING FROST REDUCED STAND | |
| 5-30-92 INTERSEED WHOLE FIELD | |
| 56 POUNDS SEED/ ACRE AT $.52/ POUND= | $29.12 |
| 8-3-92 SPRAY TO CONTROL WEEDS | |
| 3 OUNCES PURSUIT/ ACRE = | $15.28 |
| 8-1- 8-30-92 IRRIGATION ELECTRICITY = | $5.00 |
| 9-27-92 CUSTOM BEAN PULLER = | $14.50 |
| 10-1-92 EDIBLE BEAN COMBINE RENTAL= | $18.00 |
| TOTAL CASH COST PER ACRE | $123.50 |
| 10-1-92 58093 POUNDS EDIBLE BEANS | |
| $.14/ POUND = | $8133 |
| 12-08-92 ASCS DISASTER PAYMENT = | $4842 |
| TOTAL INCOME | $12975 |
| TOTAL INCOME PER ACRE | $ 94.70 |
| NET LOSS | $28.80 |

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

Scale Ticket # 27200

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

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

Landlord ___

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

Pup Gross Weight
Pup Tare Weight
___ Pup Net Wt.

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

8.6 % FM
.34 % Splits
8.94 % Total Dockage

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

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

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

B.L. No ___

Hughes Trading Co., Inc.

Location Dawson

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

Scale Ticket # 27203

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

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

Landlord ___

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

Pup Gross Weight
Pup Tare Weight
___ Pup Net Wt.

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

2.68 % FM
1.39 % Splits
4.07 % Total Dockage

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

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

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

MINNESOTA
STEVENS
Report ID: MHC355-R001

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

FARM ENTITLEMENT REPORT

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

---

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

| Crop | Prac | Part | Yield | Acreage |
|---|---|---|---|---|
| SNWBN | NI | | 1752.0 | 137.60 |

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

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

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

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

5004

~~$4842~~

Amount paid

BOARD OF WATER AND SOIL RESOURCES
BUDGET COMPARISON
ALL FUNDS

| | FY93 BUDGET (AS OF 5/1/93) | FY94 APPROPRIATION |
|---|---|---|
| Salaries: | $2,077,000.00 | $2,163,000.00 |
| Supplies & Expenses: | 877,000.00 | 700,000.00 |
| Grants: | | |
| Block Grants: | 2,835,000.00 | 5,003,000.00 |
| Cost Share Grants: | 1,620,000.00 | 2,220,000.00 |
| Service Grants: | 1,599,000.00 | 1,599,000.00 |
| Study Area 2 Grants: | 189,000.00 | 189,000.00 |
| RIM: | | |
| LCMR Funds: | 894,000.00 | 823,000.00 |
| Bond Funds: | 1,250,000.00 | 500,000.00 |
| RW22: | | |
| Bond Funds: | ---- 0 ---- | 250,000.00 |
| AGENCY TOTAL: | $11,341,000.00 | $13,447,000.00 |

Prepared by: Tom Schwanke
Date: MAY 24, 1993

- - Mail - -

May 18, 1993 9:13am MAIL IS -
FROM: RONALD HARNACK Private
TO: All Higgins Mail Users
SUBJECT: BUDGET & LEGISLATION 1993
COPY: RONALD HARNACK

BWSR broke even this year in the budget category and the same can be said for the policy side of legislation. Although our budget will be very tight in coming two years I believe that we can maintain our current staffing and administrative capability. We will need to use discretion with travel and other special expenses; the Board will reduce it's meetings by 3 per year; purchases of equipment and printing will be prioritized; and contracting will be very limited.

Of most importance is the ability to retain our current staffing capability and the basic support needed to get our work done.

The budget for the coming year:

| Program | FY94 | FY95 |
|---|---|---|
| RIM (LCMR) | $ 823,000 | |
| RIM (BONDING) | $ 500,000 | |
| BLOCK GRANTS | | |
| SHORELAND | $ 518,000 | $ 518,000 |
| WATER MGMT | $2,835,000 | $2,835,000 |
| WETLANDS | $1,650,000 | $2,000,000 |
| COST-SHARE | | |
| GENERAL | $1,620,000 | $1,620,000 |
| MN RIVER | $ 600,000 | $ 500,000 |
| SERVICE GRANTS | | |
| GENERAL | $ 849,000 | $ 849,000 |
| RIM | $ 750,000 | $ 750,000 |
| AREA 2 | | |
| GENERAL | $ 189,000 | $ 189,000 |
| RW 22 (BOND) | $ 250,000 | |
| MFIP | $ 114,000* | $ 114,000* |

*THIS APPOPRIATION WAS LINE ITEM VETOED BY GOV.

LEGISLATION

WETLANDS: A wetlands bill passed that did not significantly impact the integrity of the wetlands legislation. The changes are considered fine tuning of the law and will make our jobs a little easier and make the implementation for local governments more acceptable and efficient. The changes can be summarized as follows:

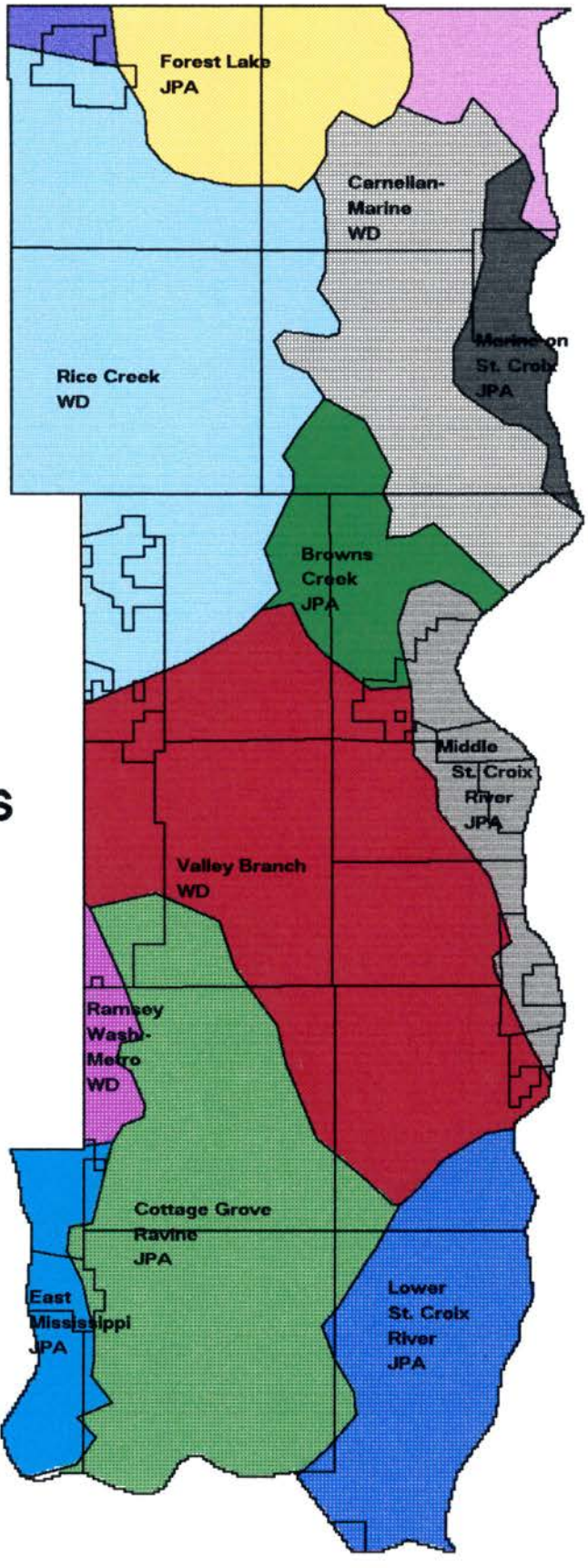
- allows local governments to extend the interum program for up to six months to permit BWSR to complete training and development of administrative manuals; to get beyond the summer construction season; and to allow time for locals to adapt the new rules into local controls.
- changes 2:1 to 1:1 for the 80% counties.
- allows locals more discretion in membership on the TEP.
- allows 80% counties creation of wetlands for banking and i other areas of the state creation for banking is limited to excavation and for impoundments is limited to dikes or dams associated with drainage systems or previously drained wetlands.
- the diminimus is changed from 100 to 400 sq ft.
- road way exemption is adjusted to permit repair and maintenance within the right of way without replacement;
- the aquaculture exemption was amended to mirror the wild rice exemption.

There may be other legislation that may have an impact on our operations through other agencies or through local governments, however I am not aware of anything significant at this point.

I want to thank you all for your support during the session. The legislative inquiries you have researched and followed up on have been great. Your patience during the reorganization debates is commendable (DEAD FOR THIS YEAR). Your efforts to drum up support for various initiatives was quite successful. My personal THANKS to each of you.



# WASHINGTON COUNTY WATERSHED MANAGEMENT ORGANIZATIONS

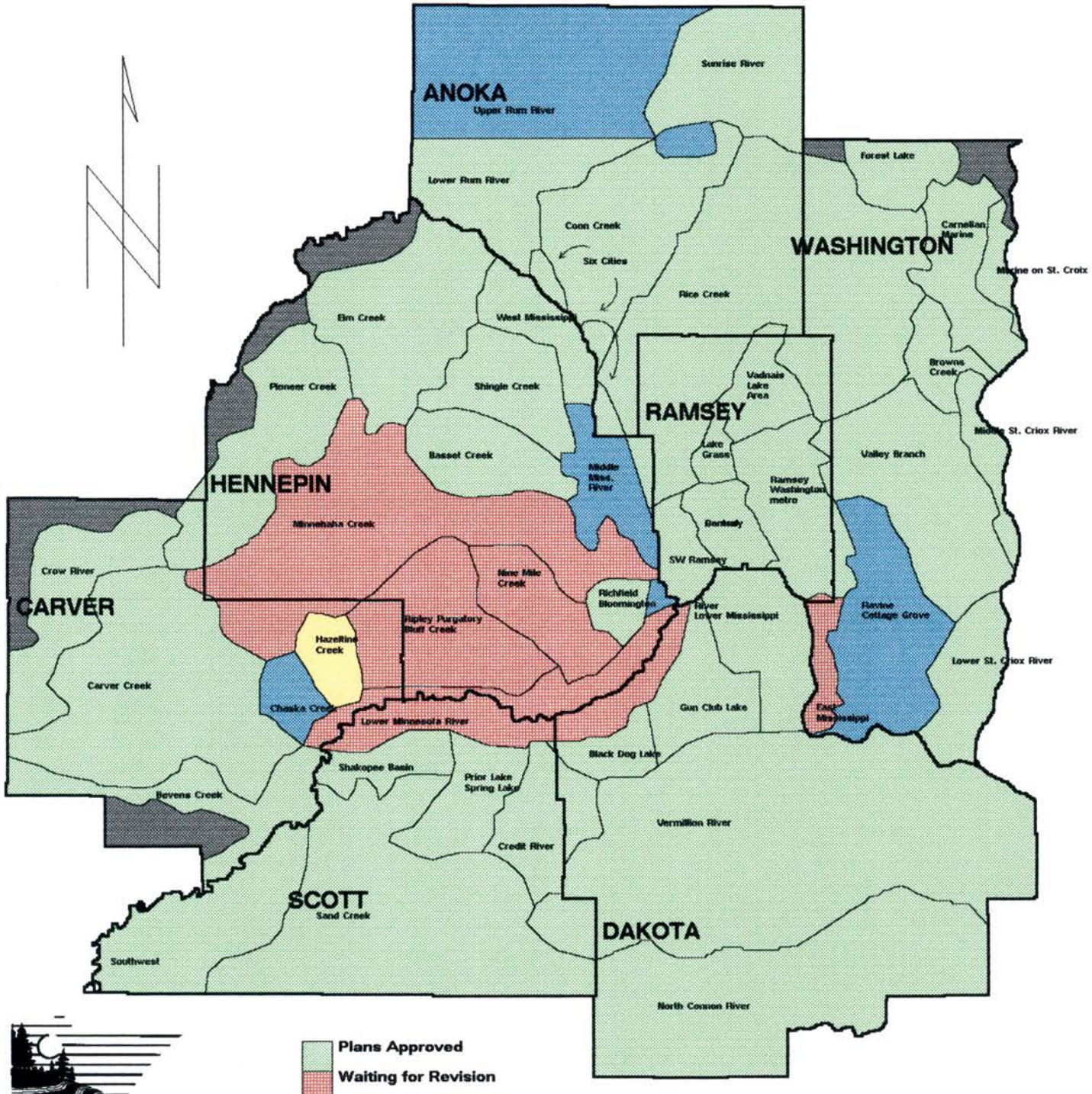





Minnesota Board of Water & Soil Resources

06/20/93

# STATUS OF
# SURFACE WATER MANAGEMENT
# PLAN APPROVAL
# FEBRUARY 10, 1993




Minnesota Board of Water & Soil Resources

05/20/93

DRAFT A
(City Hall - just outside WD boundary - no charge)

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

| | |
|---|---|
| In the matter of the petition of the Cities of Afton, Cottage Grove, Lake Elmo, Oakdale and Woodbury for the establishment of the Cottage Grove Ravine Watershed District pursuant to Minnesota Statutes Section 103D.225. | **ORDER FOR AND NOTICE OF HEARING** |

**Whereas,** the Board of Water and Soil Resources (Board) has received a petition from the Cities of Afton, Cottage Grove, Lake Elmo, Oakdale and Woodbury dated May 5, 1993 for the establishment of a watershed pursuant to Chapter 103D of Minnesota Statutes, as amended, and

**Whereas,** the subject petition has been filed with the auditor of Washington County, the Commissioner of the Department of Natural Resources (DNR), and the Director of the DNR Division of Waters, pursuant to MN Statute 103D.205, Subd. 4, and

**Whereas,** the subject petition has been found to meet the requirements of Minnesota Statutes Sections 103D.225, and

**Whereas,** at its May 26, 1993 meeting the Board heard testimony as to the merits of the petition, ordered that a hearing be held on the matter, and directed Board staff to schedule and make arrangements for a hearing before the Board,

**Now Therefore,** the Board issues the following,

**Order For and Notice of Public Hearing**

It is hereby ordered and notice is hereby given that a public hearing on the above referenced matter will be held on Thursday, June 24, 1993, beginning at 7:00 P.M. at the Woodbury City Hall located at 8301 Valley Creek Road, Woodbury, Minnesota 55125.

The purpose of the hearing is to receive testimony and public comment on the merits of the above listed cities' petition to establish a watershed district. The purpose for the establishment of the proposed watershed district is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources. The territory to be included within the proposed watershed district is an area, oriented generally north to south, of approximately 53.8 square miles, all within Washington County. Of this area, .8 square miles lies within the

DRAFT B
(Elem. School - within boundary - custodial charge)
at least #42

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

In the matter of the petition of the Cities of Afton, Cottage Grove, Lake Elmo, Oakdale and Woodbury for the establishment of the Cottage Grove Ravine Watershed District pursuant to Minnesota Statutes Section 103D.225.

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The purpose of the hearing is to receive testimony and public comment on the merits of the above listed cities' petition to establish a watershed district. The purpose for the establishment of the proposed watershed district is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources. The territory to be included within the proposed watershed district is an area, oriented generally north to south, of approximately 53.8

DRAFT

City of Afton, 25.5 square miles within the City of Cottage Grove, .7 square miles within the City of Lake Elmo, 1.4 square miles within the City of Oakdale, and 25.4 square miles within the City of Woodbury. At the hearing, all interested persons will be given opportunity to be heard and to submit information pertinent to the establishment of the proposed watershed district.

Details concerning the proposal can be obtained by contacting Barry Johnson, Woodbury City Administrator at (612) 739-5972. A copy of the petition can be obtained by contacting Bruce Sandstrom, BWSR Metro Region Supervisor at (612) 297-4958.

Dated at St. Paul, Minnesota this ____ th day of May, 1993

Minnesota Board of Water and Soil Resources

By: _____
Ronald Harnack, Executive Director

For: James Nielsen, Chair



a:cgrwdhrg.ord

MP- Copy for Mary Bd

SB./Ron H. Read * items

GL Support for RIM/pump Cost Share

RECEIVED APR 2 8 1993 BOAI & SOIL

**DEPARTMENT OF NATURAL RESOURCES**
**OFFICE OF PLANNING**

**STATE OF MINNESOTA**
# Meeting Minutes

**DATE:** March 5, 1993
Minnesota Valley Wildlife Refuge, Bloomington

**MEETING:** DNR Minnesota River Team

**PRESENT:**

| | |
|---|---|
| Jim Sehl | Chris Kavanaugh |
| Tom Landwehr | Dirk Peterson |
| Steve Johnson | Skip Wright |
| Dave Soehren | Larry Gates |

Guests: Greg Payne, USGS; Jim Leach, USFWS; Jim Solstad, DNR Waters

**BY:** Sherri Buss SB

Greg Payne, USGS, and Jim Leach, USFWS, attended the meeting to provide a summary of their research and work in the Minnesota River Basin.

1. Greg Payne, USGS

Greg has led the Physical/Chemical Monitoring Program under the Minnesota River Assessment Project. This program has sampled 10 major sites on the Minnesota River and 12 tributary sites to better understand the pollution loads that the river and its tributaries are carrying. Monitoring was conducted over a variety of high and low-flow conditions, and over all open-water seasons.

Objectives of this phase of the study were to :

1) Identify sources and loadings of nutrients (phosphorus, nitrates), suspended sediment, biochemical oxygen demand (BOD) and bacteria in the river,
2) Calculate the movement of sediment and associated pollutants between various points along the river,
3) Identify areas of bank erosion and associated deposition of sediment, and quantify the degree of contribution of bank vs. upland erosion to sediment in the river.

Greg summarized the study findings to date as follows:

- Sediments loads are heavy throughout the basin, particularly during snowmelt and the thunderstorm season. There is a strong east to west gradient of runoff in the basin.

- Phosphorus loads parallel sediment loads in the basin. About 20 percent of the phosphorus is soluble. Phosphorus was apparent in samples throughout the basin, with concentrations slightly higher in the Blue Earth River basin.

- Nitrate concentrations are low in the upper basin (samples

above Montevideo around 3 mg/l for example), but much higher in the lower river (around the Blue Earth river, 20 mg/l), and particularly concentrated when the river reaches the Metro area. The higher concentrations are causing drinking water problems in Mankato.

The nitrate concentrations are associated with BOD problems in the lower river and algae concentrations.

Some temporary nitrate problems have also been noted in early springat the Rapidan and Lac Qui Parle reservoirs.

- 90 percent of the sites sampled have shown bacteria levels above those recommended by state guidelines. The consistency of some of these samples suggest that significant numbers of septic systems may be tied directly to tile lines.

- Herbicide traces have been found at all surface water monitoring sites. Levels are particularly high during the first and second months after spring herbicide applications. Sampling at groundwater springs have shown herbicide traces in all post-1951 groundwater (Atrazine, for example).

- In describing the hydrology of the basin, Greg noted that before settlement, much of the land area drained to landlocked basins (wetlands or lakes) as is typical of a young drainage system. There was little direct runoff to the Minnesota River.

The artificial drainage system of tile lines and ditches developed since settlement is as dense as any in the U.S., with almost every 40-acre parcel in the basin having at least one tile line. Its development has caused a loss of closed basins and storage capacity across the basin. The system has dramatically increased the efficiency of the delivery of runoff water to the river, and in effect, has brought all of the land use activities in the basin much closer to the river.

Greg suggested that the systems of tile lines in the basin should be considered the first order streams in the basin's hydrologic system.

He also noted that the surface tile inlets common in some parts of the basin further complicate the hydrology. He suggested that the inlets are responsible for much of the particulate input and concentrations of sediments found in the tributaries in the basin.

- Greg noted that researchers from the Ag Experiement Station in Lamberton and agriculturists suggest that tile lines help the soils of the basin to act like a "sponge", by creating an unsaturated soil zone above the tile lines that absorbs

rainfall and moderates runoff. However, he suggested that repeated rains exceed the capacity of the "sponge", resulting in ponding and rapid runoff through the surface tile inlets.

- Greg noted that agriculturists also argue that tile lines provide a system for removal of excess nitrates so that these do not contaminate groundwater in the basin. However, he noted that the nitrates then flow to surface waters in the basin, and that these are not able to handle the large amount of nitrates flowing into the system, resulting in reduced surface water quality.

Greg also noted that research to date has not investigated whether some nitrates are penetrating below surface tile lines and entering groundwater. (Team members noted that injection wells also contribute to contamination of ground water in the basin.)

- Team members asked whether a regional pattern of surface tile inlets was apparent in the basin. Greg noted that inlets are much more common in some parts of the basin, and that the land-use research under MRAP should provide data on their distribution.

Greg and team members discussed alternatives to inlet design that may reduce their pollution contribution to surface waters in the basin. These included raising inlet height or the use of dense tile patterns around inlets or replacing them. Greg also noted the importance of altering land management practices around inlets to minimize sediment transport.

