

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

7/26/95

Minnesota Board of Water & Soil Resources

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DATE: July 17, 1995

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

FROM: Ronald D. Harnack, Executive Director RDH

SUBJECT: July 25 BWSR Tour and July 26 BWSR Meeting

The Board of Water and Resources will meet on Wednesday, July 26, 1995 beginning at 8:30 a.m. in Room 319A (third floor conference room) of the DeWitt-Seitz Marketplace, 394 South Lake Avenue, Duluth. Please be aware that there is not a public elevator in the building, if you need assistance with the stairs please let me know. The meeting agenda and informational materials are enclosed for your review.

A sleeping room reservation has been made (see attached listing) for the nights of Monday, July 24 and Tuesday, July 25, at Comfort Suites (one block north of the DeWitt-Seitz Marketplace). The sleeping rooms (continental breakfast included) have been direct billed (so you will not pay for it) and listed in your name under the group name BWSR. If you need to make any changes to this reservation, please call the Comfort Suites directly at 218-727-1378.

A tour of South St. Louis County has been scheduled for Tuesday, July 25, 1995. Attached is an itinerary of the tour. The day will begin in the lobby of the Comfort Suites with a welcome by St. Louis County Commissioner, Martin Lepak. At 8:30 a.m., a coach bus will depart from the Comfort Suites and journey from Duluth to Hermantown and up the north shore of Lake Superior. The tour will conclude with a buffet lunch at the Lakeview Castle.

An issues forum is planned for the afternoon and will convene at 1:30 p.m. in the downstairs banquet room of Lakeview Castle. The forum provides a unique opportunity to hear about conservation program needs in northeastern Minnesota. The bus will return to the Comfort Suites in Duluth about 4:00 p.m.

You are on your own for dinner on Monday (however, reservations have been made for some at the Top of The Harbor - see attached); continental breakfast Tuesday and Wednesday is included with your sleeping room; lunch on Tuesday is provided; you are on your own for dinner on Tuesday evening; and lunch on Wednesday. If you have any questions or need additional clarification on details of the tour, lodging, meals, etc., please feel free to call Mary Jo Anderson at 297-4290.

SUMMARY OF JULY BOARD MEETING

OLD BUSINESS

1 - REACTION TO TOUR and PUBLIC FORUM: Board discussion of the tour and forum.

2 - EAST OTTERTAIL SWCD COST-SHARE AUDIT: Staff and Ted Lovdahl met with the Board of Supervisors to review the report and discuss corrections and changes and to begin discussions on development and finalization of a restitution plan. At the time of this summary I was not sure that all the issues have been negotiated; therefore this will be a discussion of the status of issues. **DISCUSSION and MAYBE DECISION.**

NEW BUSINESS

7(A) - METRO GROUNDWATER PLANNING - STATUS REVIEW: The Board is responsible for the review and approval of local groundwater plans. The law only provides for the voluntary preparation of groundwater plans in the metro seven-county area. As the Board will be reviewing the last three plans over the several months some history and status is being provided. A summary of the law, guidance and policy documents are provided for your information and review. Eric Mohring will present and answer questions. Eric will also provide a brief background of the Ramsey groundwater plan that will be formally presented in August. **INFORMATION and DISCUSSION**

7(B) - WETLANDS CONSERVATION ACT (WCA)/BANKING POLICY and AGREEMENT: Staff has been working with the Department of Transportation in the development of an agreement for the implementation of the subsidized mitigation banking initiative as authorized by the legislature a year ago and amended this year. The draft agreement, attached, provides for the establishment of banking credits for transportation projects consistent with the WCA law and rules. The Board has a couple policy decisions to make as part of this process. One, is the scope of this special banking initiative and; two, is the cost of the credits to the local government.

ONE: Options are to have the special banking apply to just the 80% counties; just the 80% and 50 - 80% counties or apply statewide. The draft changes to the WCA would have limited the application to the 80% counties. Since the issue has been raised due to the inequity of land-values in the 80% counties staff is recommending that the application of this special banking effort be limited to the 80% counties.

TWO: The cost of the credits? The draft legislation would have set the price at two times the value of adjacent land as determined by the county assessor. Other options include using the value currently used for the RIM program; where the Department of Revenue provides a value based on the average market value of agricultural land in a township (copy enclosed). Use the

estimated market value of adjacent land as determined by the county assessor. This would require some effort on the part of the assessor that may or may not be easy to come by. Use an appraised figure where the local government hires an appraiser to estimate the market value of the property. Staff recommends that the Board consider adoption of the market value from the Department of Revenue or where that is not available using the value of adjacent land as determined by the county assessor. The cost of each acre of credit would be two times the value determined.

Any non-adopting LGU's would not be eligible for this special banking effort since they are not administering and therefore under a moratorium. Approval of these two items would permit the mitigation credits into place so that those counties having difficulty moving projects due to the lack of mitigation opportunities could access these credits and move forward with the projects. **DISCUSSION and DECISION.**

7(C) WCA - NON-ADOPTING LOCAL GOVERNMENTAL UNIT (LGU's) POLICY: The staff have developed some options for consideration by the Board. The options for the Board have been discussed previously and no new ideas have been identified.

1 - A moratorium exists in any LGU that has not adopted the WCA. Therefore, no wetland activities other than exemptions are legal. The Department of Natural Resources (DNR) enforcement officers and other local peace officers have the responsibility and authority to enforce the moratorium. The LGU attorney has the responsibility to enforce the actions of the peace officers. Currently five counties have not adopted and we have no indication that they will in the near future. Stay with the moratorium.

2 - Take legal action to secure local administration of the program. This would involve the Attorney General's office filing suit against the local government in an effort to get the court to order administration of the program.

3 - Cancel the natural resources block grant and ask other agencies to withhold financial assistance from those counties. The Board previously acted to only withhold the WCA funds from the LGU's.

Staff generally supports the first option. The moratorium, with proper enforcement is the most efficient means to address the issue. **DISCUSSION and DECISION.**

7(D) WCA - NON-COMPLYING LGU's POLICY: There are some LGU's that are not administering the program in a proper manner. The law establishes some specific actions that the Board can initiate for these situations (attached). However, some non-compliance is less serious that others, some is flagrant, some may be just a one time situation, therefore some formal policy procedure for initiating the process is desirable. Due to the significance of this procedure it may be appropriate to discuss this month and take final action next month. **DISCUSSION and MAYBE DECISION.**

7(E) COASTAL ZONE MANAGEMENT: The DNR is the lead on the coastal zone management initiative for Lake Superior. This is a federal program that provides financial assistance for the development of a plan for the coastal areas in a state. In Minnesota that is the Great Lakes shoreland and watershed. Dan Retka, Regional Hydrologist, for the DNR will review the program and the role that BWSR can have in the process and the program. **DISCUSSION.**

7(F) LAKE SUPERIOR SOIL & WATER CONSERVATION DISTRICTS JOINT POWERS AGREEMENT (JPA): The BWSR has provided administrative and financial assistance towards the establishment and operation of a joint powers of the Lake Superior soil and water conservation districts. Ted Lovdahl and Mark Nelson will give an update with members of the JPA. The collective efforts of the JPA has the potential to give a watershed perspective on programs and policies relating to soil and water conservation efforts in the area. **DISCUSSION.**

7(G) LAKE SUPERIOR COASTAL ENGINEERING ASSISTANCE: The legislature two years ago funded an engineering position to further the technical assistance needs of the local governments along the shore of Lake Superior. The coastal engineering expertise was not available from the other agencies providing support to the area. The expertise provides the unique engineering skills to address large lake technical needs along Lake Superior and other large lakes in the state. Gene will review some of the successes and issues related to the initiatives. **DISCUSSION.**

7(H) DISPUTE RESOLUTION - RECOMMENDATIONS OF DRC ON SPARTZ AND LEVINE APPEALS - DISCUSSION AND DECISION.

RDH:mja
Enc.

BOARD OF WATER AND SOIL RESOURCES MEETING
DEWITT SEITZ BUILDING, THIRD FLOOR CONFERENCE ROOM
394 SOUTH LAKE AVENUE
DULUTH, MINNESOTA 55802
JULY 26, 1995
AGENDA

8:30 a.m.