- Team members asked about the effects of the CRP program on water quality in the basin. Greg noted that sampling near Lincoln County, which has the maximum amount of CRP allowable, suggests that this program makes a big difference in the quality of runoff from storm events.

- Greg concluded by noting that the hydrology of the basin has been much altered since settlement through artificial drainage systems. He suggested that there is a need to manage land use in the basin as well as drainage systems.

Greg suggested that there is a need to determine what portion of the hydrograph we should manage for--that it may not be possible to manage for the most extreme storm events.

Greg noted that during the sampling season of 1989, the river was at base flow, and that there were almost no water quality problems during this time. He noted that this suggests that basin problems are largely due to surface water runoff.

2. Jim Leach, USFWS

Jim noted that he had worked at the PCA on an exchange program with his agency, and had concentrated his efforts while there on the Minnesota River Basin.

- Jim suggested that artificial drainage is the #1 issue in the basin, and that the extensive drainage system in the basin has made problems that might have been local into larger, regional problems.

- Jim reviewed the hydrology of the basin, and noted that at settlement, the Prairie Pothole region was dominated by many small, enclosed basins (lakes or wetlands). These basins functioned as closed systems, with no outlets and no regionalized flow patterns.

- With the development of extensive tile systems and county ditches, many basins have disappeared. Jim compared maps developed from original land survey records to current maps of the basin, noting large lake basins (2,000 acres or more) that have disappeared, altered drainage patterns, and watershed boundaries that have been breached.

  Jim also noted that the remaining lakes and rivers in the Basin now function as outlets for drainage systems, and thus receive the sediments and other pollutants from these systems.

- Jim also noted the disappearance of large wetland basins, and reviewed the functions that wetlands played in acting as transitional (buffer) zones between uplands and surface waters.

  Jim provided an estimate that 54 percent of wetlands existing in the U.S. at settlement have disappeared, and that 85 percent have disappeared from agricultural areas in Minnesota. He noted that 87 percent of wetlands remaining in these areas are on private lands, suggesting the need to work with private land owners to preserve and restore wetlands in the basin.

  Jim noted that the loss of wetlands has resulted in a loss of water retention ability within the basin.

- Jim suggested that while drainage was important to settlement and the development of commercial agriculture in the region, it has gone to far in altering the hydrology of the basin and affecting surface waters.

- Jim suggested that the following are priority needs in the Basin:

  - Acquisition and restoration of drained wetland basins.

- Work with private landowners to preserve or restore wetlands where these lands cannot be acquired by public agencies.
- Alteration/restoration of ditches and tile systems to slow water movements and allow pollutants to settle before reaching surface waters.
- Alteration of surface inlets to tile lines to allow ponding. Jim noted that surface tile inlets could also be called "agricultural storm sewers".
- Jim noted that existing programs such as Wetland Reserve, CRP, NAWMP, etc., could be used to accomplish these objectives if adequately funded.

- Tom Landwehr summarized the Minnesota River Watershed Project. The project is a partnership among several agencies (including the DNR) and organizations to use $1.8 million in federal funds and $5 million in matching funds to restore wetlands in the Basin. (Summary provided at meeting and attached.)

  Tom noted, however, that such efforts are small in comparison to agricultural programs such as CRP funded under the 1990 Farm Bill. He noted the need to influence the development of the 1995 Farm Bill to include funding for conservation programs, and noted that there is a departmental effort to contribute to the development of the next farm bill.

  Jim and Tom noted in response to questions that 11,000 basins including 40,000 acres, have been restored to date in the 8 state region that includes Minnesota.

- Team members asked Greg and Jim to discuss the effects of stream channelization in the basin. They noted that at settlement, many streams in the basin meandered through wet meadow areas that were quickly drained for agriculture, and creeks straightened. These wet meadows provided storage areas to reduce peak flows as well as providing critical habitat for invertebrates and small fish during seasonal flooding.

  Greg noted that channelization and draining have increased flood peaks in local areas in the basin, both in water quantity and velocity, and that this contributes to bank erosion and destruction of riparian habitat. He noted some localized examples of severe bank erosion on the Redwood river.

  Greg suggested that preserving the remaining streams and associated wetlands in the basin is critical, and that such areas should be restored where possible to provide multiple resource benefits.

- Greg noted the need to do comprehensive resource management on a subwatershed basis. He noted that this is the appropriate

level to identify priority areas for wetland and stream preservation and restoration, and to get local landowner input into the planning process.

He noted that 1208 subwatersheds have been identified in the Minnesota River Basin, at that these should be reviewed to identify priority basins for planning and management.

Greg noted that the PCA has planned some demonstration projects at the subwatershed level that would be appropriate for such multi-resource planning efforts.

- Team members also noted that such areas have good potential for involving people throughout the basin in the MRIP efforts, by demonstrating that there will be visible benefits at the local level from changed practices.

3. Next Meeting and Other Business

- Team members requested that PCA staff from the central office and regional office(s) be invited to the next team meeting to describe the efforts planned under the MRIP 1993 LCMR Work Program.

  Sherri will contact Tim Larson of the PCA staff to request such a discussion. Friday March 26 or April 2 was clear on most team members' calendars.

- Team members accepted the "charge" developed for the team as written.

- Steve noted that Jim Schneider, the Region 4 adminstrator, had asked for staff assistance for following MRIP and Minnesota River issues. He also noted that the Citizens Advisory Committee will be discussing Land Use issues in the Basin at their next meeting (March 18), and noted that we could suggest speakers or issues for this topic, such as the Comprehensive Watershed Demonstration Projects or IRM. Steve also noted that he and other staff will begin developing the MRIP Natural Resources forum(s) soon, with assistance from the Minnesota River Team.

COTTONWOOD SOIL AND WATER
CONSERVATION DISTRICT

Rt. 2, Box 123
Windom, Minnesota 56101
Telephone (507) 831-1153

**MINNESOTA**
**SOIL AND WATER CONSERVATION DISTRICTS**

To: Jeff Nielson

FROM: Cottonwood Soil and Water Conservation District
Supervisors and Office Staff.

SUBJECT: Individuals Concerned
With Feedlot Pollution

Todays concerns with feedlot management systems are seen throughout the Cottonwood Soil and Water Conservation District. Presently our office staff and our supervisors, along with the Soil Conservation Service work intensely on upgrading feedlots into compliance. As you know the planning which goes into an ag waste system is immense and often times very confusing.

Brad Matlack, feedlot specialist is a great asset in planning and designing ag waste systems. Without his expertise and willingness to educate not only us, but also the landowner, the good working relationships, which has been developed between our office and the landowners would be unlikely. For these reasons the Cottonwood Soil and Water Conservation District strongly recommends that Brad Matlack and his position be secured so we can continue to help solve pollution problems created by feedlots.

Sincerely,

Arnold Regier

Vice Chairmen
Cottonwood Soil and Water
Conservation District

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

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Fax (218) 723-4794

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(218) 755-4235
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Suite 202
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(218) 828-2383
Fax (218) 828-6036

**Southern Region:**

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Fax (507) 359-6018

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**Metro Region:**

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& SOIL RESOURCES

**TO:** Ron Harnack
Executive Director

**FROM:** Jim Lemmerman
Forester

**DATE:** May 4, 1993

**RE:** SWCD TREE PROGRAM SURVEY SUMMARY

Enclosed is a copy of the SWCD Tree Program summary. This is follow-up to the preliminary results that you received earlier.

The editor of the NACD Forestry Notes is very interested in this information. He published a short article on the preliminary results in the April issue. In the May issue, he is expanding an article about the summary to a full page.

If you have any questions or comments after you receive this information, please contact me.

**JL/glw**
enc.

c: Jim Birkholz
Regional Supervisors
Board Conservationists

Minnesota Soil and Water Conservation Districts
Tree Program Survey
by
James H. Lemmerman[1]

## INTRODUCTION

There are 91 soil and water conservation districts (SWCDs) in Minnesota. Approximately two-thirds of the districts are in what is considered the forested regions of Minnesota. The SWCDs in Minnesota receive approximately 80% of their budget from intergovernmental sources and they generate approximately 20% of their budget revenues. Tree/forestry programs are an important part of this revenue generation. This survey was designed to assess the involvement of SWCDs in tree/forestry programs.

## PROCEDURES

In October 1992, the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Forestry Committee and I sent a survey out to the 91 soil and water conservation districts in Minnesota. We had 78 respondents of which 76 districts (83%) indicated they have tree programs.

## SURVEY RESULTS

1) The SWCDs are involved with many different types of tree/forestry programs. The number of districts and types are: • 59 districts have tree/shrub sales • 49 districts have tree planters • 37 districts provide custom mechanical tree planting • 23 districts offer mechanical weed control • 69 districts provide farmstead shelterbelt planning • 66 districts do field windbreak planning • 30 districts offer other forestry services, i.e. stewardship forester, wildlife plantings, gopher control machines, tree mats and tube type tree protector sales. Figure 1 shows the results graphically.

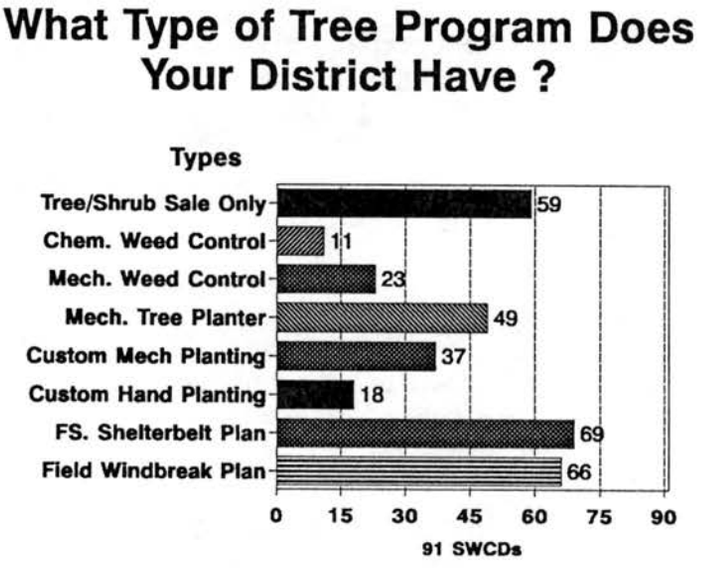



Figure 1 -Check all that apply- March 93

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[1]The author is a forester with the State of Minnesota, Board of Water and Soil Resources, 394 Lake Avenue South, Room 403, Duluth, MN 55802.

2) The total tree/shrub sales by SWCDs in 1992 was over 2,300,000 trees. The lowest number sold by a district was slightly over 9,000, the highest number sold by a district was 125,000. Figure 2 graphically shows the number of trees sold by MASWCD area.

3) Most SWCDs order stock from a number of sources. The usual sources of planting stock used by the SWCDs were as follows: • 47 SWCDs order stock from the Minnesota Department of Natural Resources Nurseries • 74 SWCDs purchase stock from private nurseries and • 5 SWCDs purchase stock from other sources, i.e. other state nurseries.

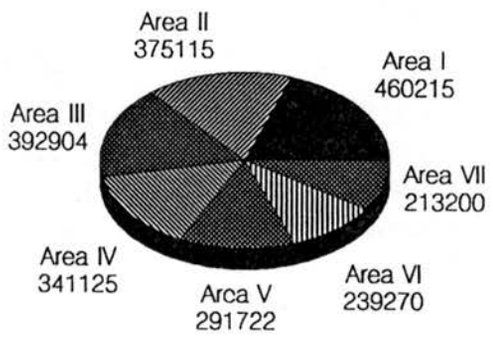



**Figure 2 - BWSR - March 1993**

4) There are other agencies or vendors that supplied similar services in the SWCD area. Forty-five SWCDs agreed with that statement and listed some examples of the services provided. Some of the services listed are: • planning/planting windbreaks • thinning, pruning • weed control • tree planting • herbicide application • landscaping and
• tree/shrub sales. Twenty-six SWCDs responded that there were no other source of services in their area.

5) Thirty-eight SWCDs indicated they would use a certified seed/seedling source if it were available, 14 indicated they wouldn't, and 20 SWCDs indicated they would possibly, dependent upon quality, cost, size and availability.

6) The response shows 26 SWCDs have information meetings/workshops, i.e. community education on planting techniques, tree planting demonstrations, Arbor Day tree give-away, minimizing tree damage during construction, logger workshops, and woodland committee meetings. The survey also shows there were 47 SWCDs that do not have any tree program/forestry workshops for promoting trees. That translates to 52% of the SWCDs in Minnesota do not have landowner workshops.

## SOME CONCLUSIONS

The MASWCD Forestry Committee and I were impressed with some of the numbers provided by this survey.

- Many SWCDs are doing a lot with tree/forestry programs. We are not certain all SWCDs consider themselves involved with forestry. Some SWCDs do not recognize their Agroforestry or Urban Forestry programs as **FORESTRY**.

- The SWCDs are involved with many different types of programs and technical assistance.

- We were impressed that many SWCDs provide informational meetings/workshops to promote their tree programs, but 52% of the SWCDs do not have landowner workshops. We feel trees are a very important part of our conservation program in Minnesota, and therefore should have a higher priority.

- The cost-share programs should be analyzed to assess possible changes to address the suggestions from the SWCDs.

- All agencies need to cooperate to develop additional information and make it more readily available to the states landusers.

- There is a need for improved coordination of interactions between the SWCDs in Minnesota and the local woodland committees.

- State and county resource management agencies must recognize SWCDs as grassroots resource management partners.

7) There was about an even split between respondents regarding adequacy of existing financial incentives for forestry/tree programs. Thirty-six SWCDs indicated the financial incentives were adequate. Thirty-nine SWCDs indicated the financial incentives are not adequate. Some of the suggestions were to increase cost-share for maintenance, increase the state cost-share program for forestry, tax credits for land planted to trees, and additional cost-share programs for landowners not eligible for the Agricultural Conservation Program.

8) There was a wide range of total cost-share dollars (local, state, & federal) used for tree/forestry programs in the respondents' districts last year. The cost-share used ranged from a low of $1,000 to a high of $30,000.

9) Representatives from most other agencies do not attend SWCD board meetings more than twice a year. Figure 3 shows this graphically.

**Agencies Attending SWCD Board Meetings**

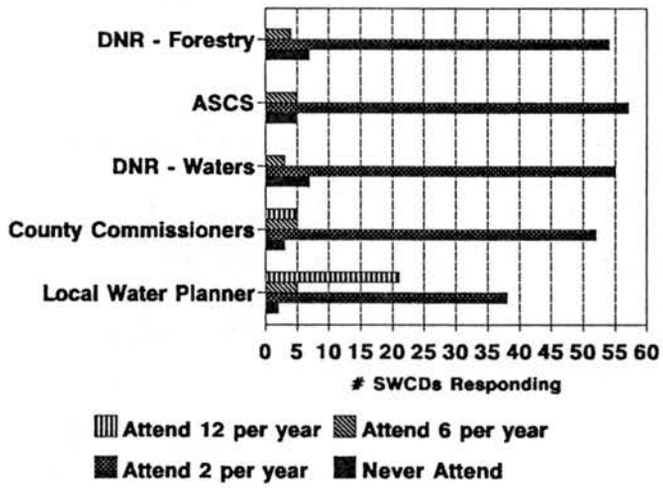



Figure 3 - BWSR - March 1993

10) Some other recommendations or suggestions offered by the SWCDs are as follows:

- more cost-share funds for maintenance of plantings, i.e. cultivation, tree mats, weed-badger, tube type tree protection and replacements
- improve information to landowners on the importance of trees for energy conservation as well as soil and water conservation
- develop better materials for promotion of trees and tree planting
- expand funding for Minnesota Forestry Improvement Program to fully meet needs
- SWCDs should actively participate in woodland committees

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BOARD OF WATER & SOIL RESOURCES

Ron

**CORE** STATE OF MINNESOTA
COMMISSION ON REFORM AND EFFICIENCY

203 Administration Building, 50 Sherburne Ave., St. Paul MN 55155
(612) 297-1090 Fax (612) 297-1117 TDD (612) 297-5353

## 1993

## COMMISSION ON REFORM AND EFFICIENCY MEETING SCHEDULE

| DATE | TIME | PLACE |
|---|---|---|
| OCTOBER 19 | 9:00 A.M. TO 2:00 P.M. | Veterans Service Bldg., St. Paul<br>20 West 12th St., 5th Floor |

## PROGRAM ANALYSIS WORKING COMMITTEE MEETING SCHEDULE

| DATE | TIME | PLACE |
|---|---|---|
| JUNE 29 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |
| JULY 29 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |
| AUGUST 19 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |
| SEPTEMBER 21 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |

**NOTE: Contact Jane Delage at (612) 296-7036 for location of meetings or to verify meeting schedule.**

**SCHEDULE CURRENT AS OF MAY 17, 1993**

# CORE

STATE OF MINNESOTA
COMMISSION ON REFORM AND EFFICIENCY

203 Administration Building, 50 Sherburne Ave., St. Paul MN 55155
(612) 297-1090 Fax (612) 297-1117 TDD (612) 297-5353


## COMMISSION ON REFORM AND EFFICIENCY
## MEETING MINUTES

**Thursday, April 22, 1993**
**8:30 a.m. - 12:00 noon**

**Kelly Inn**
**Buffington-Prentiss Meeting Rooms**
**161 St. Anthony Street**
**St. Paul, Minnesota**

Attending Members: Sandy Sandbulte, Chair; Marcia Appel, Jane Belau, Gary Denault, Jack Eugster, Lee Luebbe, Dorrie Mund, and Stephen Watson.

Absent Members: Sharon Sayles Belton, John Brandl, Geraldine Evans, Dr. Jean Harris, Beck Horton, Arlene Lesewski, Ernest Lindstrom, Bill Lurton, Robin PanLener, Kati Sasseville, Glen Taylor, Erma Vizenor, Connie Weinman, and C. Angus Wurtele.

Department of Administration: Susan Ager, Dana Badgerow, Commissioner; Dorothy Bliss, Ralph Brown, Linda Carlson, Jane Delage, Liz Fedor, Fred Grimm, Rose Herrera Hamerlinck, Linda Hennum, Elizabeth Mairs, Wendy Petropoulos, Virginia Reiner, Bev Schuft, Kathleen Shea, Theresa van Hoomissen and Susan Vlodaver.

Guests: Linda Barton, Department of Employee Relations; Tom Baumann, Department of Natural Resources; Bruce Briese, Department of Transportation; Bernie Conlin, Department of Administration; Steve Gammon, Department of Administration; Randy Hendricks, Andersen Consulting; David Jennings, Department of Trade and Economic Development; Terry Kayser, Metropolitan Council; Peter Keen, International Center for Information Technologies; Harold Nicholson, Department of Public Service; Glenn Radde, DNR; Claudia Ryan, Minnesota Business Partnership; Sarah Kline Stenvold, Department of Administration; Brian Williams, Rochester Post-Bulletin.

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**I. ANNOUNCEMENTS:** Chairman Arend Sandbulte called the meeting to order at 8:45 a.m. He announced that Nancy Feldman had resigned her position as a CORE Team Leader to accept a job with Medica. Mr. Sandbulte recognized Ms. Feldman's positive contribution to the CORE effort. He also announced that Commission members and

CORE staff are invited to attend a CORE luncheon at the governor's residence on May 3. The chairman said it would be an opportunity for the Commission to state its expectations relating to implementation of CORE recommendations.

Mr. Sandbulte said the CORE committee chairs met prior to the meeting and he asked Commissioner Dana Badgerow and Jane Belau to report on the 1993 legislative session.

Ms. Badgerow said all CORE recommendations have been introduced in bill form, however, a number of bills are not progressing. She anticipated that the legislature would approve funding for a training component recommended in the Human Resources report as well as the Electronic Data Interchange (EDI) project. She predicted that some language would pass on performance based budgeting, but said it is unclear whether a major rules reform bill will be approved.

Commissioner Badgerow said that no reorganization initiatives are expected to pass with the exception of the environmental area. She said an interim study bill on environmental reorganization is clearly a springboard from CORE. If that measure passes, she said, the legislature will be engaged in some discussion with stakeholder groups.

Based on CORE's timetable for producing final reports and recommendations, Ms. Belau said CORE was behind the power curve in terms of successfully moving bills through the legislature this session. She said CORE would have needed to finalize its recommendations in October or November to have had a major impact this session.

Ms. Belau said the staff and Commission did a tremendous job in getting the measures introduced this session. She said some Committee members expressed an interest in testifying in favor of CORE initiatives at interim hearings. She said she looks forward to having a dialogue with the legislative leadership. She stressed that government can't be reinvented in six months, because it is an evolutionary process.

It was decided that CORE reports and recommendations should be shared with business and interest groups such as the Minnesota Business Partnership, the Citizens League and League of Women Voters. These groups are potential supporters of CORE work, and they should be asked to consider the CORE recommendations.

Chairman Sandbulte asked whether CORE and the Management Analysis Division would take care of making those contacts. MAD Director Fred Grimm said the division would assume the responsibility. Mr. Sandbulte said that Lee Luebbe, Jane Belau and Marcia

Appel want to see the list of groups that CORE will contact, and should be consulted on this matter.