1. Call Meeting to Order

2. Adopt Agenda

3. Approval of Minutes of June 28, 1995

4. Reports
   - Chair's Report - Barbara Cobb
   - Executive Director's Report - Ron Harnack
   - Education Committee - Tim Hvidsten
   - Feedlot Advisory Committee - Jim Rossman
   - Soil Conservation Committee - Glenn Annexstad
   - Dispute Resolution Committee (DRC) - Kathy Roer

5. Consent Agenda -

6. Old Business
   - Reaction to tour and public forum
   - East Ottertail SWCD Update

7. New Business
   A. Metro Groundwater Planning - Eric Mohring
   B. Wetlands Banking Agreement and Policy
   C. WCA Non-Adopting LGU's Policy
   D. WCA Non-Complying LGU's Policy
   E. Coastal Zone Management Report - Dan Retka, DNR
   F. Lake Superior Association Report - Ted Lovdahl
   G. Lake Superior Coastal Engineering Assistance - Gene Clark
   H. Recommendations of DRC on Spartz and Levine Appeals

8. Advisory Comments
   - Paul Burns, Department of Agriculture
   - Wayne Edgerton, Department of Natural Resources
   - Kim Benson-Johnson, Department of Health
   - Jim Anderson, Minnesota Extension Service
   - Wayne Anderson, Pollution Control Agency
   - Bill Hunt, NRCS
   - Jim Schafer, MASWCD
   - Rick Reimer, MACDE
   - Franklin Denn, MAT
   - Vern Johnson, MAWD

9. Board Issues - discussion, comments, action needed

10. Next Board Meeting - August 23, 1995 in St. Paul

12:30 p.m. ADJOURN

Tour Itinerary

8:15	Welcome by Commissioner Lepak (assemble in lobby of Comfort Suites)
8:30 Site #1	Board bus Highway #2 Alignment: impact on roadside stabilization and water quality (drive-by)
8:40-9:20 Site #2	Livestock Waste System: Chauncey andDean Wargin Farm (Hermantown)
9:20-9:50 Site #3	Proposed Wetland Banking Site: Billman Gravel Pit (Caribou Lake Rd)
9:50-10:30 Site #4	Walmart: Stormwater Management (drive-by)
Site #5	Kohl's: Wetland Regulation - Effects on Development Coffee Break (Kohl's parking lot)
10:30-11:45 Site #6	Sucker Bay Shoreline Stabilization: protecting water quality in Lake Superior
11:45-12:15 Site #7	Knife River Wayside: Forestry Watershed Management
12:30-1:30	Buffet Lunch: Lakeview Castle
1:30-3:30	Issues Forum (will run concurrently)
	Forum #1 "Federal-State-Local Partnerships: Changes in Resource Protection in the '90s and Beyond"
	Forum #2 "Forest Resources Challenges"
3:30-4:00	Return to Duluth

SLEEPING ROOMS AT COMFORT SUITES
408 CANAL PARK DRIVE
DULUTH, MINNESOTA 55802
218-727-1378

MONDAY, JULY 24 AND TUESDAY, JULY 25, 1995

1) Ted Lovdahl
2) Glenn Annexstad
3) Ginny Imholte
4) Kathleen Roer
5) Barb Uppgaard
6) Jim Rossman
7) LeRoy Stensgaard
8) Dwain Otte
9) Marvell Tripp
10) Barb Cobb
11) Al Kean
12) Jim Birkholz
13) Ron Shelito
14) Bill Best
15) Mary Jo Anderson

TUESDAY, JULY 25, 1995 ONLY

1) Ron Harnack
2) Greg Larson
3) Tim Hvidsten

DINNER RESERVATIONS AT THE TOP OF THE HARBOR, RADISSON HOTEL
MONDAY, JULY 24

1) Ted Lovdahl
2) Glenn Annexstad
3) Kathleen Roer
4) Barb Uppgaard
5) Jim Rossman (2)
6) LeRoy Stensgaard (2)
7) Dwain Otte (2)
8) Marvell Tripp (2)
9) Barb Cobb

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
JUNE 28, 1995

BOARD MEMBERS PRESENT: Barb Cobb, Barb Uppgaard, Ginny Imholte, Darrell Bruggman, Ted Lovdahl, Glenn Annexstad, Marvell Tripp, Dwain Otte, Tim Hvidsten, Kathleen Roer, LeRoy Stensgaard, and Jim Rossman.

AGENCY MEMBERS PRESENT:
Kim Benson-Johnson, Department of Health
Erv Berglund, Department of Natural Resources
Paul Burns, Department of Agriculture
Jim Anderson, Minnesota Extension Service
Wayne Anderson, Pollution Control Agency

OTHERS PRESENT:
Jim Schafer and D'Wayne DeZiel, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Bill Hunt, Natural Resources Conservation Service (NRCS)
John Fax, Department of Natural Resources (DNR)
Franklin Denn, Minnesota Association of Townships (MAT)
Jerry Voyles, Martin SWCD/BERBI

STAFF PRESENT:
Ron Harnack, Jeff Nielsen, Al Kean, Chris Hughes, Wayne Zellmer, Keith Grow, Gene Clark, Jim Birkholz, Marybeth Block, Bruce Sandstrom, and Mary Jo Anderson.

Chair Barbara Cobb called the meeting to order at 9:00 a.m.

** 95-29 **Adopt Agenda** - Moved by Marv Tripp, seconded by Ted Lovdahl, to adopt agenda as amended. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-30 **Minutes of April 26, 1995** - Moved by Ted Lovdahl, seconded by Dwain Otte, to approve the minutes of April 26, 1995, as circulated. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Jim Rossman entered the meeting at 9:10 a.m.

Reports
Chair's Report - Barb Cobb gave opening remarks as new chair of the BWSR.

Chair Cobb welcomed back Barb Uppgaard as a citizen member.

Recognition of Jim Nielsen - Ron Harnack, on behalf of BWSR, presented former chairman Jim Nielsen with a plaque and certificate of commendation from Governor Carlson and the Board.

Executive Director's Report - Ron Harnack briefly commented on staff's various activities: the management team's performance management training; a two-day management meeting dealing with program issues and budget; bonding activities for next year; a memo regarding the Minnesota Department of Transportation is not requesting permits from watershed districts any longer; and a proposed new prison in Braham that may affect wetlands; Ron plans to meet with each field offices and include area board members. Ron welcomed Barb as chair.

Education Committee - Tim Hvidsten reported that the Education Committee met on June 7 regarding Barb Liukkonen's BWSR/MES education position.

Feedlot Committee - Jim Rossman reported that the Feedlot Committee met on March 31, although he did not attend. The Feedlot Committee listed priorities in order to streamline the feedlot rule process.

Soil Conservation Committee - Glenn Annexstad reported that the committee hasn't met.

Dwain Otte attended a federal farm bill meeting attended by people nationwide. Dwain has a synopsis of the meeting. Ron Harnack stated that Representative Gene Hugoson will be

the next Commissioner of Agriculture effective July 1; he has initiated meetings trying to get a consensus on the farm bill. Ron will distribute the schedule to the Soil Conservation Committee so that they may attend. LeRoy Stensgaard stated that the Association of Minnesota Counties had a teleconference on Monday to discuss this issue.

Dispute Resolution Committee (DRC) - Kathy Roer reported that a hearing was held in June regarding a watershed district appeal. As of August 1, 1995 new 103D amendments remove BWSR from hearing watershed district appeals on permits and orders. Since they must be heard "on record" it is appropriate that such legal issues be decided by a court. In the future, the primary responsibility of DRC will be Wetland Conservation Act appeals.

Chair Cobb announced that during the lunch hour today board members and agency members will be meeting to go over housekeeping issues.

Legislative Update

Wetland Conservation Act - Ron Harnack gave an update on the Wetland Conservation Act. BWSR needs to address the issue of the five counties that have not adopted the WCA; and also to address the counties that have adopted but are not complying. Barb Uppgaard suggested simplifying the memo that was sent out to county chairs and sending it to each county board member.

County and Metro Water Planning - Ron Harnack gave an update on the county and metro water planning legislation. Chair Cobb stated that an ad hoc committee will be formed to address specific rule issues concerning water planning compliance. Cobb will chair the committee.

Watershed Districts and SWCD Term Compatibility - Ron Harnack updated members on this legislation.

Environmental Reorganization - Ron stated that BWSR has been designated with a key role in the special purpose local government report due December 15, 1995. The state agency report is due on January 15, 1996. In the BWSR's role, the Chair will designate individual board members to participate. The date of the reports will be clarified, as different dates have been given.

Budget - Ron summarized the FY 96-97 budget; the SWCD General Services Grant; Annualization of Technical Assistance to Districts/BWSR; Metro Water Management; and the overall biennial budget. Ron stated that he will continue to evaluate program assessments; it's possibly time to review the BWSR's strategic plan. Chair Cobb stated that an administrative committee will be formed to assist in addressing these issues.

Chair Cobb called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:20 a.m.

Natural Resources Block Grants/Wetlands/Minnesota River - Wayne Zellmer presented the proposed block grant allocations and asked that the Board endorse the block grants at this time. Discussion followed. Ron Harnack reported that a meeting regarding the Minnesota River will be held on July 12 at 10:30 a.m. at Sibley State Park in Mankato for signing of Minnesota River. The Lieutenant Governor will be attending. Chair Cobb asked board members in the area to attend. Moved by Roer, seconded by Tripp to endorse the block grants. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp and Uppgaard. Opposed: None. Carried.

** 95-31

Valley Branch Watershed District Plan Amendments - Bruce Sandstrom introduced Peter Zetterburg, chairman of the Valley Branch Watershed District. Bruce reviewed the plan amendments. Staff recommends approval of the Valley Branch Plan amendments. Mr. Zetterburg thanked staff for their assistance on this issue. Chair Cobb read the order. Moved by Annexstad, seconded by Lovdahl, to approve the Valley Branch Watershed District Plan Amendment. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp and Uppgaard. Opposed: None. Carried. A letter will be included with the order of plan approval.

** 95-32

Status of East Ottertail SWCD Financial Investigation - Jim Birkholz explained the situation in East Ottertail SWCD. Jim introduced John Blashack and Carl Annalora, board members of East Ottertail SWCD. Jim explained that a former employee of the SWCD had been stealing funds. The SWCD board has acted very responsibly in trying to resolve the issue. Staff Sara Johnson, Ron Shelito and Jim Birkholz have been working on this issue. The Perham police chief and attorney general's office have a legal investigation underway. A confidential investigation took place in April and May. The SWCD has recently hired two new staff. BWSR staff have been investigating the program and a draft will be available next week. A meeting was held on May 22 in Perham with all parties involved. Jim asked members to consider that the SWCD is well on their way to resolving this issue. Although BWSR needs additional communication regarding restitution of the funds involved, possibly take action in July on East Ottertail SWCD grant allocation. Annalora gave a chronology of the events of the theft. A cost-share audit has not been done in the district since 1987. Mr. Blashack stated that East Ottertail SWCD needs the continued financial support and continued working relationship with BWSR staff.

General Services/Cost-Share/RIM Services/Minnesota River Grant - Wayne Zellmer gave a brief synopsis of the grants. BWSR has the option of authorizing the cost-share grant but withholding the East Ottertail SWCD's allocation until July, awaiting reconciliation; or it can authorize release of East Ottertail's cost-share funds subject to approval of their restitution

** 95-33 plan. Moved by Rossman, seconded by Lovdahl, to endorse the allocation schedule as presented, holding the cost-share allocation to East Ottertail SWCD until approval of reconciliation plan in July. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Chair Cobb adjourned the meeting for lunch at 12:00 p.m. The meeting reconvened at 1:00 p.m.

Area II Strategic Plan and Annual Work Plan - Jeff Nielsen introduced representatives of Area II: Kerry Netzke, Area II coordinator; Darrell Apelgrain, engineer; John Boulton, Darold Nepperman, and Carl Hauschild. Kerry explained Area II's budget and prioritized projects. Moved by Stensgaard, seconded by Tripp, to approve the Area II work plan and grant allocation. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-34

Snake River Watershed Joint Powers Organization - Keith Grow introduced Wes Cashman, who explained the Snake River Watershed Joint Powers Board and updated BWSR on the activities and commitment to addressing the water resource issues of the area. Ron Harnack suggested that future annual reports be given to BWSR in written form; and he commended the Snake River Joint Powers Board for their efforts.

Cost-Share Program Update - Marybeth Block distributed the cost-share rule revision timeline for board members information. Discussion followed.

Advisory Comments

-Kim Benson-Johnson, Department of Health, distributed the Department of Health's new address--see attached.

-Paul Burns, Department of Agriculture, reported that the new Commissioner of Agriculture, Gene Hugoson, will begin July 1, 1995. Paul briefly mentioned the Best Management Practices program he is involved in and the challenges associated with the program.

-Wayne Anderson, Pollution Control Agency, reported that Ann Glumac is leaving the deputy commissioner position.

-Erv Berglund, Department of Natural Resources, reported that the Forestry BMP publication will be available soon.

-Bill Hunt, NRCS, the new state conservationist who began three months ago. Very impressed with BWSR, and is interested in working closely with state agencies. A farm bill

meeting will be held at the Sheraton-Midway, June 29, 9:30 a.m. - noon; he invited everyone to attend. Glenn Annexstad and Dwain Otte will attend.

-Jim Schafer, MASWCD, said that he is proud to have Barb as chair of the BWSR. Jim thanked BWSR for our support with stable funding initiatives that resulted in an increased general services grant and the Envirothon. MACDE meeting in Alexandria this week.

-Jim Anderson, MES, address change. Public meetings will be held on PCA committee of sewage treatment.

-Franklin Denn, MAT, briefly commented on sustainable development initiative regarding land use planning.

-July BWSR Tour and Meeting - Ted Lovdahl stated that the tour will be on Tuesday, July 25 and the BWSR meeting on Wednesday, July 26.

Ron Harnack reminded board members that expense claims need to be submitted by July 14.

Chair Cobb adjourned the meeting at 2:40 p.m.

Respectfully submitted,

Barbara Cobb
Chair

DRAFT 6/23/95

INTERAGENCY AGREEMENT

BETWEEN

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

AND

MINNESOTA DEPARTMENT OF TRANSPORTATION

This Interagency Agreement will provide for a cooperative effort between the Minnesota Board of Water and Soil Resources (BWSR) and the Minnesota Department of Transportation (MnDOT) to provide wetland banking credits for public transportation projects by certain local government road authorities.

WHEREAS, pursuant to the Wetland Conservation Act of 1991 as amended (WCA) and the administrative rules promulgated thereunder, Minn. Stat. § 103G.2242, subd. 1(a) (1994) and Minn. R. 8420.0700-.0760 (1993), BWSR has responsibility to establish and administer a state wetland bank (State Wetland Bank); and

WHEREAS, MnDOT has an account and is the holder of wetland credits in the State Wetland Bank; and

WHEREAS, pursuant to Laws 1994, ch. 643, § 26, subd. 3, as amended by Laws 1995 First Special Session, ch. 2, § 49, (the Wetland Banking Appropriation), BWSR is authorized to use up to $300,000 to establish and restore wetlands to provide credits for deposit in the State Wetland Bank; and

WHEREAS, the Wetland Banking Appropriation further provides that BWSR may enter into agreements with MnDOT for the use of the $300,000 and that such an agreement with MnDOT may provide for borrowing or acquiring existing wetland credits from MnDOT's account in the State Wetland Bank; and

WHEREAS, MnDOT has identified the following existing credits from among the credits in MnDOT's account in the State Wetland Bank that MnDOT is willing to make available for the use of local government road authorities (the Designated Existing Credits):

County	Watershed	Acreage	Type
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

WHEREAS, BWSR and MnDOT agree that it is desirable to restore wetlands and to provide wetland banking credits for the State Wetland Bank; and

WHEREAS, BWSR and MnDOT recognize that certain local government road authorities have an immediate need for wetland banking credits to provide a means of wetland replacement for public transportation projects and that it is desirable to provide the Designated Existing Credits for the immediate use of local government road authorities rather than waiting for the deposit of the new credits provided by the expenditure of the $300,000 appropriated pursuant to the Wetland Banking Appropriation; and

WHEREAS, the new credits provided by the use of the $300,000 appropriated pursuant to the Wetland Banking Appropriation will adequately compensate MnDOT for the depletion of its account in the State Wetland Bank due to the transfer of the Designated Existing Credits to local government road authorities; and

NOW THEREFORE, BWSR and MnDOT agree:

1. BWSR agrees to a one time transfer of $300,000 appropriated for wetland banking purposes pursuant to the Wetland Banking Appropriation to MnDOT. The transferred funds will be used by MnDOT to restore wetlands in counties or watersheds with less than 50 percent of their presettlement wetland remaining to provide credits for deposit in the State Wetland Bank. MnDOT and BWSR will cooperatively select the project site or sites. MnDOT agrees to become the fee title or easement holder for the property on which these wetland projects are located. The credits from these wetland projects will be deposited in MnDOT's account in the State Wetland Bank. MnDOT may use the credits to provide replacement for MnDOT transportation projects.