Mr. Sandbulte reiterated that the May 3 event would be a good opportunity to visit with the governor on executive reorganization and other topics. He said Commission members should state what they think should happen in the next nine to 12 months with CORE recommendations.

The chairman referred to the Commission appointments, and said it was his understanding that they expire on June 30, 1993. At this point, he said, he thinks CORE can operate as an informal group, and that each person can participate in implementation activities to the extent he or she is able.

Commissioner Badgerow reminded the Commission that the Local Services Funding project would continue through the fall. Chairman Sandbulte announced that the May Commission meeting was cancelled, and that a meeting could be called in the future to address interim legislative hearings or the 1994 legislative session.

Bev Schuft, CORE Team Leader, distributed a compilation of CORE newspaper articles, which she said were representative of the type of coverage the Commission has received across the state.

**II. ROLE OF INFORMATION TECHNOLOGY IN SUPPORTING THE GOALS OF CORE:** Chairman Sandbulte introduced Dr. Peter Keen, Executive Director of the International Center for Information Technologies. Dr. Keen's services were made available by MCI.

Dr. Keen provided several examples of the use of technology by governments to provide better service to citizens. He put forth a goal that government be as easy to deal with as the best of the banks or other service providers. Cited as examples of ways to cut costs and provide better services were wider use of technologies such as CD/ROM and EDI.

Ms. Belau mentioned the obstacles that the state faces in employing new technologies. It is often difficult to get funding for the large up front investment required by many new projects. The reduction in employees due to the subsequent efficiency is also a major issue.

Dr. Keen suggested funding services through 900 numbers, and pursuing partnerships with corporations or others with existing technologies. Some states have taken advantage of bank automated teller machines (ATMs) to process transactions.

**III. LOCAL SERVICES FUNDING PROJECT UPDATE:** Jack Eugster, chairman of the Program Analysis Working Committee, said his committee met the week before and discussed CORE implementation issues. He said it was suggested that CORE sponsor a conference for legislators, which could be used to explain the environmental and/or human services recommendations. Interest was expressed in this idea as a means to advocate the CORE recommendations.

Mr. Eugster then turned his attention to the Local Services Funding Project, which his committee is directing. The focus of the study has been on service needs and revenue raising capacity of cities of 2,500 population and larger with the goal of establishing a new formula for the distribution of state aids. He said the project staff have completed research on fire and parks and recreation services and are moving on to examine several other services in detail. With support from Commissioner Badgerow, Mr. Eugster said funding has been secured to continue this project through the fall.

With Nancy Feldman's departure, Mr. Eugster said Jane Delage is the staff contact point for the Local Services Funding (LSF) project. Mr. Eugster said his Working Committee will be meeting monthly to direct the project, and he welcomed participation from other commissioners. Those interested should contact Ms. Delage. Chairman Sandbulte said commissioners could attend as ex-officio members or become full members of the committee.

Mr. Eugster introduced Teri Van Hoomissen to give a staff overview presentation on the project. Ms. Van Hoomissen said the LSF project team is developing a new city aid formula based on basic, adequate needs and revenue raising capacity. The project aims to: improve the fairness of aid distribution, increase local accountability, tie aid amounts to efficient local service provision, and provide taxpayers with more information regarding the services they are purchasing with aid dollars.

The final aid grant, like the current Local Government Aid (LGA) program, would be a general purpose grant and not a series of categorical grants, Ms. Van Hoomissen said.

She said staff research has been completed on fire services and she distributed the results of the workload analysis to the Commission. Chairman Sandbulte commented on the differences between fire departments with full-time paid staffs as opposed to those with volunteer firefighters.

There was some discussion about Bloomington's utilization of a volunteer fire department. Ms. Belau said Bloomington benefits from its proximity to Minneapolis, because it could gain access to the resources of Minneapolis through a mutual aid pact.

Ms. Delage said Bloomington does have high rise buildings, but chose to have very strict fire codes that were incorporated into the planning of the development of the city. Ms. Van Hoomissen said staff added workload factors to the older cities that do not have extensive sprinkler systems and have codes that are less restrictive than Bloomington.

Mr. Eugster said the issue is not volunteer vs. paid fire departments. Instead, he said, large cities can have combined volunteer and paid staff members.

Chairman Sandbulte inquired about the association of fire chiefs' view of the LSF project. Ms. Van Hoomissen said CORE staff have been in contact with a variety of affected parties and have made modifications in the project methodology to improve the project.

Mr. Eugster emphasized that the CORE project members will not ultimately tell cities how much to spend on fire services. CORE will illustrate what benchmark cities would spend on fire, and define how much funding CORE recommends that the state provide to cities for basic services, Mr. Eugster said. However, it is up to the local city officials to decide how much to spend on fire and what level of local taxes will be levied to provide city services. If the city's revenue capacity exceeds its need, Mr. Eugster said, CORE would recommend no state aid for that particular city.

The project first examines efficiency, and then links revenue raising capacity with expenditures, Mr. Eugster said. He also said he supports cutting state taxes by the amount state aid to cities is reduced. Chairman Sandbulte said that if CORE's recommendations are adopted, it could lead to a property tax increase at the local level.

During the discussion, Mr. Eugster said CORE should make a statement on tax policy in addition to making recommendations on spending. He said he views the project as both a revenue and expenditure project. He said reductions in state aid to cities will mean that local governments will choose to raise property taxes to partially or fully compensate for the reductions. He thinks that this is acceptable, if local officials can demonstrate to their local taxpayers why taxes must be raised at the local level. This promotes greater accountability, he said, because cities who spend the money would be raising it at the local level.

Mr. Eugster said he does not want to recommend cutting state aid to cities without also recommending cutting state taxes. If the state aid to cities reduction is simply replaced by

permanent state funding for some other programs, Mr. Eugster argued that taxes overall would go up for Minnesota citizens. This would be the case since their tax burden would remain the same at the state level, but would be accompanied by higher property taxes at the local level. Mr. Eugster said he does not want to participate in something that promotes an increase in the overall tax burden.

Steve Watson said he views the CORE LSF project as an expenditure project vs. a revenue and expenditure project. He said he personally agrees with Mr. Eugster's goals, but did not support CORE making a statement on state tax policy.

Mr. Watson said the project is analyzing spending between cities, and CORE will find that some cities are spending beyond a basic and adequate level. He said the state does not need to subsidize excess spending. If the CORE project is credible and its report findings and recommendations are visible, Mr. Watson said it can be used as a valuable tool by citizens who can hold their local officials accountable for city spending.

Ms. Luebbe said she wasn't sure whether CORE wanted to comment on how a reduction in state aid to cities might be used. Instead of tax cuts, she said the legislature may choose to use the money for investment spending, such as technological improvements. Ms. Luebbe also said it should not be assumed that cities would raise taxes equal to the level that their state aid is cut. She said one should not assume that cities could not become more efficient.

Because this CORE project crosses governmental lines, Mr. Eugster said CORE needs to examine the impact of its recommendations on both state and local government operations.

Dorrie Mund asked staff whether long-term debt would be examined by CORE. Ms. Van Hoomissen said no, but there will be a study of interest expenses.

Ms. Luebbe said the project recommendations will generate heat, and that she has already met with the city manager, fire chief and park and recreation officials in the city of Winona. She commented that each city has unique needs. Ms. Mund concurred and mentioned that the city of St. Cloud has constructed two new fire stations in the last four years.

Commission members discussed whether the LSF project should be an expenditure project or a revenue and expenditure project. Mr. Eugster argued strongly that both dimensions must be a part of the project. Other members focused on the spending dimension of the project and the benefit of identifying efficient service providers.

Ms. Van Hoomissen said state aid to cities is viewed as property tax relief, so it is an issue that needs to be addressed by the Commission. If CORE recommends cutting state aid, opponents will view it as an attempt to raise local property taxes.

After some discussion, the Commission decided that it would reconvene in the fall to take final action on the Local Services Funding project.

**IV. HUMAN RESOURCES PROJECT IMPLEMENTATION:** Department of Employee Relations Commissioner Linda Barton provided attendees a copy of the department's investment initiative for implementation of CORE Human Resources recommendations. The original request was for $1.7 million for the biennium. Commissioner Barton reported that originally both chambers had recommended zero funding for the initiative, but currently the House legislation had $545,000 and the Senate $455,000 budgeted for the initiative.

Commissioner Barton added that progress in funding was made possible through the cooperation of the employee unions. DOER and employee representatives worked together to create a modified proposal including areas of mutual interest. The funding request for the modified proposal is $1.26 million and it focuses on performance management and retraining. Commissioner Barton remarked that the legislature has, over time, come to understand the recommendations, the possibilities for change, and seen the united effort of labor and management.

Project team members have been presenting the recommendations to state agency personnel, and planning communications strategies statewide. Once the funding is finalized, DOER will set up an implementation committee and work with union representatives to determine how to proceed with the implementation plan.

Mr. Watson commended Commissioner Barton on her agency's "stick-to-it-iveness" with the initiative, and wondered whether it was possible to use the allocation on smaller groups, or pilot projects. Commissioner Barton replied that pilot projects have been in the plan all along, and reduced funding would result in fewer performance management pilots. She added that there are many things that can be accomplished without further funding. Agency personnel directors want involvement and delegation of authority. She also expressed her own and DOER's commitment to achieving the goals of the CORE project.

Commissioner Barton thanked Commission members for their overall support.

**5. CONTINUED ROLE OF THE COMMISSION:** Chairman Sandbulte asked Ms. Schuft to summarize action items and Commission decisions.

Ms. Schuft said thank you letters will be sent to legislators who sponsored CORE bills. Chairman Sandbulte said a thank you letter also should be sent to Gov. Carlson.

Legislators will be encouraged to hold interim hearings on CORE legislation, and there is interest in CORE taking the initiative to plan a conference involving legislators to examine CORE proposals in detail.

Legislative leadership will be contacted to discuss holding conferences that have a special emphasis on the environmental and human services projects. It was suggested that legislators and other stakeholders may wish to have a meeting with Dr. Keen to hear his views on technological improvements that could aid service delivery.

A list of business or interest groups that may wish to support CORE recommendations will be developed and contacts will be made to enhance the visibility of CORE's work. These groups will be provided with appropriate CORE materials and reports.

Ms. Schuft announced that the May 27 Commission meeting has been cancelled. Commission members will be mailed the Program Analysis Working Committee meeting schedule so interested members can participate in discussions on the Local Services Funding project.

Ms. Belau suggested that the Executive and Legislative Committee members meet with the legislative leadership to discuss follow through on CORE recommendations. She added that CORE should meet with the new Council on Government Innovation to brief those members on the work of CORE and enlist their support on building on CORE's efforts.

Mr. Watson said he detected disappointment over the relative lack of success of implementing CORE's recommendations. However, he said, many good ideas emerged from the expenditure of $2.6 million for CORE's efforts. Mr. Watson said he believes that tens of millions of dollars in efficiencies will result. He said he becomes aggravated over the slow movement of government, but added that CORE has provided good citizen input that will produce positive change in the future.

Chairman Sandbulte said he is communicating with the Minnesota Business Partnership to see how it can assist in getting CORE recommendations adopted. He said that his own staff at Minnesota Power has reviewed CORE reports and stated that there is a likelihood of implementation over the next two to three years.

Chairman Sandbulte and Commissioner Badgerow thanked the commissioners and staff for their CORE work. The meeting adjourned at 11:52 a.m.

- - Mail - -

May 18, 1993 9:13am MAIL IS - Private

FROM: RONALD HARNACK
TO: All Higgins Mail Users
SUBJECT: BUDGET & LEGISLATION 1993
COPY: RONALD HARNACK

BWSR broke even this year in the budget category and the same can be said for the policy side of legislation. Although our budget will be very tight in coming two years I believe that we can maintain our current staffing and administrative capability. We will need to use discretion with travel and other special expenses; the Board will reduce it's meetings by 3 per year; purchases of equipment and printing will be prioritized; and contracting will be very limited.

Of most importance is the ability to retain our current staffing capability and the basic support needed to get our work done.

The budget for the coming year:

| Program | FY94 | FY95 |
|---|---|---|
| RIM (LCMR) | $ 823,000 | |
| RIM (BONDING) | $ 500,000 | |
| BLOCK GRANTS | | |
| SHORELAND | $ 518,000 | $ 518,000 |
| WATER MGMT | $2,835,000 | $2,835,000 |
| WETLANDS | $1,650,000 | $2,000,000 |
| COST-SHARE | | |
| GENERAL | $1,620,000 | $1,620,000 |
| MN RIVER | $ 600,000 | $ 500,000 |
| SERVICE GRANTS | | |
| GENERAL | $ 849,000 | $ 849,000 |
| RIM | $ 750,000 | $ 750,000 |
| AREA 2 | | |
| GENERAL | $ 189,000 | $ 189,000 |
| RW 22 (BOND) | $ 250,000 | |
| MFIP | $ 114,000* | $ 114,000* |

*THIS APPOPRIATION WAS LINE ITEM VETOED BY GOV.

LEGISLATION

WETLANDS: A wetlands bill passed that did not significantly impact the integrity of the wetlands legislation. The changes are considered fine tuning of the law and will make our jobs a little easier and make the implementation for local governments more acceptable and efficient. The changes can be summarized as follows:

- allows local governments to extend the interum program for up to six months to permit BWSR to complete training and development of administrative manuals; to get beyond the summer construction season; and to allow time for locals to adapt the new rules into local controls.
- changes 2:1 to 1:1 for the 80% counties.
- allows locals more discretion in membership on the TEP.
- allows 80% counties creation of wetlands for banking and i other areas of the state creation for banking is limited to excavation and for impoundments is limited to dikes or dams associated with drainage systems or previously drained wetlands.
- the diminimus is changed from 100 to 400 sq ft.
- road way exemption is adjusted to permit repair and maintenance within the right of way without replacement;
- the aquaculture exemption was amended to mirror the wild rice exemption.

There may be other legislation that may have an impact on our operations through other agencies or through local governments, however I am not aware of anything significant at this point.

I want to thank you all for your support during the session. The legislative inquiries you have researched and followed up on have been great. Your patience during the reorganization debates is commendable (DEAD FOR THIS YEAR). Your efforts to drum up support for various initiatives was quite successful. My personal THANKS to each of you.

BOARD OF WATER AND SOIL RESOURCES
BUDGET COMPARISON
ALL FUNDS

| | FY93 BUDGET (AS OF 5/1/93) | FY94 APPROPRIATION |
|---|---|---|
| Salaries: | $2,077,000.00 | $2,163,000.00 |
| Supplies & Expenses: | 877,000.00 | 700,000.00 |
| Grants: | | |
| Block Grants: | 2,835,000.00 | 5,003,000.00 |
| Cost Share Grants: | 1,620,000.00 | 2,220,000.00 |
| Service Grants: | 1,599,000.00 | 1,599,000.00 |
| Study Area 2 Grants: | 189,000.00 | 189,000.00 |
| RIM: | | |
| LCMR Funds: | 894,000.00 | 823,000.00 |
| Bond Funds: | 1,250,000.00 | 500,000.00 |
| RW22: | | |
| Bond Funds: | ---- 0 ---- | 250,000.00 |
| AGENCY TOTAL: | $11,341,000.00 | $13,447,000.00 |

Prepared by: Tom Schwanke
Date: MAY 24, 1993

STAFF RECOMMENDATION
ALTERATION OF EASEMENT #64-09-91-01

Staff recommends the proposed alteration of Mr. Geise's RIM easement contingent upon:

1) Amending the existing easement in section 34 of Charlestown Township in Redwood County to allow haying and grazing. In addition, amend the conservation plan to address establishment of buffer zones and grazing and pasture management techniques that prevent erosion and nutrient run-off.

2) Acquire a conservation easement on 25 acres in section 27 of Charlestown Township in Redwood County at no easement compensation to the landowner.

3) All legal costs of acquiring the easement in section 27 and altering the easement in section 25 must be born by Mr. Geise.

CHAPTER No. 175
H.F. No. 1402

# AN ACT

NOTE
This is the final version of the bill that will be presented to the governor's desk. Check House Index Department for updated status (296-6646)

relating to natural resources; defining as "repair" under the drainage code certain incidental straightening of tiles and use of larger tile sizes under certain circumstances; amending requirements relating to replacement of wetlands; modifying exemptions; requiring the wetland heritage advisory committee to meet at least twice per year; requiring a report; amending Minnesota Statutes 1992, sections 103E.701, subdivision 1; 103G.222; 103G.2241; 103G.2242, subdivisions 2 and 11; and 103G.2369, subdivision 2, and by adding a subdivision; Laws 1991, chapter 354, article 7, section 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 103E.701, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] The term "repair," as used in this section, means to restore all or a part of a drainage system as nearly as practicable to the same condition as originally constructed and subsequently improved, including resloping of ditches and leveling of waste banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations that may be required to remove obstructions and maintain the efficiency of the drainage system. "Repair" also includes:

(1) incidental straightening of a tile system resulting from the tile-laying technology used to replace tiles; and

(2) replacement of tiles with the next larger size that is

readily available, if the original size is not readily available.

Sec. 2. Minnesota Statutes 1992, section 103G.222, is amended to read:

103G.222 [REPLACEMENT OF WETLANDS.]

(a) After the effective date of the rules adopted under section 103B.3355 or 103G.2242, whichever is later, wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under either a replacement plan approved as provided in section 103G.2242 or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242.

(b) Replacement must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) compensating for the impact by replacing or providing substitute wetland resources or environments.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape

area affected.

(e) Replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 103G.2242, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish replacement in counties or watersheds in which 50 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded. Wetlands impacted by public transportation projects may be replaced statewide, provided they are approved by the commissioner under an established wetland banking system, or under the rules for wetland banking as provided for under section 103G.2242.

(f) Except as provided in paragraph (g), for a wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland located on agricultural land or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(i) Except in counties or watersheds where 80 percent or more of the presettlement wetlands are intact, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for

enrollment in a statewide wetlands bank.

(j) The technical evaluation panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

Sec. 3. Minnesota Statutes 1992, section 103G.2241, is amended to read:

103G.2241 [EXEMPTIONS.]

~~Subdivision 1. [EXEMPTIONS.]~~ (a) Subject to the conditions in paragraph (b), a replacement plan for wetlands is not required for:

(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;

(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

(3) activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than 20 years are not drained;

(4) activities in a wetland that has received a commenced

drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;

(5) activities exempted from federal regulation under United States Code, title 33, section 1344(f);

(6) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clause (14), limited to when a new road crosses a wetland, and all of clause (26);

(7) activities in a type 1 wetland on agricultural land, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) except for bottomland hardwood type 1 wetlands;

(8) activities in a type 2 wetland that is two acres in size or less located on agricultural land;

(9) activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland;

(10) activities in a wetland created solely as a result of:

(i) beaver dam construction;

(ii) blockage of culverts through roadways maintained by a public or private entity;

(iii) actions by public entities that were taken for a purpose other than creating the wetland; or

(iv) any combination of (i) to (iii);

(11) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications if:

(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(12) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;

(13) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline;

(14) temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters;

(15) permanent access for forest roads across wetlands so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; with filling avoided wherever possible; and there is no drainage of the wetland or public waters;

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

(17) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and do not result in the draining or filling, wholly or partially, of a wetland;

(18) normal maintenance and minor repair of structures

causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland;

(19) duck blinds;

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

(21) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United State Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

(22) normal agricultural practices to control pests or weeds, defined by rule as either noxious or secondary weeds, in accordance with applicable requirements under state and federal law, including established best management practices;

(23) activities in a wetland that is on agricultural land annually enrolled in the federal Food, Agricultural, Conservation, and Trade Act of 1990, United States Code, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program;

(24) development projects and ditch improvement projects in the state that have received preliminary or final plat approval, or infrastructure that has been installed, or having local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. In the seven-county metropolitan

area and in cities of the first and second class, plat approval must be preliminary as approved by the appropriate governing body; and

(25) activities that result in the draining or filling of less than 400 square feet of wetlands.

(b) A person conducting an activity in a wetland under an exemption in paragraph (a) shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

Sec. 4. Minnesota Statutes 1992, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. [EVALUATION.] Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an on-site inspection. The technical evaluation panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, and ~~an engineer for~~ a technical professional with expertise in water resources management appointed by the local government unit. The panel shall use the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989). The panel shall provide the wetland determination to the local government unit that must approve a replacement plan under this section, and may recommend approval or denial of the plan. The authority must consider and include the decision of the technical evaluation panel in their approval or denial of a plan.

Sec. 5. Minnesota Statutes 1992, section 103G.2242, subdivision 11, is amended to read:

Subd. 11. [WETLAND HERITAGE ADVISORY COMMITTEE.] The

governor shall establish a wetland heritage advisory committee consisting of a balanced diversity of interests including agriculture, environmental, and sporting organizations, land development organizations, local government organizations, and other agencies. The committee must consist of nine members including the commissioner of agriculture, or a designee of the commissioner, the commissioner of natural resources, and seven members appointed by the governor. The governor's appointees must include one county commissioner, one representative each from a statewide sporting organization, a statewide conservation organization, an agricultural commodity group, one faculty member of an institution of higher education with expertise in the natural sciences, and one member each from two statewide farm organizations. The committee shall advise the board on the development of rules under this section and, after rule adoption, shall meet at least twice a year to review implementation of the program, to identify strengths and weaknesses, and to recommend changes to the rules and the law to improve the program.

Sec. 6. Minnesota Statutes 1992, section 103G.2369, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED ACTIVITIES.] (a) Except as provided in subdivision 3, until July 1, 1993, a person may not drain~~,~~ ~~burn~~, or fill a wetland.

(b) Except as provided in subdivision 3, until July 1, 1993, a state agency or local unit of government may not issue a permit for an activity prohibited in paragraph (a) or for an activity that would include an activity prohibited in paragraph (a).

Sec. 7. Minnesota Statutes 1992, section 103G.2369, is amended by adding a subdivision to read:

Subd. 4a. [ELECTION BY LOCAL GOVERNMENT UNIT.] Notwithstanding subdivision 2 and sections 103G.222 and 103G.2242, a local government unit may elect to operate under this section after July 1, 1993, but not beyond December 31, 1993.

Sec. 8. Laws 1991, chapter 354, article 7, section 2, is amended to read:

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1992, and is repealed ~~July~~ January 1, ~~1993~~ 1994.

Sec. 9. [STUDY AND REPORT ON WETLAND ISSUES.]

The wetland heritage advisory committee shall study the following issues and submit a report by January 15, 1994, to the legislative committees having jurisdiction over environmental and natural resource issues:

(1) the appropriateness of requirements under existing state laws relating to replacement of drained or filled wetlands;

(2) the advisability of establishing a minimum size of wetland that would not be subject to regulation under these laws;

(3) the appropriate level of regulation of activities in wetlands located in counties in which a high percentage of presettlement wetland acreage is intact;

(4) the appropriate level of regulation for activities in type I wetlands, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition);

(5) the feasibility and advisability of allowing local units of government to establish alternative regulatory programs for wetlands that would operate in lieu of state law; and

(6) other issues identified by the committee as deserving of attention.

The report must include the committee's recommendations, if any, for changes to existing state laws and rules regulating draining and filling activities in wetlands.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

COMMITTEES SET UP TO DEVELOP NPS MANAGEMENT PROGRAM CHAPTERS

Project Coordination Team Steering Committee (oversight committee for all chapters)

Kathy Svanda, PCA; Chair
Greg Anderson, ASCS
Jim Anderson, MES-Extension
Fred Bergsrud, MES-U of M
Greg Busacker, MDOT
Steve Colvin, DNR
Tom Davenport, EPA-Region
Jon DeGroot, USDA
Marcel Jouseau, Met Council
Bruce Olsen, MDH
Jack Arnold, USFWS
Marilyn Lundberg, MN Planning
Doug Thomas, BWSR
Barb Palen, MGS
Obi Sium, DNR
Mike Phillips, DNR
Mark Zabel, MDA
[Ongoing]

Urban Runoff and Construction Subcommittee

Lou Flynn, PCA, Chair
Rich Brasch, City of Eagen
John Stine, DNR-Metro
Steve Kernick, Dakota County SWCD
Charles Honchell, City of Bloomington
Gene Soderbeck, PCA
Sonia Jacobsen, SCS
Gary Oberts, Met Council
Susan Rani, MNDOT-Metro Regional Office
Dave Sahli, PCA
Bruce Sandstrom, BWSR
Gretchen Sabel, PCA
Dorothy Stainbrook, PCA; Author/Editor
Mark Zabel, MDA
[Feb - July]

Agricultural Nutrient Management Subcommittee

Greg Buzicky, MDA, Chair
Rick Hansen, MDA
Bruce Montgomery, MDA, Co-Author
Mary Hanks, MDA
Dave Wall, PCA, Co-Author
Greg Larson, BWSR
Jeff St. Ores, SCS
Dave Breitbach, SCS

Bruce Olson, MDH
Jim Anderson, MES
Don Jakes, PCA
Mark Tomasek, PCA
[May - ]

Feedlot Subcommittee

| | |
|---|---|
| Jim Anderson, Co-chair | U of M |
| Dave Nelson, Co-chair | MPCA |
| John Brach | Soil Conservation Service |
| Al Kean | BWSR |
| Paul Burns | Agriculture |
| Greg Anderson | ASCS |
| Mike Grupa | DNR |
| Jerry Holien | Yellow Medicine County, feedlot officer |
| Fred Bergsrud | Extension |
| Jerry Miller | Dairy Herd Improvement Assn, Chair of FLAG |
| Randy Ellingboe | MPCA - Writer/editor of plan |
| Arlene Furuseth | MPCA - Detroit Lakes Regional Office |

[May - September]

Agricultural Erosion Subcommittee

Paul Burns, MDA
Wayne Munson, MDA
Dave Behm, BWSR
Dave Breitbach, SCS
John Brach, SCS
Dennis Neffendorf, SCS
Wayne Anderson, PCA
Jim Klang, PCA
Dorothy Stainbrook, PCA; Committee Coordinator
[November - ]

Agricultural Pesticide Subcommittee

Calvin Blanchard, MDA
Doug Thomas, BWSR
Jeff St. Ores, SCS
Jim Anderson, MES
John Hines, MDA, Chair
Jerry Spetzman, MDA
Roger Becker, MES
Don Jakes, PCA
Dave Belluck, PCA
Howard Krosch, DNR-Ecological Services
Murial Runholt, PCA-Marshall
[April - June]

Silviculture Subcommittee

Michael Phillips, DNR-Forestry, Chair and Co-Author

Robert Morrow, Blanden Corporation
Jim Lemmerman, BWSR
Robert Berrisford, US Forest Service
Chris Brokl, Minnesota Forestry Association
Molly MacGreggor, Mississippi Headwaters Board
Marna Butler-Fastland, Carlton County SWCD
Paul Flynn, SCS
Dorothy Stainbrook, PCA; Co-Author
[Completed]

Monitoring Subcommittee

Greg Johnson, PCA
Carol Sinden, PCA
Jack Enblom, DNR-Ecological Services
Rick Gelbman, DNR-Waters
Lan Tornes, USGS
Dick Osgood, Met Council
Dale Krystosek, BWSR-Bemedji Office
Steve Heiskary, PCA
John Hines, MDA
Louise Hotka, PCA
Don Jakes, PCA
Sylvia McCollor, PCA
Pat Bailey, PCA
Dorothy Stainbrook, PCA; Author/Editor
[Partially Complete]

On-Site Subcommittee

Vicky Cook, PCA, Author of plan
Gretchen Sabel, PCA
Doug Thomas, BWSR
Obi Sium, DNR-Waters
Craig Schaefer, MPCA
Dave Nieman, Lake Advocate Program Coordinator
Dave Nelson, MPCA
Mark Westpetal, MPCA
Dave Gustafson, Univ. of MN Extension
Jim Anderson, Univ. of MN Extension
Jon Olson, MN ON-site Treatment Contractor's Assoc. (MOSTCA)
(committee still under development)
[May - Sept]

Hydromodification Subcommittee (Wetland issues as related to watershed NPS efforts, urbanization and other activities causing change in hydrology)

Tom Landwerr, DNR
Doug Norris, DNR
Mike Muehler, DNR-Area Hydro in Cambridge

Larry Zdon, PCA
Mark Tomasek, PCA
Lou Flynn, PCA
Lance Kuester, USFWS
Mark Zabel, MDA
John Jaske, BWSR
Dennis Neffendorf, SCS
Tim Koehler, SCS
Jeff St.-Ores, SCS
Dorothy Stainbrook, PCA; Committee Coordinator
[November - January]

Watershed Subcommittee (includes prioritization effort, strategic milestones for MNRIP, and milestones and approach for basin planning effort)

Jim Hodgson, MPCA-Brainerd
Greg Gross, PCA
Gaylen Reetz, PCA
Mark Tomasek, PCA
Wayne Anderson, PCA
Jeff Freeman, PCA
Pat Bailey, PCA
Sylvia McCollor, PCA
Tim Koehler, SCS
Jon DeGroot, SCS
Paul Wotzka, MDA
Dave Behm, BWSR
Greg Larson, BWSR
John Pauley, DNR-Planning
Larry Gates, DNR-Regional Fisheries
Mark Zabel, MDA
Fred Bergsrud, U of M
Marilyn Lundberg, Minnesota Planning
Dorothy Stainbrook, PCA; Committee Coordinator
[May - February]

BMP Process Subcommittee

Greg Busacker, MNDOT
Greg Buzicky, MDA
Gretchen Sabel, PCA
Dirk Peterson, DNR Fisheries
Jack Frost, Met Council
Doug Thomas, BWSR
Mike Phillips, DNR Forestry
Larry Jacobsen, U of M
Jeff St. Ores, SCS
Marilyn Lundberg, Minnesota Planning
Lance Kuester, USFWS
Jim Klang, Chair
Heidi Bauman, MPCA-Duluth Regional Office

[April - September]

Information & Education Subcommittee

EQB's focus group committees (319 project by State Planning that involved all regional nps staff)
Project Coordination Team (provided interagency peer review)
Dorothy Stainbrook, Editor
[Completed]

Contaminated Sediment Subcommittee

Dan Helwig, Chair
(committee members under development)

**SECTION 319 of the CWA**

**COMPETITIVE FUNDING SUMMARY**

**May 1993**

| Project | Request | Award |
|---|---|---|
| **A. TECHNICAL ASSISTANCE** | | |
| 1. TA to livestock producers through Application of MAP [MES] | $58,000 | $58,000 |
| 2. Feedlot Tech. Asst. to SWCD's and development of erosion control systems in Minnesota River [BWSR] | $60,000 | ___ |
| 3. Engineering TA to SWCDs in MN River for Soil Conservation Practices and Animal Waste Control Systems [BWSR] | $175,000 | ___ |
| 4. Assistance to agency personnel on applying forestry BMP audit process to other land uses [DNR] | $10,000 | ___ |
| 5. Feedlot Tech. Assistance in Mn River [MPCA] | $56,678 | $56,678 |
| 6. Evaluation, Training, and Education on Urban Pesticide BMPs in Lake Harriet Watershed [MDA] | $50,000 | $50,000 |
| **B. INFORMATION AND EDUCATION** | | |
| 1. Implementation of NPS Statewide I & E Strategy [MES] | $93,740 | $93,740 |
| 2. MNRIP Coordinator [MPCA] | $62,777 | $62,777 |
| **C. WATERSHED/BMP IMPLEMENTATION** | | |
| 1. Blue Earth River Basin Project [BWSR] | $190,000 | ___ |
| 2. Watershed demo of Riparian BMPs [Contract] | $90,000 | $90,000 |
| 3. Methodology to Improve Site Selection of Forestry BMP Audits | $ 8,500 | ___ |
| 4. Urban Runoff Engineering Position [MPCA] | $84,363 | $84,363 |
| 5. BMP Engineering Position [MPCA] | $69,785 | $69,785 |
| 6. Schwanz Lake CWP Phase II Project [Local/MPCA] | $103,895 | ___ |
| 7. Mountain Lake CWP Phase II Project [Local/MPCA] | $188,377 | ___ |
| **D. MONITORING AND ASSESSMENT** | | |
| 1. Garvin Brook GW Monitoring [Contract/MPCA] | $9,670 | $9,670 |
| 2. Whitewater National Monitoring Program Proposal [Contract/MPCA] | $50,000 | $50,000 |

| | | |
|---|---|---|
| . Anoka Sand Plain GW Monitoring - [Contract/MPCA] | $35,000 | $35,000 |
| . CWP Program Evaluation [MPCA] | $61,000 | ___ |
| . Field audit of DNR NPS-related programs [DNR-WATERS] | $40,000 | ___ |
| . **WETLANDS** | | |
| . Establishment of on-going wetlands Assessment and Restoration work within CWP projects [USFWS/MPCA] | $97,000 | $97,000 |
| . Prior Lake/Spring Lake Wetland Demo [PL/SL Watershed District] | $74,250 | ___ |
| . **COST SHARE** | | |
| . Lake Superior Shoreline Stab. [BWSR] | $65,000 | ___ |
| . **GREAT LAKES** | | |
| . Urban Stormwater Demo Projects within St. Louis River RAP [St. Louis SWCD] | $100,000 | ___ |
| . Outreach to facilities exempt from NPDES [MPCA] | $65,735 | ___ |
| . Trend Analysis of Stream WQ in Great Lakes [MN Geol. Survey] | $27,000 | ___ |
| . Erosion and Sedimentation Initiative in St. Louis Bay [Carlton & St. Louis County SWCDs] | $40,000 | ___ |
| . **POLICY** | | |
| . Growth Management Study [Minnesota Planning] | $49,500 | $33,750 |
| . **ADMINISTRATIVE** | | |
| . Equipment [MPCA] | $58,000 | $58,000 |
| . Conference/Training [MPCA] | $12,000 | $12,000 |
| **OTAL COMPETITIVE REQUEST:** | **$2,111,267** | |
| **OTAL COMPETITIVE AWARD:** | | **$860,763** |

# Board member Update

Minnesota Board of Water & Soil Resources

**May 1993**

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

## Southern Region

BWSR southern region board conservationists were very busy during the month of April offering support and assistance to many local governmental units (LGUs). Activities included Reinvest in Minnesota (RIM) Reserve/Permanent Wetland Preserve (PWP) reviews, workshops, meetings and Wetland Conservation Act (WCA) informational meetings.

- RIM/PWP activity in soil and water conservation districts (SWCDs) continues, especially in the upper half of the south central region. New Ulm Board Conservationist (BC) Thomas Fischer has reviewed 33 easement applications, and about 20 more will soon be submitted for review. Several SWCDs have indicated that many landowners are anxiously awaiting the next sign-up to make application to enroll land into RIM/PWP.

- With spring's arrival, the Wetland Conservation Act has generated additional activity. Responding to questions from LGUs, making use of the technical panel process and attending several WCA information-generating meetings has helped in the administrative process.

- The BWSR southern staff and John Jaschke, BWSR wetland specialist, attended a meeting that the South Central Minnesota Counties Comprehensive Local Water Planning Project group held with representatives of the Army Corps of Engineers (ACOE) to discuss WCA/ACOE regulation concerns.

- An excellent one-day seminar entitled "Exploring Ethical Leadership" was held in New Ulm and presented by Barbara Liukkonen and Susan Tsakakis of BWSR and Catherine Huebner of the University of Minnesota Extension Service. Over forty representatives from SWCDs, as well as six BWSR southern region staff, participated.

- Southern Supervisor Jeff Nielsen and Thomas Fischer attended a workshop facilitated by Marshall Board Conservationists David Sill and Tabor Hoek in Marshall for watershed districts located in southwestern Minnesota. Doug Thomas, BWSR water planning coordinator, provided information and answered questions pertaining to updating watershed district management plans.

- Thomas Fischer and New Ulm BC Chris Hughes each facilitated a meeting of LGUs administering the WCA in south central Minnesota. Participants had the opportunity to share their past year's experiences of administering WCA within their counties. John Jaschke provided information and answered questions. All participants felt this type of meeting was very worthwhile and requested follow-up meetings to continue sharing experiences and information.

- David Sill has continued to assist the Lac qui Parle-Yellow Bank Watershed District as they consider the implications of the WCA as it relates to their local sponsorship of the Lac qui Parle Floodways Project. Area II staff also continues to assist the watershed district. This ACOE-designed project has received significant interest and comment from various state agencies.

- David Sill recently represented the BWSR at the Upper Minnesota River Partnership Group. The members (ACOE, U.S. Fish and Wildlife, the Soil Conservation Service (SCS), the Pollution Control Agency (PCA), the Department of Natural Resources (DNR) and BWSR, will work to expand the present Minnesota River Assessment/Implementation Project process to the upper basin of the Minnesota River.

- Tabor Hoek and staff hydrogeologist Eric Mohring met with the Okabena-Ocheda Watershed District to review the effects of a proposed hog operation on the city of Worthington's water well fields. There is little chance for contamination of Worthington's well field; however, there should be considerable concern for downstream landowners as groundwater and surface water will be impacted due to a poor waste utilization plan.

- Tabor has also been working with Marshall PCA staff to initiate a coalition of lake associations in southwest Minnesota. Communication and unity are wanted at the local level, and they are working on how to best facilitate this process. It appears the agency people will need to initiate the program and then bow out once it gets going.

- The members of the South Central Minnesota County Comprehensive Water Planning Project met on April 21 and elected Dave Thompson of Cottonwood County to chair the committee. Dave is the successor to Rick Hanna of Blue Earth County. Rick was applauded at the joint powers board meeting for his years of work coordinating the regional projects. The evening's meeting also included several presentations on the current status of the state's feedlot program; particular attention was paid to Blue Earth County and other south central Minnesota counties. Agriculture Commissioner Elton Redalen also spoke on the issue of feedlots, emphasizing the need to work together to clean up the Minnesota River.

- Gary Wehrenberg and Linda Meschke, Faribault and Martin County WCA contacts, are looking at several sites with which to open a wetland bank account at the First National BWSR Bank of Minnesota.

- The EPPL 7 Local Water Planning Interface Project will be demonstrated in Rochester on May 5. The Zumbro Root River water plan coordinators, as well as other GIS users and potential users on the individual county water planning staffs, will be attending the demonstration. The south central counties will be seeing a demonstration at upcoming technical meetings and will also be inviting GIS users and potential users.

## Northern Region

Northern staff report joy at the news that we will all still be working for BWSR for at least another year instead of another much larger agency. The talk of reorganization had our field staff concerned. While it wasn't the end of the world or anything even close, it was still one of those things that was always on people's minds. The uncertainty of it all causes a certain amount of stress. But in spite of all the talk of a new employer, staff kept plugging away, getting a lot of good conservation work accomplished.

- Bemidji Board Conservationist Keith Grow reports that the snow is gone but wetland problems are not. Keith estimates that he has spent about 60 percent of his time on wetland issues and technical panel meetings. Keith met with Anoka sandplain counties in April to discuss direction. Keith suggested that individual sandplain counties look at their water plans and try to match up projects and funding. Keith also attended a watershed district administrators' meeting as the BWSR liaison. The administrators discussed training needs, which Keith will channel through the BWSR Training Team. They also discussed accounting system issues.

- Brainerd BC Dan Steward recently represented the north at a Grants Team meeting in St. Paul. Dan had specific orders to steal as much money from the south as he could and bring it north (just kidding). Under the leadership of former BWSR grants guru, Chuck Niska, the G-Team carved up available Streambank, Lakeshore and Roadside (SLR) and Special Project dollars. Dan states that it is great to see BWSR get some public money out there for real resource management without making locals jump through a bunch of hoops.

- Bemidji BC Bill Best did an on-site visit with Land and Water Section Administrator Greg Larson at Tilden Farms in Polk County to tour some potential wetland violation sites. Bill and Greg toured the sites with SWCD staff, county commissioners, the county coordinator, and the county ditch engineer. Bill and Bemidji BC Dale Krystosek also hosted a state/federal interagency meeting in Bemidji on April 13th. They discussed WCA (of course), water well code changes, planning and team building efforts by the SCS, state and federal reorganization, and wetland restoration projects in the

Red River of the North. About 20 people attended. Bill also met with Koochiching's new water plan consultant and discussed strategies for having the water plan completed by the end of the year.

- Dale was busy in April assisting Itasca and Becker SWCD staff in laying the groundwork for setting up local wetland banking programs. Dale worked with East Ottertail SWCD, West Ottertail SWCD, and two lake associations providing training on approaches to lake watershed management.

- Duluth BC Mark Nelson estimates he spent almost 50 hours in April on WCA site visits and Technical Evaluation Panels (TEPs). Mark spoke to 41 conservation officers at their regional meeting in Grand Rapids on April 19. The meeting went well, with a lot of good questions from the COs.

- Duluth Forester Jim Lemmerman keeps expanding the BWSR role in the forestry arena. Jim was recently elected chair of the Tree Certification Committee of the Minnesota Crop Improvement Association. The committee will try to implement the adopted certification standards for the forest reproductive materials in Minnesota. Jim did a lot of work on the summary of the Tree Program Survey of the SWCDs in Minnesota. Al Schacht from the U.S. Forest Service was very impressed with the districts' tree programs. Jim has been asked to do an article summarizing the Tree Survey for the National Association of Conservation District (NACD) Forestry Notes newsletter in May. Jim gets teacher of the month accolades for teaching a Natural Resource Technology class at Vermillion Community College. Jim covered wetlands and forest BMPs for water quality.

- Acting Northern Supervisor Ron Shelito spent ten days in the Caribbean with temporary BWSR deserter Chris Hofstede. The air was warm, the water was warm, and the bananas were ripe. Nothing more needs to be said. Chris says he'll be back with us in September.