2. MnDOT authorizes BWSR to enter into agreements on behalf of MnDOT to transfer wetland banking credits from among the Designated Existing Credits to certain local government road authorities on the following terms and conditions:

a. The Designated Existing Credits will be transferred on a first-come, first-serve basis until they are depleted.

b. The Designated Existing Credits may only be used to provide replacement for public transportation projects conducted by local government road authorities.

c. The Designated Existing Credits may only be transferred for use pursuant to approved replacement plans and may not be transferred for holding for future use or resale.

d. Eligible local government road authorities shall pay to the State of Minnesota an amount per Designated Existing Credit designated by BWSR.

e. The amounts paid by local government road authorities for the transfer of the Designated Existing Credits will be used by BWSR pursuant to the Wetland Banking Appropriation to acquire perpetual conservation easements on existing type 1, 2, and 3

wetlands, to acquire adjacent lands, and for the establishment for permanent cover on adjacent lands, in accordance with Minn. Stat. § 103F.516.

3. BWSR and MnDOT each agree that it will be responsible for its own acts and omissions and the consequences thereof to the extent authorized by law, and will not be responsible for the acts of the other party and the consequences thereof. The State's liability is governed by the provisions of the Minnesota Tort Claims Act, Minn. Stat. § 3.736 and other applicable law.

4. This Interagency Agreement is effective on the day after all signatures below have been affixed.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By_____

Its_____

Dated:_____

MINNESOTA DEPARTMENT OF TRANSPORTATION

By_____

Its_____

Dated:_____

MINNESOTA DEPARTMENT OF FINANCE

By_____

Its_____

Dated:_____

MINNESOTA DEPARTMENT OF ADMINISTRATION

By_____

Its_____

Dated:_____

APPROVED AS TO FORM AND EXECUTION:

_____

Assistant Attorney General
Attorney for Minnesota Board of Water and Soil Resources

Dated: _____

APPROVED AS TO FORM AND EXECUTION:

_____

Assistant Attorney General
Attorney for Minnesota Department of Transportation

Dated: _____

8/23/95

Minnesota Board of Water & Soil Resources

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DATE: August 15, 1995

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

FROM: Ronald D. Harnack, Executive Director RDH

SUBJECT: August 23, 1995 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, August 23, 1995 beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The agenda and informational materials are enclosed for your review. Following is some background information regarding the agenda items.

SUMMARY OF AUGUST BOARD MEETING AGENDA

CONSENT AGENDA

1 - GRASS LAKE WETLAND RESTORATION - RIM: The Board gave preliminary approval to the allocation of special funds to this project in June and asked that the final decision be brought back this month. Staff has continued discussions with the other participating organizations, including the county and city, and have fine-tuned the estimates of contributions from the other partners. We have agreement regarding the sharing of costs for the project and ask that the Board give final approval to the RIM allocation for the Grass Lake wetland restoration projects. **DECISION.**

2 - FY96 NON-POINT ENGINEERING ASSISTANCE GRANT: The Board will be requested to approve the FY96 Non-Point Engineering Assistance Grant. These grants are issued to SWCD Joint Powers to increase the amount of available technical assistance to landowners utilizing State Revolving Fund Agricultural BMP Loan funds. This is scheduled to be the second allocation of this grant to each of the eleven joint powers. The first grants of $75,500 were allocated last spring. This second allocation of $94,545 will have a two-year grant period. **DECISION.**

OLD BUSINESS

1 - COST-SHARE RULE REVISION & ALLOCATION PROCEDURE: The cost-share rule revision and allocation retooling was initiated by the Board about a year ago. The staff have conducted area meetings with SWCD supervisors and employees and have coordinated with the MASWCD Cost-Share Committee and with the Board's Cost-Share/Soil Conservation Committee. The proposed rule changes increase flexibility for districts and the Board to meet the conservation needs. The approval of the Board to proceed to formal rule making is requested. It is anticipated that rule making will be non-controversial, however if not, we need the time to complete the formal hearings to be ready for 1996. **DISCUSSION & DECISION.**

2 - RIM EASEMENT PROGRAM WORK PLAN & '95 SIGN-UP: The staff is requesting approval for the work program and '95 RIM sign-up. Last year at this time the Board gave general approval to a two-year program and specific approval to the '94 sign-up. This is the last year of the two-year/biennial RIM appropriation. Future funds will depend on the Capital budget decisions of the legislature in 1996. There is about $2.7 million remaining for this fall. The Board's current allocation of 50% to the Minnesota River is still consistent with the State's focus on cleaning up the Minnesota River. The priority focus first to water quality, second to soil conservation and third to wildlife habitat guides local and regional decisions and helps achieve the objectives of the Board's strategic plan. **DISCUSSION & DECISION**

3 - REORGANIZATION UPDATE: Staff have prepared a packet of information for the Board members that provides some of the history of state and local organizational debates over the past 15 years. The summary information from the 1980's Water Planning Board and the more recent CORE (Commission on Reform & Efficiency) looked at alternative institutional structures for state and local government. The upcoming meetings in September will provide an opportunity for the public and local government to voice their perspective on what works, what doesn't work, and what changes would be beneficial to improve delivery of services to them. BWSR's role at the meeting will be to provide staff facilitation for small group discussions and to listen to what people have to say. There is a listing of the dates in your packet. Please let Mary Jo know which session you plan on attending.

NEW BUSINESS

1 - POLICY AUTHORIZING SWCD's to RETAIN RIM PENALTY PAYMENTS: This issue has been part of the continuing RIM retooling effort which began three years ago. Districts have voiced a strong interest in having the penalty $'s paid by landowners who violate RIM

easement conditions to be retained by the local District. The retooling work team supports this policy as it promotes monitoring and enforcement and it provides for the utilization of the penalty $'s to conduct conservation in the district where the violation occurred. **DISCUSSION & DECISION.**

2 - LOCAL WATER PLANNING UPDATE: We are moving into the second generation of water plan development both at the county and in the metro area with Water Management Organizations (WMO's). Doug Thomas will give some background on the program and review the process and the expectations of the plans as defined in rule and policy of the Board. We estimate 75+ metro and county water plans to be coming forward for review and approval in the next two years. The water planning program has and continues to be one of Minnesota's great success stories. **DISCUSSION.**

3 - BOARD MEMBER HANDBOOK: Susan Tsakakis will review the outline for a Board member handbook. Your comments and ideas for what you would like to see in such a document are desired. **DISCUSSION.**

4 - MEDIA COMMUNICATIONS: More and more TV, radio, and newspapers are finding out who BWSR is and the significance of the programs that we provide. This results in the media contacting staff and Board members to get statewide or local perspectives on issues. Susan will take some time to give some pointers on effectively utilizing media. **DISCUSSION.**

If you have additional items or require additional information please feel free to give me a call. Travel safely, I look forward to seeing you on the 23rd!

RDH:mja
Enclosures

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
ST. PAUL, MINNESOTA
AUGUST 23, 1995

PRELIMINARY AGENDA

9:00 a.m.

1. Call Meeting to Order

2. Adopt Agenda

3. Approval of Minutes of July 26, 1995

4. Reports
   - Chair's Report - Barbara Cobb
   - Executive Director's Report - Ron Harnack
   - Education Committee - Tim Hvidsten
   - Feedlot Advisory Committee - Jim Rossman
   - Soil Conservation Committee - Glenn Annexstad
   - Dispute Resolution Committee - Kathy Roer

9:30 a.m.

5. Consent Agenda
   - Grass Lake Wetland Restoration Project in Kandiyohi County - Tom Wenzel
   - FY96 Non-Point Engineering Assistance Grant - Wayne Zellmer

10:00 a.m.

6. Old Business
   - Proposed Cost-Share Rule Revisions and Cost-Share Allocation Procedure - Marybeth Block
   - RIM Easement Program Work Plan and '95 Sign-Up - Tim Fredbo
   - Reorganization Update - Ron Harnack

11:00 a.m.