## Land and Water Section

- As the end of the fiscal year approaches, staff has been spending considerable time developing SWCD allocations for the June BWSR meeting and preparing for the annual staff planning meeting where work plans for the upcoming year are discussed.

- Wetland Specialist John Jaschke continues to spend the majority of his time answering phone calls from LGUs, the public, and our staff concerning wetlands.

- John and Greg Larson have been working with the Minnesota Association of Soil and Water Conservation Districts (MASWCD) on locating field sites and developing the curriculum for wetland delineation training. Two sessions, four days each, are planned in the Brainerd area for July and August.

- Bryan Alpaugh, the BWSR computer specialist, has been working with RIM and accounting staff on revising the RIM database. He's also been working with southern field staff out of New Ulm on a database project for the Minnesota River Basin that will allow for the manipulation and presentation of watershed and county statistics. Bryan recently spent a day with northern field staff in Grand Rapids to assess computing and data base needs in that region.

- Hydrogeologist Eric Mohring has been attending to questions and requests from two legislative auditors who spent approximately one week in the office for the purpose of auditing LCMR projects, including the Abandoned Well Sealing Program and the pilot Sinkhole Project. Eric's also been providing technical assistance to the Okabena-Ocheda Watershed District in SW Minnesota on a site evaluation for potential groundwater contamination from a proposed pork production facility being planned across the border in Iowa.

- Doug Thomas, water planning coordinator, has been spending considerable time since Grant Coordinator Chuck Niska's departure working with accounting staff and the Attorney General's Office finalizing grant agreements and contracts prior to the end of the fiscal year. Doug continues to work with the Land Management Information Center on the development of the BWSR Local Water Planning Interface; the interface will be installed in the pilot areas in June.

- Programs Analyst Dave Behm continues to work hard as BWSR staff moves further into the RIM retooling effort, including the development of a new RIM alloca-

tion formula. Dave has also represented the BWSR at recent Agricultural Environment Forums focusing on the future of the Conservation Reserve Program (CRP) in Minnesota.

## Engineering and Technical Services Section

### Feedlots

- Marshall Feedlot Specialist Brad Matlack got married on May 1 and returned last week from a honeymoon in the Puget Sound area. On May 20, Brad and Chris Hughes orchestrated the first of a four-part training series for SWCDs in the Blue Earth River basin regarding feedlot regulations, analysis, design and construction inspection. Attendance was reportedly good. Brad and Chris have been asked to summarize their perceptions of existing capabilities and program needs in the area based on discussions at the training session.

- The recently created FLAG (Feedlot Advisory Group) task force on earthen basin design (for manure storage) met last month for the first time. Brad Matlack is a member of this task force and is working with John Ourada of the SCS to develop cost comparisons for different liner designs. This is an outgrowth of concerns about cracking of clay liners and erosion by manure agitation equipment. There also appears to be a need for more uniform design methodology for basin sizing.

- At the request of BWSR and other FLAG members, the FLAG also created a task force for alternative systems at its March meeting. This task force will meet for the first time the last week of May. The PCA has conducted a literature search and prepared a discussion paper for this meeting, which should be interesting and, hopefully, fruitful.

### RIM/PWP Conservation Easement Programs

- The process and handbook retooling effort continues. Two full team meetings have been held since late April to try to mesh the different parts of the process and identify problems. Although a number of problems still exist, substantial progress has been made to simplify and/or clarify many aspects of the conservation easement acquisition process. We have established the third week of June as our goal for having a draft of the entire retooled handbook together.

- Marybeth Block, easement and special programs coordinator, attended a Minnesota Association of Conservation District Employees (MACDE) meeting on May 6 to provide an update on the conservation easement program retooling effort. The proposed revisions were reportedly well received. Further coordination with MACDE and SWCDs is planned as the effort progresses.

### Area II

- At its monthly meeting on May 6, the Area II board of directors passed a resolution to hire a coordinator to perform day-to-day coordination and administrative functions of the corporation. Members of the board seem to recognize the more comprehensive and multi-purpose nature of future projects associated with the state's Minnesota River initiative. The board intends to be an active participant in this initiative. The position description for Darrell Apelgrain, BWSR Area II staff engineer, will be updated to refocus his work on technical assistance, consistent with state statutes. We expect these efforts to strengthen the capabilities and role of Area II.

- The recent flooding along the Redwood River, including at Marshall, Minn., resulted in increased interest in the planned RW-22 flood control dam upstream of Marshall. Near the end of the legislative session, $250,000 of bonding was authorized for land rights acquisition for the flood control reservoir area. Area II is currently in the process of hiring a consultant to develop the final design and construction plans and specifications for the project and assist with permit application.

### North Shore

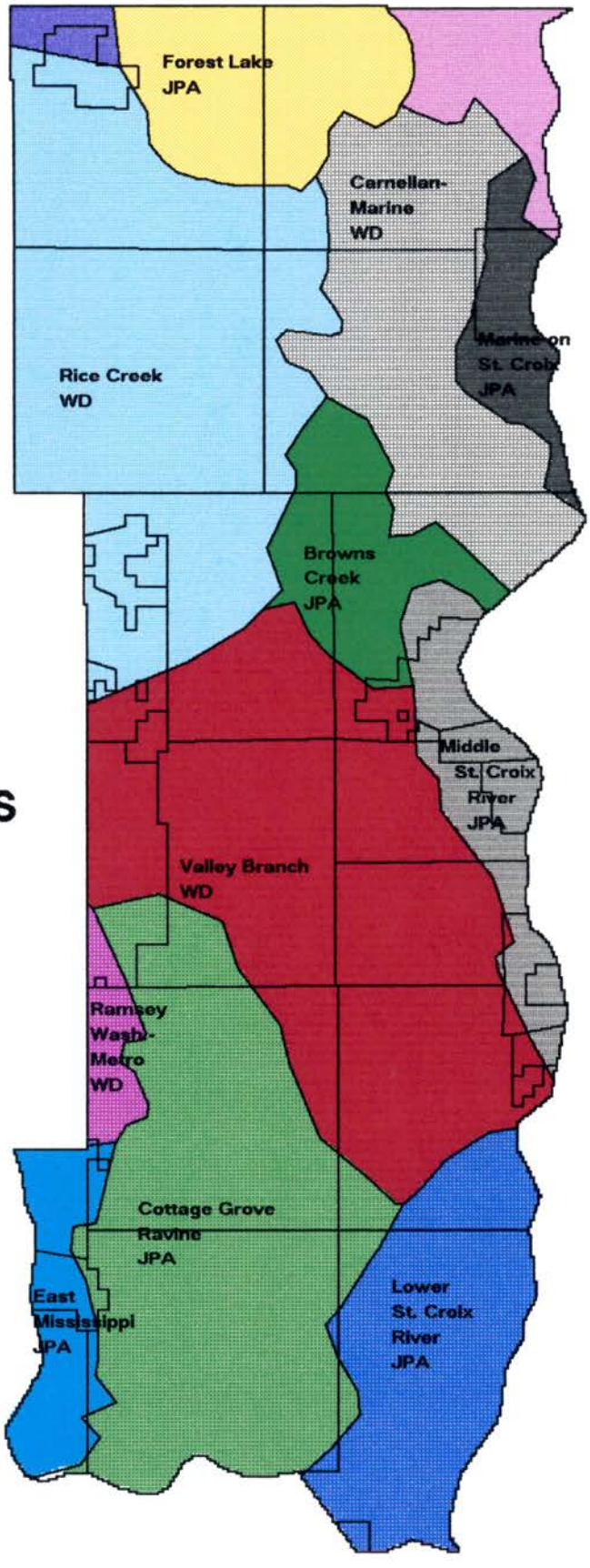
- Tentative approval has been received for a Great Lakes Commission grant to reduce sedimentation via shoreline stabilization at the Two Harbors, Minn., campground. Duluth North Shore Engineer Jack Salmela and Board Engineer Al Kean met with Lake County SWCD staffer Wayne Seidell and city officials on May 20 to identify final design considerations. Blast rock from the Silver Cliff tunnel project northeast of Two Harbors was stockpiled near the campground last

winter. Additional larger armor stone is currently being stockpiled. SWCD staff will work with Jack to obtain surveys necessary for final design. Plans and specifications will be prepared for construction later this year, or possibly next winter to take advantage of off-season construction rates and frozen ground conditions.

- Early design options for shoreline stabilization of the 65 foot high banks at the Sucker Bay site were estimated to be cost prohibitive. Therefore, lower cost options will be considered at the site. South St. Louis SWCD Manager Rich Harms and BWSR staff met with landowners at the site on the evening of May 20 to lay out current issues and a plan for identification of the final project design. Three of the landowners are recent residents of the site and are particularly concerned about local ordinance requirements for shoreline stabilization.

- The Legislature recently authorized a permanent lakeshore engineer position. We intend to use nationwide advertising to competitively fill this position. Jack Salmela, whose current EPA grant-funded North Shore engineer position runs out in September, has indicated that he does not intend to compete for the permanent position, but will return to the DOT from his current leave of absence. We hope to have the permanent position filled by October.

# WASHINGTON COUNTY WATERSHED MANAGEMENT ORGANIZATIONS

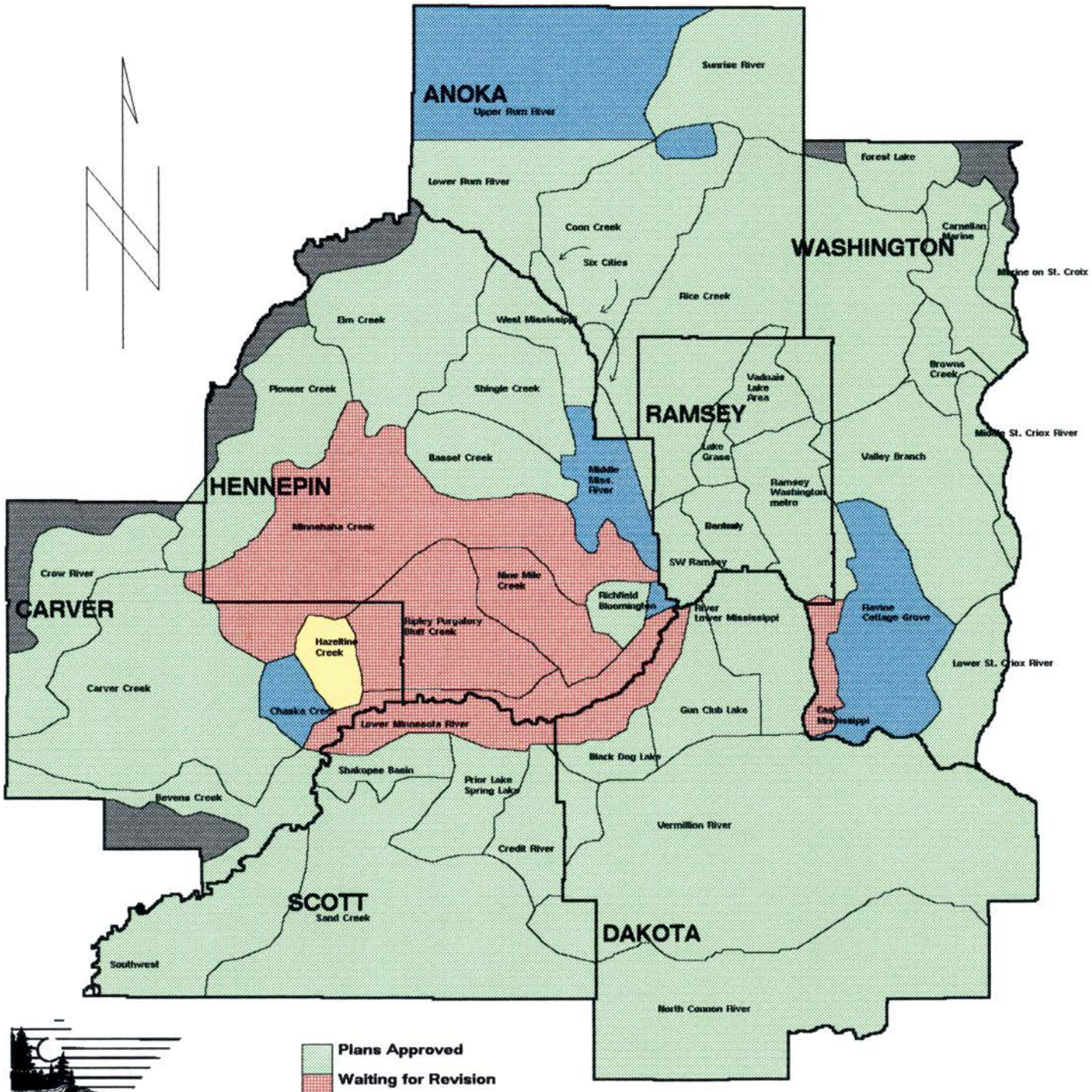





Minnesota Board of Water & Soil Resources

05/20/93

# STATUS OF
# SURFACE WATER MANAGEMENT
# PLAN APPROVAL
# FEBRUARY 10, 1993




Minnesota Board of Water & Soil Resources

05/20/93

DRAFT A
(City Hall - just outside WD boundary - no charge)

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

In the matter of the petition of the Cities of Afton, Cottage Grove, Lake Elmo, Oakdale and Woodbury for the establishment of the Cottage Grove Ravine Watershed District pursuant to Minnesota Statutes Section 103D.225.

**ORDER FOR AND NOTICE OF HEARING**

**Whereas,** the Board of Water and Soil Resources (Board) has received a petition from the Cities of Afton, Cottage Grove, Lake Elmo, Oakdale and Woodbury dated May 5, 1993 for the establishment of a watershed pursuant to Chapter 103D of Minnesota Statutes, as amended, and

**Whereas,** the subject petition has been filed with the auditor of Washington County, the Commissioner of the Department of Natural Resources (DNR), and the Director of the DNR Division of Waters, pursuant to MN Statute 103D.205, Subd. 4, and

**Whereas,** the subject petition has been found to meet the requirements of Minnesota Statutes Sections 103D.225, and

**Whereas,** at its May 26, 1993 meeting the Board heard testimony as to the merits of the petition, ordered that a hearing be held on the matter, and directed Board staff to schedule and make arrangements for a hearing before the Board,

**Now Therefore,** the Board issues the following,

**Order For and Notice of Public Hearing**

It is hereby ordered and notice is hereby given that a public hearing on the above referenced matter will be held on Thursday, June 24, 1993, beginning at 7:00 P.M. at the Woodbury City Hall located at 8301 Valley Creek Road, Woodbury, Minnesota 55125.

The purpose of the hearing is to receive testimony and public comment on the merits of the above listed cities' petition to establish a watershed district. The purpose for the establishment of the proposed watershed district is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources. The territory to be included within the proposed watershed district is an area, oriented generally north to south, of approximately 53.8 square miles, all within Washington County. Of this area, .8 square miles lies within the

DRAFT B
(Elem. School - within boundary - custodial charge)
at least #42

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

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DRAFT

City of Afton, 25.5 square miles within the City of Cottage Grove, .7 square miles within the City of Lake Elmo, 1.4 square miles within the City of Oakdale, and 25.4 square miles within the City of Woodbury. At the hearing, all interested persons will be given opportunity to be heard and to submit information pertinent to the establishment of the proposed watershed district.

Details concerning the proposal can be obtained by contacting Barry Johnson, Woodbury City Administrator at (612) 739-5972. A copy of the petition can be obtained by contacting Bruce Sandstrom, BWSR Metro Region Supervisor at (612) 297-4958.

Dated at St. Paul, Minnesota this ____ th day of May, 1993

Minnesota Board of Water and Soil Resources

By: _____
Ronald Harnack, Executive Director

For: James Nielsen, Chair



a:cgrwdhrg.ord

MP
Copy for Mary Bd

SB/Ron H.
Read * items

GL
Support for RIM/Plan Coordinator

**DEPARTMENT OF NATURAL RESOURCES**
**OFFICE OF PLANNING**

**STATE OF MINNESOTA**
# Meeting Minutes

RECEIVED
APR 28 1993
BOARD OF SOIL & WATER RESOURCES

**DATE:** March 5, 1993
Minnesota Valley Wildlife Refuge, Bloomington

**MEETING:** DNR Minnesota River Team

**PRESENT:**

| | |
|---|---|
| Jim Sehl | Chris Kavanaugh |
| Tom Landwehr | Dirk Peterson |
| Steve Johnson | Skip Wright |
| Dave Soehren | Larry Gates |

Guests: Greg Payne, USGS; Jim Leach, USFWS; Jim Solstad, DNR Waters

**BY:** Sherri Buss SB

Greg Payne, USGS, and Jim Leach, USFWS, attended the meeting to provide a summary of their research and work in the Minnesota River Basin.

1. Greg Payne, USGS

Greg has led the Physical/Chemical Monitoring Program under the Minnesota River Assessment Project. This program has sampled 10 major sites on the Minnesota River and 12 tributary sites to better understand the pollution loads that the river and its tributaries are carrying. Monitoring was conducted over a variety of high and low-flow conditions, and over all open-water seasons.

Objectives of this phase of the study were to :

1) Identify sources and loadings of nutrients (phosphorus, nitrates), suspended sediment, biochemical oxygen demand (BOD) and bacteria in the river,
2) Calculate the movement of sediment and associated pollutants between various points along the river,
3) Identify areas of bank erosion and associated deposition of sediment, and quantify the degree of contribution of bank vs. upland erosion to sediment in the river.

Greg summarized the study findings to date as follows:

- Sediments loads are heavy throughout the basin, particularly during snowmelt and the thunderstorm season. There is a strong east to west gradient of runoff in the basin.

- Phosphorus loads parallel sediment loads in the basin. About 20 percent of the phosphorus is soluble. Phosphorus was apparent in samples throughout the basin, with concentrations slightly higher in the Blue Earth River basin.

- Nitrate concentrations are low in the upper basin (samples

above Montevideo around 3 mg/l for example), but much higher in the lower river (around the Blue Earth river, 20 mg/l), and particularly concentrated when the river reaches the Metro area. The higher concentrations are causing drinking water problems in Mankato.

The nitrate concentrations are associated with BOD problems in the lower river and algae concentrations.

Some temporary nitrate problems have also been noted in early springat the Rapidan and Lac Qui Parle reservoirs.

- 90 percent of the sites sampled have shown bacteria levels above those recommended by state guidelines. The consistency of some of these samples suggest that significant numbers of septic systems may be tied directly to tile lines.

- Herbicide traces have been found at all surface water monitoring sites. Levels are particularly high during the first and second months after spring herbicide applications. Sampling at groundwater springs have shown herbicide traces in all post-1951 groundwater (Atrazine, for example).

- In describing the hydrology of the basin, Greg noted that before settlement, much of the land area drained to landlocked basins (wetlands or lakes) as is typical of a young drainage system. There was little direct runoff to the Minnesota River.

The artificial drainage system of tile lines and ditches developed since settlement is as dense as any in the U.S., with almost every 40-acre parcel in the basin having at least one tile line. Its development has caused a loss of closed basins and storage capacity across the basin. The system has dramatically increased the efficiency of the delivery of runoff water to the river, and in effect, has brought all of the land use activities in the basin much closer to the river.

Greg suggested that the systems of tile lines in the basin should be considered the first order streams in the basin's hydrologic system.

He also noted that the surface tile inlets common in some parts of the basin further complicate the hydrology. He suggested that the inlets are responsible for much of the particulate input and concentrations of sediments found in the tributaries in the basin.

- Greg noted that researchers from the Ag Experiement Station in Lamberton and agriculturists suggest that tile lines help the soils of the basin to act like a "sponge", by creating an unsaturated soil zone above the tile lines that absorbs

rainfall and moderates runoff. However, he suggested that repeated rains exceed the capacity of the "sponge", resulting in ponding and rapid runoff through the surface tile inlets.

- Greg noted that agriculturists also argue that tile lines provide a system for removal of excess nitrates so that these do not contaminate groundwater in the basin. However, he noted that the nitrates then flow to surface waters in the basin, and that these are not able to handle the large amount of nitrates flowing into the system, resulting in reduced surface water quality.

Greg also noted that research to date has not investigated whether some nitrates are penetrating below surface tile lines and entering groundwater. (Team members noted that injection wells also contribute to contamination of ground water in the basin.)

- Team members asked whether a regional pattern of surface tile inlets was apparent in the basin. Greg noted that inlets are much more common in some parts of the basin, and that the land-use research under MRAP should provide data on their distribution.

Greg and team members discussed alternatives to inlet design that may reduce their pollution contribution to surface waters in the basin. These included raising inlet height or the use of dense tile patterns around inlets or replacing them. Greg also noted the importance of altering land management practices around inlets to minimize sediment transport.

- Team members asked about the effects of the CRP program on water quality in the basin. Greg noted that sampling near Lincoln County, which has the maximum amount of CRP allowable, suggests that this program makes a big difference in the quality of runoff from storm events.

- Greg concluded by noting that the hydrology of the basin has been much altered since settlement through artificial drainage systems. He suggested that there is a need to manage land use in the basin as well as drainage systems.

Greg suggested that there is a need to determine what portion of the hydrograph we should manage for--that it may not be possible to manage for the most extreme storm events.

Greg noted that during the sampling season of 1989, the river was at base flow, and that there were almost no water quality problems during this time. He noted that this suggests that basin problems are largely due to surface water runoff.

2. Jim Leach, USFWS

Jim noted that he had worked at the PCA on an exchange program with his agency, and had concentrated his efforts while there on the Minnesota River Basin.

- Jim suggested that artificial drainage is the #1 issue in the basin, and that the extensive drainage system in the basin has made problems that might have been local into larger, regional problems.

- Jim reviewed the hydrology of the basin, and noted that at settlement, the Prairie Pothole region was dominated by many small, enclosed basins (lakes or wetlands). These basins functioned as closed systems, with no outlets and no regionalized flow patterns.

- With the development of extensive tile systems and county ditches, many basins have disappeared. Jim compared maps developed from original land survey records to current maps of the basin, noting large lake basins (2,000 acres or more) that have disappeared, altered drainage patterns, and watershed boundaries that have been breached.

  Jim also noted that the remaining lakes and rivers in the Basin now function as outlets for drainage systems, and thus receive the sediments and other pollutants from these systems.

- Jim also noted the disappearance of large wetland basins, and reviewed the functions that wetlands played in acting as transitional (buffer) zones between uplands and surface waters.

  Jim provided an estimate that 54 percent of wetlands existing in the U.S. at settlement have disappeared, and that 85 percent have disappeared from agricultural areas in Minnesota. He noted that 87 percent of wetlands remaining in these areas are on private lands, suggesting the need to work with private land owners to preserve and restore wetlands in the basin.

  Jim noted that the loss of wetlands has resulted in a loss of water retention ability within the basin.

- Jim suggested that while drainage was important to settlement and the development of commercial agriculture in the region, it has gone to far in altering the hydrology of the basin and affecting surface waters.

- Jim suggested that the following are priority needs in the Basin:

  - Acquisition and restoration of drained wetland basins.

- Work with private landowners to preserve or restore wetlands where these lands cannot be acquired by public agencies.
- Alteration/restoration of ditches and tile systems to slow water movements and allow pollutants to settle before reaching surface waters.
- Alteration of surface inlets to tile lines to allow ponding. Jim noted that surface tile inlets could also be called "agricultural storm sewers".
- Jim noted that existing programs such as Wetland Reserve, CRP, NAWMP, etc., could be used to accomplish these objectives if adequately funded.

- Tom Landwehr summarized the Minnesota River Watershed Project. The project is a partnership among several agencies (including the DNR) and organizations to use $1.8 million in federal funds and $5 million in matching funds to restore wetlands in the Basin. (Summary provided at meeting and attached.)

  Tom noted, however, that such efforts are small in comparison to agricultural programs such as CRP funded under the 1990 Farm Bill. He noted the need to influence the development of the 1995 Farm Bill to include funding for conservation programs, and noted that there is a departmental effort to contribute to the development of the next farm bill.

  Jim and Tom noted in response to questions that 11,000 basins including 40,000 acres, have been restored to date in the 8 state region that includes Minnesota.

- Team members asked Greg and Jim to discuss the effects of stream channelization in the basin. They noted that at settlement, many streams in the basin meandered through wet meadow areas that were quickly drained for agriculture, and creeks straightened. These wet meadows provided storage areas to reduce peak flows as well as providing critical habitat for invertebrates and small fish during seasonal flooding.

  Greg noted that channelization and draining have increased flood peaks in local areas in the basin, both in water quantity and velocity, and that this contributes to bank erosion and destruction of riparian habitat. He noted some localized examples of severe bank erosion on the Redwood river.

  Greg suggested that preserving the remaining streams and associated wetlands in the basin is critical, and that such areas should be restored where possible to provide multiple resource benefits.

- Greg noted the need to do comprehensive resource management on a subwatershed basis. He noted that this is the appropriate

level to identify priority areas for wetland and stream preservation and restoration, and to get local landowner input into the planning process.

He noted that 1208 subwatersheds have been identified in the Minnesota River Basin, at that these should be reviewed to identify priority basins for planning and management.

Greg noted that the PCA has planned some demonstration projects at the subwatershed level that would be appropriate for such multi-resource planning efforts.

- Team members also noted that such areas have good potential for involving people throughout the basin in the MRIP efforts, by demonstrating that there will be visible benefits at the local level from changed practices.

3. Next Meeting and Other Business

- Team members requested that PCA staff from the central office and regional office(s) be invited to the next team meeting to describe the efforts planned under the MRIP 1993 LCMR Work Program.

  Sherri will contact Tim Larson of the PCA staff to request such a discussion. Friday March 26 or April 2 was clear on most team members' calendars.

- Team members accepted the "charge" developed for the team as written.

- Steve noted that Jim Schneider, the Region 4 adminstrator, had asked for staff assistance for following MRIP and Minnesota River issues. He also noted that the Citizens Advisory Committee will be discussing Land Use issues in the Basin at their next meeting (March 18), and noted that we could suggest speakers or issues for this topic, such as the Comprehensive Watershed Demonstration Projects or IRM. Steve also noted that he and other staff will begin developing the MRIP Natural Resources forum(s) soon, with assistance from the Minnesota River Team.

SF-00008-05

**STATE OF MINNESOTA**

**OFFICE INFORMATION MEMO**

| DATE | TIME |
|---|---|
| 4-30 | |

**TO** Ron — **LOCATION**

**FROM** Al — **LOCATION**

**PHONE NO.** ( ) — **MESSAGE TAKEN BY**

☐ Called ☐ Please call ☐ Was here to see you
☐ Urgent ☐ Will call again ☐ Returned your call

**ACTION**

☐ As we discussed ☒ For your information ☐ Per voice mail
☐ As you requested ☐ For your approval ☐ Take appropriate action
☐ Review and see me ☐ For signature ☐ Prepare reply for my sig.
☐ Review and return ☐ Notify staff ☐ Reply and send me copy
☐ File ☐ Dispose

**PHOTOCOPY**

_____ No. of copies ☐ One side only ☐ Collate
_____ Date needed ☐ Head to head ☐ Staple
☐ Head to foot ☐ Other _____

**TYPING**

☐ Rough draft ☐ Final copy
☐ Single space ☐ Memo
_____ Date needed ☐ Double space ☐ Letterhead
☐ Rush ☐ Carbons _____

**REMARKS/MESSAGES**

Copy to Brad & his file

Chuck indicated to me the other day that 319 funding might come through for Brad next year. I won't hold my breath yet tho'

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STATE OF MINNESOTA

SF-00008-05

## OFFICE INFORMATION MEMO

| DATE | TIME |
|---|---|
| | |

TO Al Kean — LOCATION St. Paul

FROM Jeff. — LOCATION

PHONE NO. ( ) — MESSAGE TAKEN BY

☐ Called ☐ Please call ☐ Was here to see you
☐ Urgent ☐ Will call again ☐ Returned your call

**ACTION**

☐ As we discussed ☒ For your information ☐ Per voice mail
☐ As you requested ☐ For your approval ☐ Take appropriate action
☐ Review and see me ☐ For signature ☐ Prepare reply for my sig.
☐ Review and return ☐ Notify staff ☐ Reply and send me copy
☐ File ☐ Dispose

Per Letter

**PHOTOCOPY**

_____ No. of copies ☐ One side only ☐ Collate
_____ Date needed ☐ Head to head ☐ Staple
☐ Head to foot ☐ Other

APR 29 1993

BWSR & SOIL RESOURCES

**TYPING**

☐ Rough draft ☐ Final copy
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**REMARKS/MESSAGES**

Kudos for Brad.
BWSR has to see what we can do to keep Brad & maybe expand to more similar positions.)

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Mg -
For May Bd Mtg
RDX

COTTONWOOD SOIL AND WATER
CONSERVATION DISTRICT

Rt. 2, Box 123
Windom, Minnesota 56101
Telephone (507) 831-1153

**MINNESOTA**
**SOIL AND WATER CONSERVATION DISTRICTS**

To: Jeff Nielson

FROM: Cottonwood Soil and Water Conservation District
Supervisors and Office Staff.

SUBJECT: Individuals Concerned
With Feedlot Pollution

Todays concerns with feedlot management systems are seen throughout the Cottonwood Soil and Water Conservation District. Presently our office staff and our supervisors, along with the Soil Conservation Service work intensely on upgrading feedlots into compliance. As you know the planning which goes into an ag waste system is immense and often times very confusing.

Brad Matlack, feedlot specialist is a great asset in planning and designing ag waste systems. Without his expertise and willingness to educate not only us, but also the landowner, the good working relationships, which has been developed between our office and the landowners would be unlikely. For these reasons the Cottonwood Soil and Water Conservation District strongly recommends that Brad Matlack and his position be secured so we can continue to help solve pollution problems created by feedlots.

Sincerely,

Arnold Regier

Vice Chairmen
Cottonwood Soil and Water
Conservation District

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

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**Northern Region:**

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Fax (218) 723-4794

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Bemidji, MN 56601
(218) 755-4235
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217 S. 7th Street
Suite 202
Brainerd, MN 56401-3660
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Fax (218) 828-6036

**Southern Region:**

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New Ulm, MN 56073
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Room 144
Rochester, MN 55904
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Fax (507) 537-6368

**Metro Region:**

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& SOIL RESOURCES

**TO:** Ron Harnack
Executive Director

**FROM:** Jim Lemmerman
Forester

**DATE:** May 4, 1993

**RE:** SWCD TREE PROGRAM SURVEY SUMMARY

Enclosed is a copy of the SWCD Tree Program summary. This is follow-up to the preliminary results that you received earlier.

The editor of the NACD Forestry Notes is very interested in this information. He published a short article on the preliminary results in the April issue. In the May issue, he is expanding an article about the summary to a full page.

If you have any questions or comments after you receive this information, please contact me.

**JL/glw**
enc.

c: Jim Birkholz
Regional Supervisors
Board Conservationists

# Minnesota Soil and Water Conservation Districts
# Tree Program Survey

by
James H. Lemmerman[1]

## INTRODUCTION

There are 91 soil and water conservation districts (SWCDs) in Minnesota. Approximately two-thirds of the districts are in what is considered the forested regions of Minnesota. The SWCDs in Minnesota receive approximately 80% of their budget from intergovernmental sources and they generate approximately 20% of their budget revenues. Tree/forestry programs are an important part of this revenue generation. This survey was designed to assess the involvement of SWCDs in tree/forestry programs.

## PROCEDURES

In October 1992, the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Forestry Committee and I sent a survey out to the 91 soil and water conservation districts in Minnesota. We had 78 respondents of which 76 districts (83%) indicated they have tree programs.

## SURVEY RESULTS

1) The SWCDs are involved with many different types of tree/forestry programs. The number of districts and types are: • 59 districts have tree/shrub sales • 49 districts have tree planters • 37 districts provide custom mechanical tree planting • 23 districts offer mechanical weed control • 69 districts provide farmstead shelterbelt planning • 66 districts do field windbreak planning • 30 districts offer other forestry services, i.e. stewardship forester, wildlife plantings, gopher control machines, tree mats and tube type tree protector sales. Figure 1 shows the results graphically.

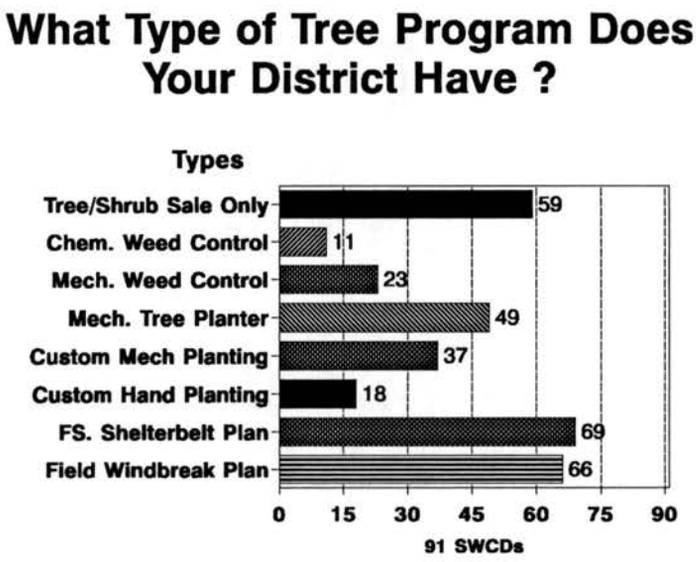



Figure 1 -Check all that apply- March 93

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[1]The author is a forester with the State of Minnesota, Board of Water and Soil Resources, 394 Lake Avenue South, Room 403, Duluth, MN 55802.

2) The total tree/shrub sales by SWCDs in 1992 was over 2,300,000 trees. The lowest number sold by a district was slightly over 9,000, the highest number sold by a district was 125,000. Figure 2 graphically shows the number of trees sold by MASWCD area.

3) Most SWCDs order stock from a number of sources. The usual sources of planting stock used by the SWCDs were as follows: • 47 SWCDs order stock from the Minnesota Department of Natural Resources Nurseries • 74 SWCDs purchase stock from private nurseries and • 5 SWCDs purchase stock from other sources, i.e. other state nurseries.

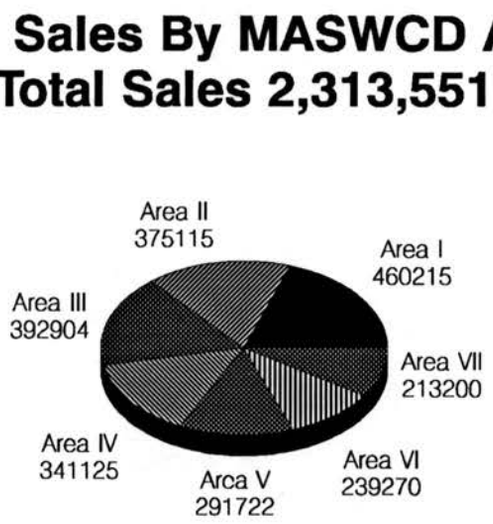



**Figure 2 - BWSR - March 1993**

4) There are other agencies or vendors that supplied similar services in the SWCD area. Forty-five SWCDs agreed with that statement and listed some examples of the services provided. Some of the services listed are: • planning/planting windbreaks • thinning, pruning • weed control • tree planting • herbicide application • landscaping and
• tree/shrub sales. Twenty-six SWCDs responded that there were no other source of services in their area.

5) Thirty-eight SWCDs indicated they would use a certified seed/seedling source if it were available, 14 indicated they wouldn't, and 20 SWCDs indicated they would possibly, dependent upon quality, cost, size and availability.

6) The response shows 26 SWCDs have information meetings/workshops, i.e. community education on planting techniques, tree planting demonstrations, Arbor Day tree give-away, minimizing tree damage during construction, logger workshops, and woodland committee meetings. The survey also shows there were 47 SWCDs that do not have any tree program/forestry workshops for promoting trees. That translates to 52% of the SWCDs in Minnesota do not have landowner workshops.

**SOME CONCLUSIONS**

The MASWCD Forestry Committee and I were impressed with some of the numbers provided by this survey.

- Many SWCDs are doing a lot with tree/forestry programs. We are not certain all SWCDs consider themselves involved with forestry. Some SWCDs do not recognize their Agroforestry or Urban Forestry programs as **FORESTRY**.

- The SWCDs are involved with many different types of programs and technical assistance.

- We were impressed that many SWCDs provide informational meetings/workshops to promote their tree programs, but 52% of the SWCDs do not have landowner workshops. We feel trees are a very important part of our conservation program in Minnesota, and therefore should have a higher priority.

- The cost-share programs should be analyzed to assess possible changes to address the suggestions from the SWCDs.

- All agencies need to cooperate to develop additional information and make it more readily available to the states landusers.

- There is a need for improved coordination of interactions between the SWCDs in Minnesota and the local woodland committees.

- State and county resource management agencies must recognize SWCDs as grassroots resource management partners.

7) There was about an even split between respondents regarding adequacy of existing financial incentives for forestry/tree programs. Thirty-six SWCDs indicated the financial incentives were adequate. Thirty-nine SWCDs indicated the financial incentives are not adequate. Some of the suggestions were to increase cost-share for maintenance, increase the state cost-share program for forestry, tax credits for land planted to trees, and additional cost-share programs for landowners not eligible for the Agricultural Conservation Program.

8) There was a wide range of total cost-share dollars (local, state, & federal) used for tree/forestry programs in the respondents' districts last year. The cost-share used ranged from a low of $1,000 to a high of $30,000.

9) Representatives from most other agencies do not attend SWCD board meetings more than twice a year. Figure 3 shows this graphically.

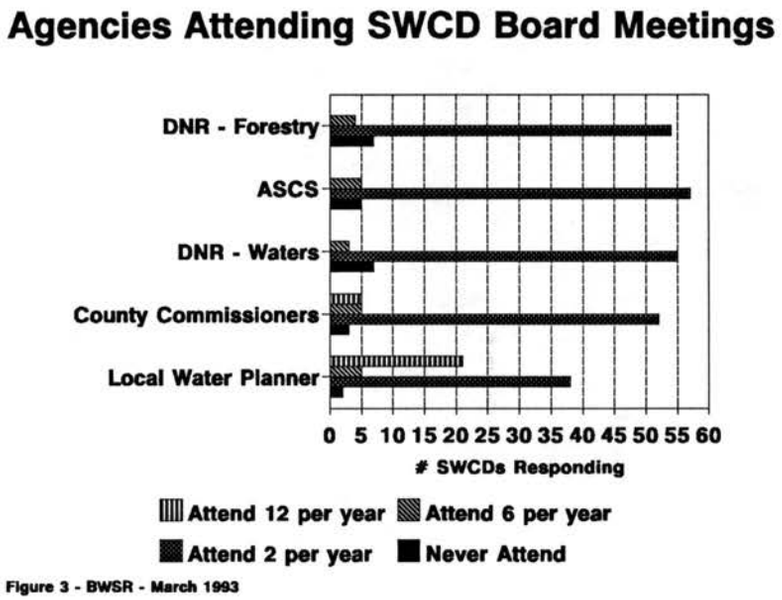


Figure 3 - BWSR - March 1993

10) Some other recommendations or suggestions offered by the SWCDs are as follows:

- more cost-share funds for maintenance of plantings, i.e. cultivation, tree mats, weed-badger, tube type tree protection and replacements
- improve information to landowners on the importance of trees for energy conservation as well as soil and water conservation
- develop better materials for promotion of trees and tree planting
- expand funding for Minnesota Forestry Improvement Program to fully meet needs
- SWCDs should actively participate in woodland committees

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# CORE

STATE OF MINNESOTA
COMMISSION ON REFOR[illegible] AND EFFICIENCY

[illegible]herburne Ave., St. Paul MN 55155
[illegible]1117 TDD (612) 297-5353

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RDH
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## [illegible]FFICIENCY

| | PLACE |
|---|---|
| OC[illegible] | [illegible]s Service Bldg., St. Paul<br>[illegible]st 12th St., 5th Floor |

## [illegible]ITTEE

| DAT[illegible] | [illegible]LACE |
|---|---|
| JUNE [illegible] | [illegible]nistration Bldg. |
| JULY 2[illegible] | [illegible]istration Bldg. |
| AUGUST [illegible] | [illegible]tration Bldg. |
| SEPTEMBER [illegible] | [illegible]B, Administration Bldg. |

**NOTE: Contact Ja[illegible]12) 296-7036 for location of meetings or to verify meeting schedule.**

**SCHEDULE CURRENT AS OF MAY 17, 1993**

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MAY 19 1993
BOARD OF WATER & SOIL RESOURCES

**CORE** STATE OF MINNESOTA
COMMISSION ON REFORM AND EFFICIENCY

203 Administration Building, 50 Sherburne Ave., St. Paul MN 55155
(612) 297-1090 Fax (612) 297-1117 TDD (612) 297-5353

## 1993

## COMMISSION ON REFORM AND EFFICIENCY MEETING SCHEDULE

| DATE | TIME | PLACE |
|---|---|---|
| OCTOBER 19 | 9:00 A.M. TO 2:00 P.M. | Veterans Service Bldg., St. Paul<br>20 West 12th St., 5th Floor |

## PROGRAM ANALYSIS WORKING COMMITTEE MEETING SCHEDULE

| DATE | TIME | PLACE |
|---|---|---|
| JUNE 29 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |
| JULY 29 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |
| AUGUST 19 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |
| SEPTEMBER 21 | 9:00 A.M. TO 2:00 P.M. | 116 B, Administration Bldg. |

**NOTE: Contact Jane Delage at (612) 296-7036 for location of meetings or to verify meeting schedule.**

**SCHEDULE CURRENT AS OF MAY 17, 1993**

# CORE

STATE OF MINNESOTA
COMMISSION ON REFORM AND EFFICIENCY

203 Administration Building, 50 Sherburne Ave., St. Paul MN 55155
(612) 297-1090 Fax (612) 297-1117 TDD (612) 297-5353


## COMMISSION ON REFORM AND EFFICIENCY
## MEETING MINUTES

**Thursday, April 22, 1993**
**8:30 a.m. - 12:00 noon**

**Kelly Inn**
**Buffington-Prentiss Meeting Rooms**
**161 St. Anthony Street**
**St. Paul, Minnesota**

Attending Members: Sandy Sandbulte, Chair; Marcia Appel, Jane Belau, Gary Denault, Jack Eugster, Lee Luebbe, Dorrie Mund, and Stephen Watson.