7. New Business
   - Proposed Policy Allowing SWCDs to Retain RIM Penalty Payments - Jim Birkholz
   - Local Water Planning Update - Doug Thomas
   - Proposed Board Member Handbook - Susan Tsakakis
   - Media Communications - Susan Tsakakis

(continued)

8. Advisory Comments
   - Paul Burns, Department of Agriculture
   - Kim Benson-Johnson, Department of Health
   - Jim Anderson, Minnesota Extension Service
   - Wayne Edgerton, Department of Natural Resources
   - Wayne Anderson, Pollution Control Agency
   - Bill Hunt, NRCS
   - Pat Wulff, MLA
   - Jim Schafer, MASWCD
   - Rick Reimer, MACDE
   - Franklin Denn
   - Vern Johnson, MAWD

9. Board Issues - discussion, comments, action needed

10. Next Board Meeting - September 27 in St. Paul

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
ST. PAUL, MINNESOTA
AUGUST 23, 1995

AGENDA

9:00 a.m.

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9. Board Issues - discussion, comments, action needed

10. Next Board Meeting - September 27 in St. Paul

BOARD OF WATER AND SOIL RESOURCES
DEWITT SEITZ BUILDING, THIRD FLOOR CONFERENCE ROOM
394 SOUTH LAKE AVENUE
DULUTH, MINNESOTA 55802
JULY 26, 1995

BOARD MEMBERS PRESENT:
Barb Cobb, Barb Uppgaard, Ginny Imholte, Jim Rossman, Kathy Roer, Glenn Annexstad, Tim Hvidsten, LeRoy Stensgaard, Ted Lovdahl, Marvell Tripp, Dwain Otte, and Darrell Bruggman.

AGENCY MEMBERS PRESENT:
Paul Burns, Department of Agriculture
Wayne Edgerton, Department of Natural Resources

OTHERS PRESENT:
Bill Hunt and Kevin Daw, Natural Resources Conservation Service (NRCS)
D'Wayne DeZiel, Jim Schafer, and Bob Pigeon, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Rich Harms and Dave Davis, South St. Louis SWCD
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)

STAFF PRESENT:
Ron Harnack, Greg Larson, Al Kean, Barb Liukkonen, Gail Watczak, Mark Nelson, Ron Shelito, Bill Best, Eric Mohring, and Mary Jo Anderson.

Chair Cobb called the meeting to order at 8:30 a.m.

** 95-35 **Adopt Agenda** - Moved by Marvell Tripp, seconded by Lovdahl, to approve the agenda as amended. The amendment removed the Lake Superior Coastal Engineering Assistance from the agenda. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-36 **Approval of Minutes of June 28, 1995** - Moved by Ted Lovdahl, seconded by Marvell Tripp, to approve the minutes of June 28, 1995 as circulated. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Reports

Chair's Report - Barb Cobb stated that she has enjoyed her first month as chair. She distributed a list of acronyms and definitions and "Relationship Between Ecosystem-Based Management, Sustainability, and Biodiversity" for members' information. Barb attended the Environmental Quality Board (EQB) meeting and participated in the discussion on the two-agency premise on reorganization. The first reorganization meeting will be held on September 5. Barb appointed two board member committees to work on the reorganization. Staff and committees will meet to discuss the strategy of this issue. Discussion followed. Chair Cobb appointed new committees of BWSR.

Executive Director's Report - Ron Harnack attended the July 25 capital bonding tour, looking at the Minnesota River initiative. Ron attended an Association of Minnesota Counties (AMC) meeting in Moorhead on July 14 to meet with county board chairs; good discussion and focus on the Wetland Conservation Act (WCA). Ron stated that specific program policy issues will be addressed at upcoming BWSR meetings. Ron reported that new staff will be hired; one full-time position for metro water planning; one position to work on planning issues and support of dispute resolution activities; and 1.5 support staff positions.

Soil Conservation Committee - Glenn Annexstad reported that CRP has been extended an additional year. Glenn, Ron Harnack and LeRoy Stensgaard attended the Minnesota River joint powers signing meeting in Mankato at Sibley Park; Governor Carlson was present at the signing ceremony.

Dispute Resolution Committee - Kathy Roer reported that a WCA appeal from Wright County will be heard on August 10.

Wayne Edgerton and Paul Burns offered assistance on any BWSR committees.

Reaction to Tour and Public Forum - Barb Cobb thanked Ted Lovdahl for his invitation to Duluth and staff for the great tour. Ted thanked the northern staff and appreciated Gail Watczak's assistance in setting up the tour. Chair Cobb appreciated Barb Liukkonen's self-guided tour on the way up to Duluth.

East Ottertail SWCD Update - Ted Lovdahl thanked Ron Shelito for his great efforts on the East Ottertail SWCD issue. About $73,000 have been taken from BWSR funds. Ted asked to table the issue until September when more information will be available regarding prosecution and/or restitution. Ron Harnack stated the Matt Seltzer, attorney general's office, has been asked to look into the situation regarding restitution; he is working on the options and authorities available to the BWSR and will have this information at the September meeting. Moved by Ted Lovdahl, seconded by Dwain Otte, to table the East Ottertail SWCD situation until the September BWSR meeting. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-37

Metro Groundwater Planning - Eric Mohring distributed a metropolitan groundwater planning progress report for the board members' information. Eric displayed a poster "Management Techniques for Groundwater Protection" showing what has been done in the seven-county metropolitan area. Eric gave background and updates on groundwater planning in the metro. He also made available copies of the Ramsey County water plan for the members' information.

Chair Cobb called for a break in the meeting at 9:35 a.m. The meeting reconvened at 9:50 a.m.

Wetlands Banking Agreement and Policy - Greg Larson briefly commented on Chair Cobb's "plain English" interpretation of the memorandum of agreement with BWSR and the Minnesota Department of Transportation (MNDOT). Greg explained there are two issues regarding public transportation projects that BWSR needs to take action on: 1) should credits only be available to greater than 80 percent counties; and 2) what should BWSR charge for those credits? Discussion followed. Moved by Ted Lovdahl, seconded by Kathy Roer, to approve credits only to greater than 80 percent counties. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-38

** 95-39 Moved by Lovdahl, seconded by Marvell Tripp, that credits will be sold for mitigation costs based on lessor estimated market value in townships as determined by the Department of Revenue or twice the adjacent land value as assessed by the county assessor, not less than

$400. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-40 Moved by Jim Rossman, seconded by Bard Uppgaard, to endorse the Memorandum of Understanding between the BWSR and MNDOT, with the executive director to sign for BWSR. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

WCA Non-Adopting Local Governmental Unit (LGU) Policy - Greg Larson explained that staff have developed some options for consideration by the BWSR. The three options are: 1) A moratorium exists in any LGU that has not adopted the WCA. Therefore, no wetland activities other than exemptions are legal. The Department of Natural Resources enforcement officers and other local peace officers have the responsibility and authority to enforce the moratorium. The LGU attorney has the responsibility to enforce the actions of the peace officers. Currently five counties have not adopted and we have no indication that they will in the near future. 2) Take legal action to secure local administration of the program. This would involve the Attorney General's office filing suit against the local government in an effort to get the court to order administration of the program. 3) Cancel the natural resources block grant and ask other agencies to withhold financial assistance from those counties. The BWSR previously acted to only withhold the WCA funds from the LGUs. Greg stated that staff supports the first option. The moratorium, with proper enforcement, is the most efficient means to address the issue. Ron stated that it's BWSR ongoing policy to withhold their WCA funds if they continue not to adopt WCA. Greg stated that BWSR staff need to play a bigger enforcement role with the five non-adopting counties. Discussion followed. Moved by Marvell Tripp, seconded by Dwain Otte, to accept staff recommendation as status quo to continue with moratorium. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-41

WCA Non-Complying LGUs Policy - Greg Larson commented on the draft BWSR policy WCA implementation corrective action policy; three-step process - staff to staff; staff to local officials; BWSR to remedy. Moved by Barb Uppgaard, seconded by Darrell Bruggman, to accept staff's recommended draft WCA implementation correction action policy. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

** 95-42

Coastal Zone Management Report - Dan Retka, Department of Natural Resources, explained the Coastal Zone Management (CZM) program in Minnesota. The federal CZM program offers grants as incentives to keep the state CZM program active. The non-point pollution control program was evaluated in Minnesota and they are awaiting the national

response to the program. A report will be made on all existing activities and programs and will be the basis of the CZM program. Ron Harnack stated that BWSR's role in this is that CZM is another tool in the tool box. Chair Cobb thanked Dan for coming before the BWSR.

Lake Superior Association Report - Ted Lovdahl explained the Lake Superior Association (LSA). The LSA meets monthly. Their activities include developing a model water plan for watershed districts; assisting in the State Revolving Fund (SRF) program; and working to address septic system concerns. The LSA is a coalition of five SWCDs (Carlton, Lake, Cook, North and South St. Louis). The LSA looks for grants and funds from the Lake Superior area.

Recommendations of Dispute Resolution Committee (DRC) on Appeals - Kathy Roer reported on two long-standing appeals; 1) Landview Landscaping, Inc., vs. Minnehaha Creek Watershed District; and 2) Levine vs. Minnehaha Creek Watershed District. In the past, DRC has made a recommendation to BWSR and then BWSR has taken action. The DRC hopes that these will be the last WCA appeals, due to legislative action as of August 1. Both appeals were complex; the DRC was advised by the Attorney General's office to proceed in a more formal recommendation to BWSR. The DRC will now make a recommendation, the Attorney General's office will provide written record for decision, all board members will have an opportunity to review the findings before voting and taking action on the recommendation. Kathy stated that the DRC met yesterday to deliberate the Levine vs Minnehaha Creek Watershed District appeal; appropriate for both parties to appeal. Next DRC meeting is August 10; the Landview Landscaping, Inc., matter will be deliberated at that time. No recommendation for either appeal today. Kathy was hopeful that a recommendation will be made at the August meeting, with written recommendations to board members before the August meeting.

Advisors' Comments

Department of Agriculture (MDA) - Paul Burns reported that an advisory group will meet July 27 to review two handbooks; 1) Ag Land Preservation and 2) Providing Assistance to Local Governments on Planning and Zoning and Feedlots. Paul reported on the Minnesota River ag water related research in the Minnesota River basin. Paul said that the Agricultural Best Management Practices (BMP) program is continuing.

Department of Natural Resources (DNR) - Wayne Edgerton briefly commented that DNR, in cooperation with the Department of Agriculture, is working on the sustainable ag BMP plan in response to legislation on state lands. A draft of the plan will be available in 30 days; please review and comment on the plan. "Good Neighbor Plan" focus groups will be held statewide this fall. Wayne thanked staff for the good tour yesterday.

Natural Resources Conservation Service (NRCS) - Bill Hunt thanked BWSR and others for making Bill feel welcome in Minnesota. He thanked Glenn Annexstad for attending NRCS meeting. An information sharing meeting is scheduled for August 16 with BWSR staff and NRCS staff to discuss joint technical information and how to work together better. Bill requested that if he and staff of NRCS can be of assistance to members, tell him exactly what they need from NRCS. NRCS just completed a moderate (just over 7,000 acres) WCA sign-up into alternative uses. CRP sign-up may be in September; please help advertise the benefits of this program. On August 11 NRCS will meet to discuss the Minnesota River; on August 22 Bill will meet with Congressman Minge to discuss conservation issues in Minnesota.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - Jim Schafer reported that he attended North Central NACD Leadership meeting in LaCrosse, Wisconsin July 9-12. MASWCD appreciated BWSR staff in attendance at the NACD meeting. Jim requested Tim Hvidsten to participate in the MASWCD Education Committee. Jim stressed the great interest in the statewide Envirothon.

Minnesota Association of Watershed Districts (MAWD) - Ray Bohn reported that in mid-March he received a memo regarding a permitting issue with watershed districts and the Department of Transportation (MNDOT); they are on their way to resolving the issue; he appreciated BWSR staff assistance on this. MAWD is in the process of planning their annual meeting, December 1-2; he appreciates BWSR staff assistance with that. Ray looks forward to working with BWSR committees on the reorganization process.

Chair Cobb asked that BWSR staff present introduce themselves: Ron Shelito, Eric Mohring, Mark Nelson, Greg Larson, Barb Liukkonen, Al Kean, Bill Best and Mary Jo Anderson.

Chair adjourned the meeting at 11:45 a.m.

Respectfully submitted,

Barbara Cobb
Chair

Minnesota Board of Water & Soil Resources

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Printed on recycled paper

August 23, 1995

TO : Board Members

FROM : Wayne Zellmer, Grants Coordinator

RE : FY 96 Non Point Engineering Assistance Grant

The BWSR will be requested to approve the FY 96 Non Point Engineering Assistance Grant at the August Board Meeting. These grants are issued to SWCD Joint Powers to increase the amount of available technical assistance to landowners utilizing State Revolving Fund Agricultural BMP Loan funds.

This is scheduled to be the second allocation of this grant to each of the 11 joint powers. The first grants of $75,500 were allocated last spring. This second allocation of $94,545 will have a two year grant period.

To date, ten joint powers have hired engineers and eight have hired technicians. The joint powers which have not completed hiring are continuing to seek qualified applicants. Before the FY 97 grants are allocated, progress reports will be required from the each joint powers.

BWSR staff requests that the Board approve these grants for allocation.

August 14, 1995

To: *Water and Soil Resources Board Members*

Prepared by: *Marybeth Block, Cost-Share Retooling Work Team*
612-297-7965

Subject: *Cost-Share Rule Revisions*

Minnesota Board of Water & Soil Resources

BACKGROUND:

At the March 1994 board meeting a cost-share retooling committee consisting of board members and central office staff was appointed. This committee primarily focused on the issue of allocating grants to SWCDs, including reviewing and responding to the MASWCD proposal of equal allocations to their areas. At the board's August 1994 meeting the committee recommended that the board not adopt a policy allocating the monies equally to each area. The committee did feel the area allocation idea had merit and recommended the concept be incorporated within revised rule.

Concurrently, a process to revise the administrative rules was being developed. In February of 1995 the BWSR Cost-Share Retooling Work Team, consisting of six field staff and two central office staff, was convened to draft the rule amendments.

It became apparent through the rule revision process that a comprehensive handbook was needed to guide district's with program implementation. The guidelines are in the early draft stage. A preliminary table of contents can be found on the back of this page.

GUIDING PRINCIPLES:

- → *Address state priorities according to statute - water quality, erosion control and sedimentation.*
- → *Maintain local district flexibility.*
- → *Coordinate with the local planning process - annual, comprehensive and local comprehensive water plans.*
- → *Simplify planning and reporting*
- → *Simplify rule and be more descriptive in guidelines.*

RULE REVIEW - PERTINENT POINTS:

✓ Minnesota Statutes 103C.501 authorize the board to administer a state cost-share program. Please note that subdivision 6 identifies what must be contained in the rules. (A copy of the statute has been included in this mailing for your reference.) Other supporting information regarding the program and the retooling effort is available on request.

✓ Administrative rules have the effect of law. Procedures, and other items subject to change and refinement, are best addressed by board action and identified in the Administrative Guidelines for the State Cost-Share Program (e.g., list of approved practices).

✓ The following pages reflect the proposed revisions to the July 1, 1985 copy of the cost-share program rules. Text with a line through it (strikeout) suggests it will be deleted and any text underlined is proposed additions. Clean text indicates that no changes were made to the 1985 version. It is important to read <u>all</u> of the text, including the strikeout language, to understand the implications that deleting the text will have.

Administrative Guidelines for the State Cost-Share Program

I. Program Overview

A. State Priorities
B. Minnesota Statutes 103.501
C. Administrative Rules

II. Grant Administration

A. Local Planning
B. Distribution of Funds
C. Program Eligibility
D. Conservation District Records

III. Contract Implementation

A. Application
B. Cost-Share Contract
C. Issuing Contract Payments

IV. Practice and Technical Information

A. Definitions
B. Technical Approval Authority
C. Technical Requirements Implementing the Cost-Share Contract
D. Project File
E. Approved Practice List
F. Practice Guidelines

V. Contract Maintenance

A. Recording Practices
B. Practice Maintenance
C. Contract Noncompliance

VI. Special Projects or Programs

The following narrative briefly highlights, by section, historical information, explanation of the changes or issues that have important implications.

8400.0100 DEFINITIONS.

This section defines terms used within the rule. Terms were added and deleted from rule during the revision process. Important terms to review include the definitions of high priority erosion problems and high priority water quality problems because they determine eligible lands. Revisions to these terms attempt to target areas where problems are apparent and recognize local efforts to identity areas where problems are prevalent. Technical approval authority is also a term SWCDs are interested in. The work team consulted the Technical Advisory Committee (initially appointed to deal with technical issues pertaining to SRF) to define Technical Approval Authority..

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS

Subpart 3 reworded to clarify that at least 80% of the statewide allocation will be granted to districts. Up to 20% may be retained to grant to districts for special projects (including programs). In the past the board retained 10% for special projects. However, the majority of funds traditionally allocated for special projects came from rollover dollars - i.e., monies returned because projects cancelled or did not cost as much as estimated. The rule revisions largely eliminate rollover dollars because districts will have the ability to re-encumber freed-up dollars rather than immediately return them to state (see 8400.0900 subp.3).