Absent Members: Sharon Sayles Belton, John Brandl, Geraldine Evans, Dr. Jean Harris, Beck Horton, Arlene Lesewski, Ernest Lindstrom, Bill Lurton, Robin PanLener, Kati Sasseville, Glen Taylor, Erma Vizenor, Connie Weinman, and C. Angus Wurtele.

Department of Administration: Susan Ager, Dana Badgerow, Commissioner; Dorothy Bliss, Ralph Brown, Linda Carlson, Jane Delage, Liz Fedor, Fred Grimm, Rose Herrera Hamerlinck, Linda Hennum, Elizabeth Mairs, Wendy Petropoulos, Virginia Reiner, Bev Schuft, Kathleen Shea, Theresa van Hoomissen and Susan Vlodaver.

Guests: Linda Barton, Department of Employee Relations; Tom Baumann, Department of Natural Resources; Bruce Briese, Department of Transportation; Bernie Conlin, Department of Administration; Steve Gammon, Department of Administration; Randy Hendricks, Andersen Consulting; David Jennings, Department of Trade and Economic Development; Terry Kayser, Metropolitan Council; Peter Keen, International Center for Information Technologies; Harold Nicholson, Department of Public Service; Glenn Radde, DNR; Claudia Ryan, Minnesota Business Partnership; Sarah Kline Stenvold, Department of Administration; Brian Williams, Rochester Post-Bulletin.

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**I. ANNOUNCEMENTS:** Chairman Arend Sandbulte called the meeting to order at 8:45 a.m. He announced that Nancy Feldman had resigned her position as a CORE Team Leader to accept a job with Medica. Mr. Sandbulte recognized Ms. Feldman's positive contribution to the CORE effort. He also announced that Commission members and

CORE staff are invited to attend a CORE luncheon at the governor's residence on May 3. The chairman said it would be an opportunity for the Commission to state its expectations relating to implementation of CORE recommendations.

Mr. Sandbulte said the CORE committee chairs met prior to the meeting and he asked Commissioner Dana Badgerow and Jane Belau to report on the 1993 legislative session.

Ms. Badgerow said all CORE recommendations have been introduced in bill form, however, a number of bills are not progressing. She anticipated that the legislature would approve funding for a training component recommended in the Human Resources report as well as the Electronic Data Interchange (EDI) project. She predicted that some language would pass on performance based budgeting, but said it is unclear whether a major rules reform bill will be approved.

Commissioner Badgerow said that no reorganization initiatives are expected to pass with the exception of the environmental area. She said an interim study bill on environmental reorganization is clearly a springboard from CORE. If that measure passes, she said, the legislature will be engaged in some discussion with stakeholder groups.

Based on CORE's timetable for producing final reports and recommendations, Ms. Belau said CORE was behind the power curve in terms of successfully moving bills through the legislature this session. She said CORE would have needed to finalize its recommendations in October or November to have had a major impact this session.

Ms. Belau said the staff and Commission did a tremendous job in getting the measures introduced this session. She said some Committee members expressed an interest in testifying in favor of CORE initiatives at interim hearings. She said she looks forward to having a dialogue with the legislative leadership. She stressed that government can't be reinvented in six months, because it is an evolutionary process.

It was decided that CORE reports and recommendations should be shared with business and interest groups such as the Minnesota Business Partnership, the Citizens League and League of Women Voters. These groups are potential supporters of CORE work, and they should be asked to consider the CORE recommendations.

Chairman Sandbulte asked whether CORE and the Management Analysis Division would take care of making those contacts. MAD Director Fred Grimm said the division would assume the responsibility. Mr. Sandbulte said that Lee Luebbe, Jane Belau and Marcia

Appel want to see the list of groups that CORE will contact, and should be consulted on this matter.

Mr. Sandbulte reiterated that the May 3 event would be a good opportunity to visit with the governor on executive reorganization and other topics. He said Commission members should state what they think should happen in the next nine to 12 months with CORE recommendations.

The chairman referred to the Commission appointments, and said it was his understanding that they expire on June 30, 1993. At this point, he said, he thinks CORE can operate as an informal group, and that each person can participate in implementation activities to the extent he or she is able.

Commissioner Badgerow reminded the Commission that the Local Services Funding project would continue through the fall. Chairman Sandbulte announced that the May Commission meeting was cancelled, and that a meeting could be called in the future to address interim legislative hearings or the 1994 legislative session.

Bev Schuft, CORE Team Leader, distributed a compilation of CORE newspaper articles, which she said were representative of the type of coverage the Commission has received across the state.

**II. ROLE OF INFORMATION TECHNOLOGY IN SUPPORTING THE GOALS OF CORE:** Chairman Sandbulte introduced Dr. Peter Keen, Executive Director of the International Center for Information Technologies. Dr. Keen's services were made available by MCI.

Dr. Keen provided several examples of the use of technology by governments to provide better service to citizens. He put forth a goal that government be as easy to deal with as the best of the banks or other service providers. Cited as examples of ways to cut costs and provide better services were wider use of technologies such as CD/ROM and EDI.

Ms. Belau mentioned the obstacles that the state faces in employing new technologies. It is often difficult to get funding for the large up front investment required by many new projects. The reduction in employees due to the subsequent efficiency is also a major issue.

Dr. Keen suggested funding services through 900 numbers, and pursuing partnerships with corporations or others with existing technologies. Some states have taken advantage of bank automated teller machines (ATMs) to process transactions.

**III. LOCAL SERVICES FUNDING PROJECT UPDATE:** Jack Eugster, chairman of the Program Analysis Working Committee, said his committee met the week before and discussed CORE implementation issues. He said it was suggested that CORE sponsor a conference for legislators, which could be used to explain the environmental and/or human services recommendations. Interest was expressed in this idea as a means to advocate the CORE recommendations.

Mr. Eugster then turned his attention to the Local Services Funding Project, which his committee is directing. The focus of the study has been on service needs and revenue raising capacity of cities of 2,500 population and larger with the goal of establishing a new formula for the distribution of state aids. He said the project staff have completed research on fire and parks and recreation services and are moving on to examine several other services in detail. With support from Commissioner Badgerow, Mr. Eugster said funding has been secured to continue this project through the fall.

With Nancy Feldman's departure, Mr. Eugster said Jane Delage is the staff contact point for the Local Services Funding (LSF) project. Mr. Eugster said his Working Committee will be meeting monthly to direct the project, and he welcomed participation from other commissioners. Those interested should contact Ms. Delage. Chairman Sandbulte said commissioners could attend as ex-officio members or become full members of the committee.

Mr. Eugster introduced Teri Van Hoomissen to give a staff overview presentation on the project. Ms. Van Hoomissen said the LSF project team is developing a new city aid formula based on basic, adequate needs and revenue raising capacity. The project aims to: improve the fairness of aid distribution, increase local accountability, tie aid amounts to efficient local service provision, and provide taxpayers with more information regarding the services they are purchasing with aid dollars.

The final aid grant, like the current Local Government Aid (LGA) program, would be a general purpose grant and not a series of categorical grants, Ms. Van Hoomissen said.

She said staff research has been completed on fire services and she distributed the results of the workload analysis to the Commission. Chairman Sandbulte commented on the differences between fire departments with full-time paid staffs as opposed to those with volunteer firefighters.

There was some discussion about Bloomington's utilization of a volunteer fire department. Ms. Belau said Bloomington benefits from its proximity to Minneapolis, because it could gain access to the resources of Minneapolis through a mutual aid pact.

Ms. Delage said Bloomington does have high rise buildings, but chose to have very strict fire codes that were incorporated into the planning of the development of the city. Ms. Van Hoomissen said staff added workload factors to the older cities that do not have extensive sprinkler systems and have codes that are less restrictive than Bloomington.

Mr. Eugster said the issue is not volunteer vs. paid fire departments. Instead, he said, large cities can have combined volunteer and paid staff members.

Chairman Sandbulte inquired about the association of fire chiefs' view of the LSF project. Ms. Van Hoomissen said CORE staff have been in contact with a variety of affected parties and have made modifications in the project methodology to improve the project.

Mr. Eugster emphasized that the CORE project members will not ultimately tell cities how much to spend on fire services. CORE will illustrate what benchmark cities would spend on fire, and define how much funding CORE recommends that the state provide to cities for basic services, Mr. Eugster said. However, it is up to the local city officials to decide how much to spend on fire and what level of local taxes will be levied to provide city services. If the city's revenue capacity exceeds its need, Mr. Eugster said, CORE would recommend no state aid for that particular city.

The project first examines efficiency, and then links revenue raising capacity with expenditures, Mr. Eugster said. He also said he supports cutting state taxes by the amount state aid to cities is reduced. Chairman Sandbulte said that if CORE's recommendations are adopted, it could lead to a property tax increase at the local level.

During the discussion, Mr. Eugster said CORE should make a statement on tax policy in addition to making recommendations on spending. He said he views the project as both a revenue and expenditure project. He said reductions in state aid to cities will mean that local governments will choose to raise property taxes to partially or fully compensate for the reductions. He thinks that this is acceptable, if local officials can demonstrate to their local taxpayers why taxes must be raised at the local level. This promotes greater accountability, he said, because cities who spend the money would be raising it at the local level.

Mr. Eugster said he does not want to recommend cutting state aid to cities without also recommending cutting state taxes. If the state aid to cities reduction is simply replaced by

permanent state funding for some other programs, Mr. Eugster argued that taxes overall would go up for Minnesota citizens. This would be the case since their tax burden would remain the same at the state level, but would be accompanied by higher property taxes at the local level. Mr. Eugster said he does not want to participate in something that promotes an increase in the overall tax burden.

Steve Watson said he views the CORE LSF project as an expenditure project vs. a revenue and expenditure project. He said he personally agrees with Mr. Eugster's goals, but did not support CORE making a statement on state tax policy.

Mr. Watson said the project is analyzing spending between cities, and CORE will find that some cities are spending beyond a basic and adequate level. He said the state does not need to subsidize excess spending. If the CORE project is credible and its report findings and recommendations are visible, Mr. Watson said it can be used as a valuable tool by citizens who can hold their local officials accountable for city spending.

Ms. Luebbe said she wasn't sure whether CORE wanted to comment on how a reduction in state aid to cities might be used. Instead of tax cuts, she said the legislature may choose to use the money for investment spending, such as technological improvements. Ms. Luebbe also said it should not be assumed that cities would raise taxes equal to the level that their state aid is cut. She said one should not assume that cities could not become more efficient.

Because this CORE project crosses governmental lines, Mr. Eugster said CORE needs to examine the impact of its recommendations on both state and local government operations.

Dorrie Mund asked staff whether long-term debt would be examined by CORE. Ms. Van Hoomissen said no, but there will be a study of interest expenses.

Ms. Luebbe said the project recommendations will generate heat, and that she has already met with the city manager, fire chief and park and recreation officials in the city of Winona. She commented that each city has unique needs. Ms. Mund concurred and mentioned that the city of St. Cloud has constructed two new fire stations in the last four years.

Commission members discussed whether the LSF project should be an expenditure project or a revenue and expenditure project. Mr. Eugster argued strongly that both dimensions must be a part of the project. Other members focused on the spending dimension of the project and the benefit of identifying efficient service providers.

Ms. Van Hoomissen said state aid to cities is viewed as property tax relief, so it is an issue that needs to be addressed by the Commission. If CORE recommends cutting state aid, opponents will view it as an attempt to raise local property taxes.

After some discussion, the Commission decided that it would reconvene in the fall to take final action on the Local Services Funding project.

**IV. HUMAN RESOURCES PROJECT IMPLEMENTATION:** Department of Employee Relations Commissioner Linda Barton provided attendees a copy of the department's investment initiative for implementation of CORE Human Resources recommendations. The original request was for $1.7 million for the biennium. Commissioner Barton reported that originally both chambers had recommended zero funding for the initiative, but currently the House legislation had $545,000 and the Senate $455,000 budgeted for the initiative.

Commissioner Barton added that progress in funding was made possible through the cooperation of the employee unions. DOER and employee representatives worked together to create a modified proposal including areas of mutual interest. The funding request for the modified proposal is $1.26 million and it focuses on performance management and retraining. Commissioner Barton remarked that the legislature has, over time, come to understand the recommendations, the possibilities for change, and seen the united effort of labor and management.

Project team members have been presenting the recommendations to state agency personnel, and planning communications strategies statewide. Once the funding is finalized, DOER will set up an implementation committee and work with union representatives to determine how to proceed with the implementation plan.

Mr. Watson commended Commissioner Barton on her agency's "stick-to-it-iveness" with the initiative, and wondered whether it was possible to use the allocation on smaller groups, or pilot projects. Commissioner Barton replied that pilot projects have been in the plan all along, and reduced funding would result in fewer performance management pilots. She added that there are many things that can be accomplished without further funding. Agency personnel directors want involvement and delegation of authority. She also expressed her own and DOER's commitment to achieving the goals of the CORE project.

Commissioner Barton thanked Commission members for their overall support.

**5. CONTINUED ROLE OF THE COMMISSION:** Chairman Sandbulte asked Ms. Schuft to summarize action items and Commission decisions.

Ms. Schuft said thank you letters will be sent to legislators who sponsored CORE bills. Chairman Sandbulte said a thank you letter also should be sent to Gov. Carlson.

Legislators will be encouraged to hold interim hearings on CORE legislation, and there is interest in CORE taking the initiative to plan a conference involving legislators to examine CORE proposals in detail.

Legislative leadership will be contacted to discuss holding conferences that have a special emphasis on the environmental and human services projects. It was suggested that legislators and other stakeholders may wish to have a meeting with Dr. Keen to hear his views on technological improvements that could aid service delivery.

A list of business or interest groups that may wish to support CORE recommendations will be developed and contacts will be made to enhance the visibility of CORE's work. These groups will be provided with appropriate CORE materials and reports.

Ms. Schuft announced that the May 27 Commission meeting has been cancelled. Commission members will be mailed the Program Analysis Working Committee meeting schedule so interested members can participate in discussions on the Local Services Funding project.

Ms. Belau suggested that the Executive and Legislative Committee members meet with the legislative leadership to discuss follow through on CORE recommendations. She added that CORE should meet with the new Council on Government Innovation to brief those members on the work of CORE and enlist their support on building on CORE's efforts.

Mr. Watson said he detected disappointment over the relative lack of success of implementing CORE's recommendations. However, he said, many good ideas emerged from the expenditure of $2.6 million for CORE's efforts. Mr. Watson said he believes that tens of millions of dollars in efficiencies will result. He said he becomes aggravated over the slow movement of government, but added that CORE has provided good citizen input that will produce positive change in the future.

Chairman Sandbulte said he is communicating with the Minnesota Business Partnership to see how it can assist in getting CORE recommendations adopted. He said that his own staff at Minnesota Power has reviewed CORE reports and stated that there is a likelihood of implementation over the next two to three years.

Chairman Sandbulte and Commissioner Badgerow thanked the commissioners and staff for their CORE work. The meeting adjourned at 11:52 a.m.

* * *  * * *  * * *

**GOOD NEWS ... BAD NEWS.** When Moses was leading his people out of the desert (back in the old days), he came across the Red Sea. Wanting to get his people to the other side, he prayed to God for help. God told Moses he had good news and bad news. To help Moses and his people, he could part the sea by just raising his hands ... that's the good news. The bad news is ... he would first have to get permission from the DNR!

* * *  * * *  * * *

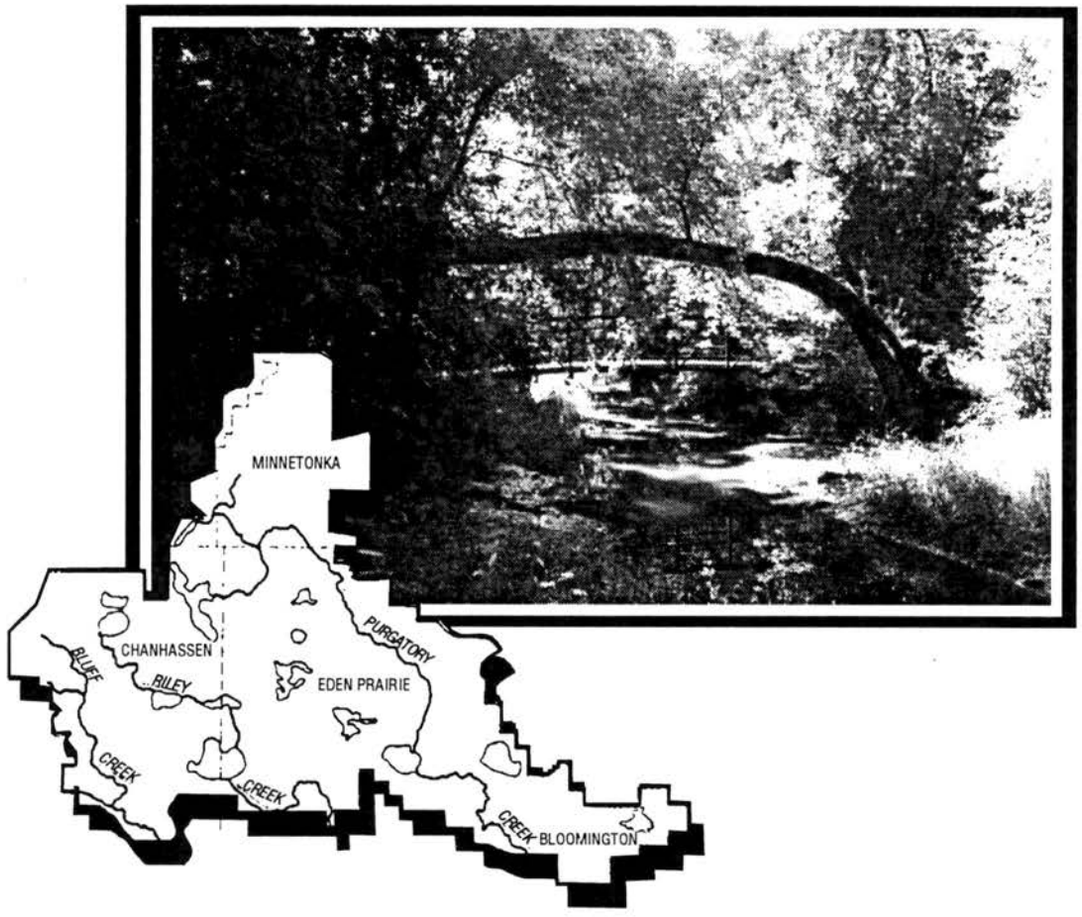
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# Handbook
## For The

# Riley-Purgatory-Bluff Creek Watershed District




April, 1993

HANDBOOK

FOR THE

RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

TABLE OF CONTENTS


| | Page |
|---|---|
| PURPOSE | 1 |
| WHAT IS A WATERSHED DISTRICT? | 1 |
| WHAT IS THE RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT? | 1 |
| **Board of Managers** | 1 |
| **Meetings** | 2 |
| **District Advisors** | 2 |
| PERMITS | 4 |
| **When is a Permit Required From the District?** | 4 |
| **Procedure** | 4 |
| **Submittal of Information for Formal Review** | 5 |
| **Formal Review by the District** | 5 |
| **Information Required for Submittal** | 5 |
| Grading and Land Alteration Permit | 5 |
| Grading Plan | 6 |
| Erosion Control Plan | 6 |
| Stormwater Management Plan | 6 |
| DESIGN PARAMETERS | 7 |
| **Erosion Control** | 7 |
| **Stormwater Management** | 8 |
| Quantity | 8 |
| Quality | 8 |
| Restoration | 9 |
| GENERAL REQUIREMENTS | 10 |
| **Performance Bond/Letter of Credit** | 10 |
| **Setback** | 10 |
| **Bluff Areas** | 10 |
| **Floodplain Encroachment** | 11 |

# HANDBOOK
# FOR THE
# RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

## PURPOSE

The purpose of this document is to provide the reader with a general overview of the procedures and requirements of the Riley-Purgatory-Bluff Creek Watershed District. The information presented is applicable at the time of publication and is subject to periodic change and/or modification.

## WHAT IS A WATERSHED DISTRICT?

A Watershed District is a political subdivision established in accordance with Minnesota State Statute 103D.201, whose responsibility is to protect and manage the water resources within the District's legal boundaries.

## WHAT IS THE RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT?

The Riley-Purgatory-Bluff Creek Watershed District is approximately 50 square miles in surface area and encompasses the land area tributary to Riley Creek, Purgatory Creek, and Bluff Creek. The District is located in two counties, Hennepin and Carver. Portions of the cities of Bloomington, Chanhassen, Deephaven, Eden Prairie, Minnetonka, and Shorewood are located within the District.