Subpart 4 was added to authorize BWSR to distribute state and federal grants through the cost-share program, e.g., MFIP.

8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS

Subp. 1 requires that districts use 80% of the funds to address high priority erosion or water quality problems. The remaining 20% may be used to cost-share on a problem not meeting the high priority definitions or to cover the technical and administrative expenses the districts incur with the program.

Subp. 2 identifies "up to" 75% as the maximum cost-share percent allowed for a practice.

Subp 3 authorizes districts to reallocate dollars freed-up within the grant period.

8400.1250 TECHNICAL ASSESSMENT AND COST-ESTIMATE

The rule revision effort has attempted to chronologically discuss the cost-share program process. This reference was formally (1985 version) mentioned in 8400.1400 subp. 1. The narrative has been expanded to clarify what's needed at this stage and who is authorized to do it.

8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW

Deleted language pertaining to supplemental practices (item B lines 28-34). It was no longer needed because these practices will be incorporated into the approved practice list.

Added language in item D-1 to allow the application to serve as the land occupier and owner's authorization to allow SWCD employees access - the cooperative agreement (deleted-see item A) use to serve this function. Item D.2 requires the land occupier to obtain the necessary permits associated with the practice to be installed.

Item E and F reworded to clarify the difference between repairing a damaged practices and reconstructing a failed or depleted practice.

- more on the back page -

8400.1400 CONSERVATION DISTRICT APPROVAL

Added subpart 2 to clarify the technical requirements of the conservation practices. The 1985 version discusses this step in 8400.1300 item G.

8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT

Subp 2 and 3 have been reworded to delegate the state board's role to authorize partial payments to the conservation district board. The district board is in the best position of determining whether or not the request meets the partial payment conditions listed in this subpart.

8400.1500 CONSERVATION DISTRICT RECORDS

Added the statutory requirement that the rules require district's to document their efforts identify and contact landowner with high priority erosion problems

8400.1600 EXECUTING THE COST-SHARE CONTRACT

Subp 1 is language that has been moved from subp.4 to improve chronological organization.

8400.1650 RECORDING THE COST-SHARE CONTRACTS

Recording practices has its roots in 1986 session law. To the best of staffs' recollection - Sen. Chuck Davis soil loss limit bill (later enacted) required the recording of conservation practices in certain circumstances. In April of 1986 the board extended this requirement to all practices applied to the land using state cost-share dollars. This proved to be an extreme administrative burden for SWCDs with little perceived benefit, and consequently the policy of the board was rescinded in approximately 1990. However, it was the feeling of the retooling work team that recording practices does have merit when the state is making a major investment (only required if state pays $50,000 or more). It would serve to legally notified the new landowner that the practice is established on the land and must remain there for its effective life.

8400.1750 PRACTICE SITE INSPECTIONS

This language was added to authorize the BWSR to require that SWCDs perform periodic inspections of practices installed with state cost-share dollars.

8400.1950 through 8400.2800 has been repealed.

These sections identified the approved practices, along with other pertinent conservation practice information.

COST-SHARING CONTRACTS

103C.501 COST-SHARING CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.

Subdivision 1. **Cost share authorization.** The state board may allocate available funds to districts to share the cost of systems or practices for erosion or sedimentation control or water quality improvement that are designed to protect and improve soil and water resources.

Subd. 2. **Request by district board.** (a) A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

(1) a comprehensive plan;

(2) an annual work plan; and

(3) an application for cost-sharing funds.

(b) The comprehensive and annual work plans must be completed as provided in section 103C.331, subdivision 11. After review of the district's comprehensive plan, the state board must approve the comprehensive plan with necessary amendments or reject the plan.

Subd. 3. **Approval of application.** If the state board approves the comprehensive plan, including the plan's most recent amendment, the annual work plan, and the application of the district, the state board shall determine the specific amount of funds to allocate to the district for cost-sharing contracts.

Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

(b) The remaining cost-sharing funds may be allocated to districts as follows:

(1) for technical and administrative assistance, not more than 20 percent of the funds; and

(2) for conservation practices for lower priority erosion, sedimentation, or water quality problems.

Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis to furnish financial aid to a land occupier or to a state agency for permanent systems for erosion or sedimentation control or water quality improvement that are consistent with the district's comprehensive and annual work plans.

(b) The duration of the contract may be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance received from the district, for failure to complete the systems or practices in a timely manner or maintain the systems or practices as specified in the contract.

(c) A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services in kind.

(d) The state board or the district board may not furnish any financial aid for practices designed only to increase land productivity.

Subd. 6. **Rules.** The state board shall adopt rules prescribing:

(1) procedures and criteria for allocating funds for cost-sharing contracts;

(2) standards and guidelines for cost-sharing contracts;

(3) the scope and content of district comprehensive plans, plan amendments, and annual work plans;

(4) standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high priority erosion, sedimentation, and water quality problems;

(5) the share of the cost of conservation practices to be paid from cost-sharing funds; and

(6) requirements for districts to document their efforts to identify and contact land occupiers with high priority erosion problems.

History: *1990 c 391 art 3 s 23*

WORKS OF IMPROVEMENT

103C.601 WORKS OF IMPROVEMENT.

Subdivision 1. **Authority.** (a) The district board may, if directed by resolution of the boards of commissioners from the counties where the district is located undertake, construct, install, maintain, and operate works of improvement for a district purpose. The district board may:

(1) use the proceeds of tax levies, assessments, and other available funds for the works of improvement;

(2) acquire necessary real or personal property by purchase or gift for the works of improvement;

(3) contract, survey, plan, construct, install, maintain, and operate the works of improvement; and

(4) exercise other authorized powers.

(b) Two or more district boards may jointly exercise the powers granted by this section.

Subd. 2. **Request for project.** A program for works of improvement in any area within one or more districts may be initiated upon written request for a project submitted to the district board by one or more of the owners of land in the affected area. The request must include:

(1) a general description of the area proposed for inclusion in an improvement work unit, with a proposed name or number for the project;

(2) a description of the affected land owned by the signers; and

(3) a statement of the objectives of the proposed works in furtherance of the authorized purposes, the grounds upon which the project will be of public benefit and utility and promote the public health, safety, and welfare, and special benefits to property that will result from the project.

Subd. 3. **Determination by district board.** As soon as practicable after receipt of the request the district board shall have necessary preliminary surveys and studies conducted.

Subd. 4. **Resolution of establishment.** (a) The district board may, by resolution, recommend the establishment of an improvement work unit and a program for works of improvement in the work unit to the boards of county commissioners of the counties where the affected land is located if the district board determines the proposed works of improvement:

(1) are feasible;

(2) will be of public utility and benefit;

(3) will promote the public health, safety, and welfare; and

(4) will further the authorized purposes and best interests of the district.

(b) The district board shall by resolution give the improvement work unit an appropriate name or number, which may be different from the one proposed in the initial project request.

(c) The resolution shall recommend definite boundaries for the improvement work unit, which may be those proposed in the request or modified as the district board deems advisable.

(d) In the resolution the district board may also enlarge, reduce, or otherwise modify the proposed objectives of the program, but not make a substantial change in its

CHAPTER 8400
BOARD OF WATER AND SOIL RESOURCES
COST-SHARE PROGRAM

8400.0050 Purpose

8400.0100 Definitions

8400.0200 Authority

8400.0300 Approved Practices

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8400.0700 Program Reporting and Monitoring

8400.0900 Conservation District Administration of Program Funds

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8400.1600 Executing the Cost-Share Contract

8400.1650 Recording Practices

8400.1700 Maintenance

8400.1750 Practice Site Inspections

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8400.0050 PURPOSE.

The cost-share program is administered through local conservation districts to provide financial and technical assistance to land occupiers for the application of soil and water conservation practices that reduce erosion, control sedimentation or improve and protect water quality to ensure the sustainable use of Minnesota's ~~water and soil~~ natural resources.

8400.0100 DEFINITIONS.

Subp 1. **Scope.** For purposes of parts 8400.0050~~0100~~ to 8400.~~29~~1800, the definitions in this part, in addition to those in Minnesota Statutes, chapter ~~40~~103C, apply.