### Board of Managers

The activities of the District are managed by the Board of Managers of the District. There are five board members; four members are appointed by the Hennepin County Board of Commissioners and one member by the Carver Board of Commissioners. The Managers serve a three-year term and must live within the legal boundaries of the District. The current Board of Managers are:

| Name | County | Officers | Mailing Address/Telephone No. |
|---|---|---|---|
| Conrad B. Fiskness | Carver | President | 8033 Cheyenne Ave.<br>Chanhassen, MN 55317<br>612/934-5581 |
| Howard L. Peterson | Hennepin | V. President | 7021 Duck Lake Road<br>Eden Prairie, MN 55344<br>612/934-2050 |
| Frederick W. Rahr | Hennepin | Secretary | 8301 North 110th Street<br>Bloomington, MN 55438<br>612/332-5161 |
| Susan Scribner | Hennepin | Treasurer | 5826 Oakview Circle<br>Minnetonka, MN 55345<br>612/949-9582 |
| Perry Forster | Hennepin | | 9505 Highview Drive<br>Eden Prairie, MN 55347<br>612/934-0938 |

**Meetings**

The regular meeting of the Board of Managers is the first Wednesday of each month, at 7:00 p.m., at the Eden Prairie City Hall, 7600 Executive Drive.

**District Advisors**

The District has retained the services of a legal and engineering advisor and accountant. The District's legal advisor is:

Mr. Ray Haik
Popham, Haik, Schnobrich and Kaufman
3300 Piper Jaffray Tower
Minneapolis, Minnesota 55402
Phone: 612/333-4800

The District's engineering advisor is:

Mr. Bob Obermeyer
Barr Engineering Company
8300 Norman Center Drive
Minneapolis, Minnesota 55437
Phone: 612/832-2600

The District's accountant is:

Mr. Gerald Obremski, C.P.A.
Park Place Center
5775 Wayzata Boulevard
Minneapolis, MN 55416
Phone: 612/546-5054

As a reference, the addresses and phone numbers of the offices of the municipalities within the District are listed in the appendix of the Handbook.

The District also has a Citizen Advisory Committee and a Technical Advisory Committee. A list of the current members can be obtained from either the District's legal or engineering advisor.

# PERMITS

The District has established a grading and land alteration permitting program to protect the natural resources of the District by establishing minimum requirements for the control and regulation of grading and earthmoving.

**When is a Permit Required From the District?**

A grading and land alteration permit is required from the District for the following:

1. Any project that proposes to alter or disturb more than one acre of land in surface area.

2. If filling (encroachment) is proposed within the 100-year frequency floodplain of the creek system or detention basins.

3. If filling is proposed within a wetland area as defined by the 1991 Wetland Conservation Act.

4. Any project that could reasonably be expected to introduce sediment into public waters within the District.

The District's permitting program is independent of permits that maybe required by other governmental agencies. If a permit is required by the Minnesota Department of Natural Resources (MDNR) for a project, the District reviews and provides comments to the MDNR regarding the project. The address and phone number of the metro office of the Minnesota Department of Natural Resources is listed in the appendix of this Handbook.

**Procedure**

As the planning process for a project begins, the developer is required to submit several copies of the preliminary development plan to the municipality for review. The municipality typically forwards one set of the development documents to the District. The District reviews and submits comments to the municipality, normally within one month of receipt of the information, outlining policies and criteria of the District applicable for the project.

**Submittal of Information for Formal Review**

Information regarding the project must be submitted by the permit applicant or a representative of the permit applicant a minimum of 10 days prior to the District meeting date to be on the agenda. All grading and land alteration permits must be reviewed by the Board of Managers. For the Board of Managers to formally review a project, a project must have received approval from the City Planning Commission and preliminary (first reading) approval by the City Council.

**Formal Review by the District**

The formal review by the District typically is within one month from the approval of the project by the City Council. The meetings of the District are open to the public where the Managers receive comments from the permit applicant and the general public regarding the project. If the project is approved by the District, correspondence is prepared summarizing the conditions of the District's approval. This correspondence and approved permit is usually sent to the permit applicant within two weeks of the District's meeting date.

**Information Required for Submittal**

The following information is required by the District for each project: (1) a completed Grading and Land Alteration Permit Application, (2) a site Grading Plan, (3) an Erosion Control Plan, and (4) a stormwater management plan. Each will be discussed in detail in the following paragraphs.

Grading and Land Alteration Permit

A completed permit application must be submitted with the construction documentation for a project. The permit applicant is responsible for ensuring that the conditions of the District's approval are being met. A copy of the District's permit application is included in the appendix of this Handbook.

Grading Plan

A site grading plan showing both existing and proposed contours must be submitted. The contour interval is typically 2 foot. Grading of the site should be staged to minimize the disturbance on the site at any given time.

Erosion Control Plan

An erosion control plan outlining procedures to minimize material, sediment, from leaving areas altered must be submitted for review and approval. Normally, silt fence, haybales, rock filter dikes, and sedimentation basins are used for erosion control. Design requirements are discussed in detail in the Design Parameters Section of the Handbook.

Stormwater Management Plan

A stormwater management plan, addressing both quantity and quality objectives, must be submitted for review and approval. The District does not review the carrying capacity of on-site storm sewer systems, this is the responsibility of the municipality; however, the District does review the design computations when a storm sewer provides the outlet for an existing/proposed on-site detention basin.

On-site detention, for rate control, is not required by the District, unless the downstream receiving system has not been designed to handle the increase rate of runoff generated by urbanization. Provisions for water quality must be provided prior to the discharge of surface water to Protected Waters.

# DESIGN PARAMETERS

This section will summarize the design requirements of the District for erosion control, stormwater management (quantity and quality), and site restoration. The District's criteria generally follows Minnesota Department of Transportation Specifications and Standard Plates and municipal standards; however, the District is more restrictive in their requirements in certain instances.

## Erosion Control

At the limits of construction, the District requires that either silt fence, in accordance with MnDOT 3886, or staked haybales reinforced with snow fence on the downstream side. If silt fence is used, the bottom flap must be buried and the maximum allowable spacing between posts is 4 foot on center. All posts must be either 2 inch x 2 inch pine, hardwood or steel fence posts. A detail of the erosion measures is provided in the appendix of this Handbook.

At the entryways onto sites, a rock filter dike being a minimum of 2 feet in height and having maximum side slopes of 4:1 must be constructed. These rock filter dikes will enable construction traffic to enter the site and also provide an erosion control facility. The dike should be constructed of 1½-inch minus washed gravel and be maintained on a continual basis. A detail of a rock filter dike is provided in the appendix of this Handbook.

Upon completion of the project and restoration of all areas disturbed, the developer/permit applicant is responsible for the removal of all erosion control measures installed throughout the site.

If work is proposed within open water areas, e.g., installation of a storm sewer outfall, floatation silt curtain in accordance with MnDOT 3887 must be used. A detail of this erosion control facility is provided in the appendix of this Handbook.

**Stormwater Management**

Quantity

The design of storm sewer systems must be in accordance with municipal criteria. The design of storm sewer systems must limit the outflow velocity to a maximum of 5 feet per second. If a system is to discharge to a creek, the flow must be directed along the flow line of the creek.

If stormwater detention is to be provided, a flood elevation for the critical 100-year frequency storm event must be calculated. The District requires that the minimum lowest finished floor elevation for structures adjacent to a detention area be set 2 feet above the calculated flood elevation. The District requires that a covenant be placed on the title to these properties indicating the minimum permissible finished floor elevation. To ensure this requirement is being met, the District requires that a covenant also be placed on the title to riparian lots stating that certification be submitted to the District that finished floor elevation has been constructed at or above the minimum required elevation.

If a low level piped outlet, establishing a normal elevation is not provided, the District requires that the lowest finished floor elevation be set a minimum of 2 feet above the surface overflow elevation of the basin. Where possible, the surface overflow from a basin, even though a flood elevation has been calculated, should be constructed below the elevation of the lowest structure. For street depressions if a surface overflow is provided between structures, the elevation of the low point of the structure, e.g., daylight windows, must be set 2 feet above the calculated highwater elevation of the conveyance system.

Quality

The design criteria of water quality basins must be designed to meet the requirements of the Environmental Protection Agency Nationwide Urban Runoff Program Guidelines. The outlets from water quality facilities must be designed to provide skimming of floatable materials.

Appurtenances within the storm sewer system should not be used in lieu of water quality basins. However, if for example sump manholes are used in addition to a water quality basin, the manhole must be a minimum 60-inch in diameter and have a minimum

3-foot sump. The manholes must be located to be accessible for maintenance and be maintained on a regular basis.

Restoration

All disturbed areas must be restored at a minimum with seed and disced mulch, sod, wood fiber blanket, or be hard surfaced within 2 weeks from the completion of land alteration. For areas altered with a slope of 3:1 or greater, restoration with sod or wood fiber blanket is required. Typically, restoration with seed and disced mulch must be completed no later than September 15. Areas to be restored with sod must be completed by October 15. Both of these restoration dates are in accordance with MnDOT requirements.

**Performance Bond/Letter of Credit**

In certain instances, the Board of Managers will require that a Performance Bond or Letter of Credit be provided to the District prior to the commencement of construction. This is typically required of projects where work is proposed in sensitive areas, as determined by the Board, with the amount of the security sufficient to enable the District to install additional erosion control measures, should it become necessary and/or restore areas altered, should it become necessary. The Performance Bond or Letter of Credit must be submitted to the District's legal advisor for review and approval prior to the commencement of construction.

**Setback**

All structures, including parking, must be set back a minimum of 100 lineal feet from the centerline of the creek. The Purgatory Creek Corridor Study must be used as a guideline, Conservancy Area and Transition Area, in maintaining the natural characteristics of the creek corridor. Copies of this study can be reviewed, obtained, at the office of the District's Engineer, or the offices of the cities of Eden Prairie or Minnetonka.

**Bluff Areas**

For development adjacent to the bluffs of Riley, Purgatory, and Bluff Creeks the following is required:

1. Interior drainage systems for homes that will direct roof runoff away from the bluff areas.

2. Foundations of structures designed by a registered professional engineer to ensure compatibility with existing soil conditions.

3. Covenants placed on the titles to these properties requiring compliance with these requirements.

**Floodplain Encroachment**

The District does allow (permit) filling within the calculated 100-year frequency flood envelope of the creek system. The amount of filling, encroachment, permissible is calculated to be an equal degree of encroachment, based on volume, that will not result in an increase of the flood elevation within a reach of the creek of more than 0.5 feet.

# APPENDIX

# REFERENCE LIST

City of Bloomington
2215 West Old Shakopee Road
Bloomington, MN 55431
Phone: 881-5811

City of Chanhassen
690 Coulter Drive
Chanhassen, MN 55317
Phone: 937-1900

City of Deephaven
20225 Cottagewood Road
Excelsior, MN 55331
Phone: 474-4755

City of Eden Prairie
7600 Executive Drive
Eden Prairie, MN 55344
Phone: 937-2262

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345
Phone: 939-8200

City of Shorewood
5755 Country Club Road
Shorewood, MN 55331
Phone: 474-3236

Minnesota Department of Natural Resources
Metro Waters
1200 Warner Road
St. Paul, MN 55106
Phone: 772-7910

Please Send Application to:
**Barr Engineering Company**
**8300 Norman Center Drive; Suite 300**
**Minneapolis, Minnesota 55437**
Phone: 832-2600
Fax: 835-0186

P.A. # _____

# RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT
# GRADING AND EARTHMOVING PERMIT

Application for permit, permit status, notification of completion and certification of completion

Name of Applicant:_____

Address_____ Telephone_____

Nature of Work_____

Location of Work_____

Municipality_____

Projected duration of work_____

Procedures to be used to control erosion and sedimentation_____

_____

If additional room is need to provide the information requested above attach the information to this application and in the space below briefly describe the attachments._____

_____

_____

_____

_____

_____ _____

Date Applicant

---

Permit application received by the District on the _____ day of _____ 19____.

All work shall be completed by the _____ day of _____19 _____. The amount and nature of collateral required is _____.

This permit application is hereby (denied/approved) by the Board of Managers of the Watershed District this _____ day of _____ 19_____, subject to the conditions contained in the attached correspondence dated_____.

This permit is permissive only and does not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances.

_____

President of Board of Managers

---

Notice of: completion of work authorized ☐; expiration of grading permit ☐, is hereby given to the District on this _____ day of _____19 _____.

_____

Permittee

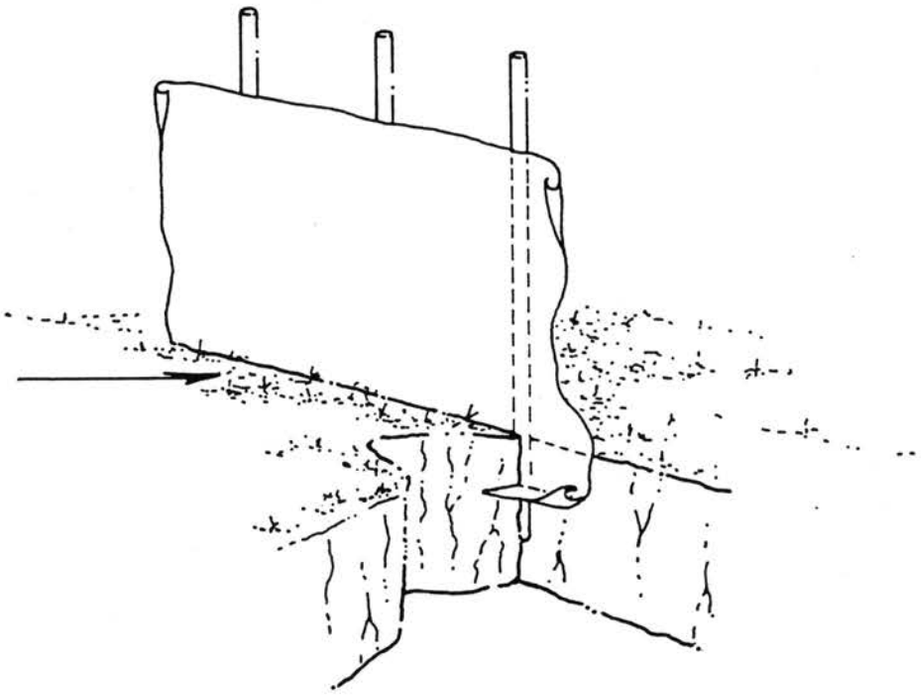
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Certification of the satisfactory completion of work authorized is hereby made on the _____ day of _____ 19 _____.

_____

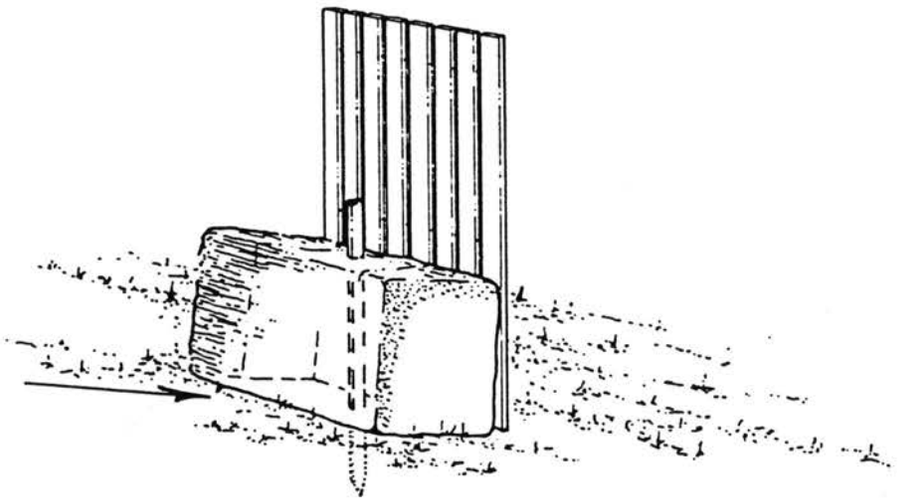
Inspector

SILT FENCE: SILT FENCE SHALL BE MIRAFI 100 x OR EQUIVALENT. TRENCH IN BOTTOM FLAP MIN. 6" POSTS SHALL BE 2" x 2" PINE, HARDWOOD OR STEEL FENCE POST W/MAX. SPACING 4' O.C.

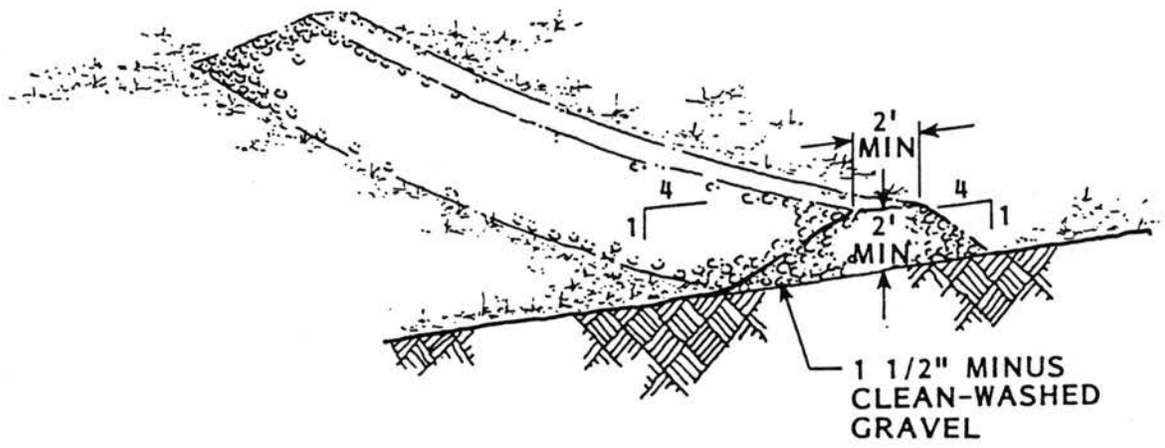


SILT FENCE DETAIL

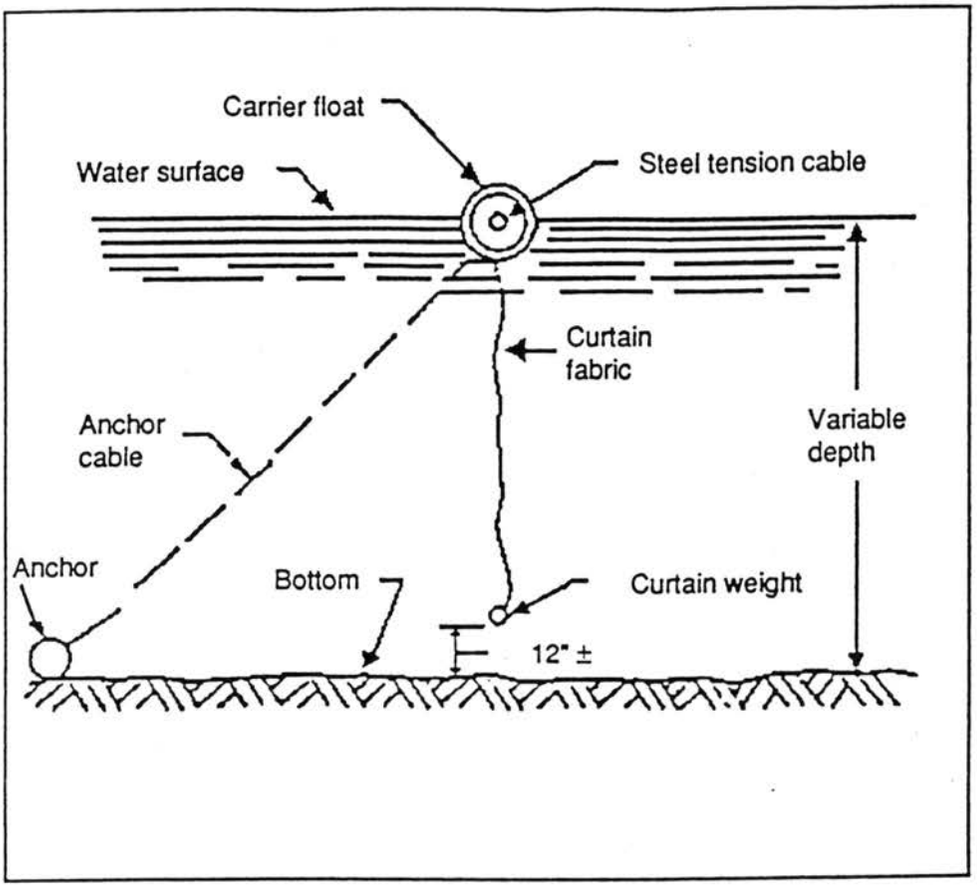
HAYBALES: STAKED HAYBALES REINFORCED ON
DOWNSTREAM SIDE W/SNOWFENCE.
STAKES SHALL BE REBAR OR 1" x 2' LATH



HAYBALES/SNOWFENCE DETAIL




ROCK FILTER DIKE




FLOTATION SILT CURTAIN