~~Subp. 1a. **Adequately protected.** "Adequately protected" means that soil erosion and other factors that influence the sustained productive use of the resource base are within acceptable limits, which are achieved through the use of soil and water conservation practices. With respect to soil erosion, the loss may not exceed "T."~~

~~Subp. 2. **Agricultural Stabilization and Conservation Service.** "Agricultural Stabilization and Conservation Service" means the United States Agricultural Stabilization and Conservation Service, an agency of the United States Department of Agriculture.~~

Subp. 2. **Administrative Guidelines for the State Cost-Share Program.** "Administrative Guidelines for the State Cost-Share Program" means the most current compilation of the approved practices, practice guidelines, administrative guidelines, and examples of administrative forms provided to conservation districts by the state board to assist in locally administering the state cost-share program. The publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.

Subp. 3. **Annual plan.** "Annual plan" means a plan prepared by the conservation district pursuant to Minnesota Statutes, section ~~40.07~~103C.331, subdivision ~~9~~11F, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.

Subp. 4. **Approved practice.** "Approved practice" means a ~~soil and water~~ conservation practice ~~which~~ that qualifies for state cost-sharing and ~~which~~ that has been approved by the state board.

~~Subp. 5. **Area conservationist.** "Area conservationist" means the area conservationist of the Soil Conservation Service.~~

~~Subp. 8. Assigned Soil Conservation Service personnel. "Assigned Soil Conservation Service personnel" means the district conservationist or Soil Conservation Service personnel designated by the area conservationist to provide need and performance certification to the program.~~

~~Subp. 7a. **Class I - IV soil.** "Class I - IV soil" means soil generally suitable for field crop production according to United States Department of Agriculture Handbook No. 210, "Land Capability Classification" (Washington, D.C., September, 1961). That publication is not subject to frequent change, is available at the St. Paul Public Library, and is incorporated by reference. Soil in Class I has few limitations that restrict their use while Class IV soil has very~~

~~severe limitations that require very careful management.~~

Subp. 5. **Comprehensive local water plan.** "Comprehensive local water plan" means a local water plan authorized under Minnesota Statutes section 103B.311, or a watershed overall plan required under section 103D.401, or a watershed management plan required under section 103B.231, or a county groundwater plan authorized under section 103B.255.

Subp. ~~7~~6. **Comprehensive plan.** "Comprehensive" means a long-range plan ~~prepared~~ adopted by the conservation district pursuant to Minnesota Statutes, section ~~40.07~~103C.331, subdivision ~~9~~11 and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is not subject to frequent change, is available in the State Law Library, and is incorporated by reference.

Subp. 7. **Conservation practices.** "Conservation practices" means practices applied to the land for the purpose of controlling or preventing soil erosion, sedimentation, nutrient runoff, or other water pollution to maintain the sustainable use of soil and water and other natural resources.

~~Subp. 8a. **Descriptive maps.** "Descriptive maps" means computer generated maps prepared by the land management information center of the State Planning Agency and provided to districts depicting high priority wind and water erosion and sedimentation areas. These maps are a tool for the district to identify high priority problem areas. These maps can and should be supplemented by the district as needed to more accurately reflect high priority erosion and sedimentation problems.~~

Subp. ~~9~~8. **Conservation Ddistrict.** "Conservation Ddistrict" means a soil and water conservation district organized under Minnesota Statutes, chapter ~~40~~103C.

Subp. ~~10~~9. **Conservation Ddistrict board.** "Conservation Ddistrict board" means the ~~five~~ board of supervisors of a soil and water conservation district ~~authorized to carry out the functions of the conservation district~~ as organized under Minnesota Statutes, chapter 103C.

~~Subp. 11. **District conservationist.** "District conservationist" means the district conservationist of the Soil Conservation Service.~~

Subp. 10. **Conservation district technical representative.** "Conservation district technical representative" means a district employee or other designee assigned by the conservation district board who has expertise in the design and application of conservation practices.

~~Subp. 12. **District cooperator.** "District cooperator" means a land owner who has requested the assistance of a district in controlling conservation problems. The request must be formalized by the signing of a district cooperator's agreement provided by the state board and approved by the district board.~~

~~Subp. 13. **District technician.** "District technician" means a district employee or county employee assigned to the district who possesses expertise in the design and application of soil and water conservation practices.~~

Subp. 11. **Consolidated Farm Service Agency.** "Consolidated Farm Service Agency" means the United States Consolidated Farm Service Agency, an agency of the United States Department of Agriculture.

Subp. 142. **~~Enduring practice~~ Effective Life.** "~~Enduring practice~~ Effective Life" means ~~a~~ the time span for which a ~~soil and water~~ conservation practice effectively fulfills its intended purpose. ~~that is designed for an effective life of ten years or more.~~

~~Subp. 14a. **Feedlot model.** "Feedlot model" means anthe analytical model contained in "An Evaluation System to Rate Feedlot Pollution Potential," publication no. ARM NC 17, of the Agricultural Research Service of the United States Department of Agriculture (Peoria, Illinois, April 1982), designed for programmable hand held calculators and used to determine the pollution potential rating of an animal feedlot. That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. 153. **Field Office Technical Guide.** "Field Office Technical Guide" means the document providing standards and specifications for technical requirements of ~~soil and water~~ conservation practices as provided by the ~~Soil~~ Natural Resource Conservation Service and adopted by the conservation district board.

Subp. 164. **Group spokesperson.** "Group spokesperson" means a~~n individual~~ principal land occupier designated by ~~several~~ the individuals involved in a group project~~,~~ who ~~may~~ is authorized to speak for the entire group in negotiations with a conservation district for cost-share assistance.

Subp. 16~~a~~5. **High priority erosion problems.** "High priority erosion problems" means areas where erosion from wind or water is occurring ~~on Class I IV soils~~ equal to, or in excess of, 2 x T tons per acre per year or is occurring on any area ~~within 300 feet of water course or within 1000 feet of a water basin or wetland eroding by water in excess of t tons per acre per year. The water basin, wetland, or water course must be classified by the department of natural resources as a protected water. Erosion problems occurring on nonshoreland areas in excess of t but less than 2xt tons per acre per year are classified as secondary priority~~ that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.

Subp. 16~~b~~. **High priority water quality problems.** "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated ~~protected~~ public waters or to any high priority waters as identified in a comprehensive local water plan or the conservation district's comprehensive plan, or discharge to a sinkhole or groundwater. The pollutant delivery rate to the water source is in amounts ~~water as to~~ that will impair ~~their~~ the quality or usefulness of the water resource~~,~~. ~~including high priority feedlots and sedimentation problems.~~

~~"High priority feedlots" means feedlots where the pollution potential rating from a the feedlot model is greater than or equal to one; and that are discharging pollutants to Department of Natural Resources designated protected waters, or to a sinkhole, or sensitive groundwater area, or to shallow soils overlying fractured or cavernous bedrock or with 100 feet of a water well feedlots not meeting these criteria are not eligible for cost sharing assistance except as provided in part 8400.2600, subpart 3.~~

~~" High priority sedimentation problems means areas within 300 feet of a water course or 1000 feet of a water basin or wetland where~~

~~the water erosion rate exceeds three tons per acre per year or areas where the districts can show that sediment delivery occurs direct conveyance structure such as a storm sewer or paved outlet channel discharging to these waters. The water basin, wetland, or water course must be classified by the Department of Natural Resources as a protected waters. Sedimentation problems not meeting these criteria are not eligible for cost sharing assistance.~~

Subp. 1~~8~~7. **Land occupier.** "Land occupier" means a person, ~~firm or~~ corporation, or legal entity that holds title to or is in possession of ~~, including the governments of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of the state, who possess~~ lands ~~lying~~ within a conservation district ~~organized under Minnesota Statutes, chapter 40, whether~~ as an owner, lessee, ~~renter,~~ tenant or otherwise ~~, including, during the life of a practice, successors of a land occupier who received a cost share payment. This definition also includes the federal government~~.

Subp. 18. **Landowner.** "Landowner" means a person, corporation, or legal entity that holds title to or is in possession of land.

Subp. 19. **Natural Resource Conservation Service.** "Natural Resource Conservation Service" means the United States Natural Resource Conservation Service, an agency of the United States Department of Agriculture.

~~Subp. 19. **Nonproduction practice.** "Nonproduction practice" means a soil and water conservation practice that is installed or applied to control soil erosion or sedimentation or to protect or improve water quality. Practices installed or applied primarily to bring land into production or to increased the short term productivity are not eligible for cost sharing.~~

Subp. 20. **Other recognized technical practices.** "Other recognized technical practices" means any conservation practice or compilation of such practices not on the approved list of conservation practices that have been approved by the state board for cost-share assistance on a case-by-case basis.

~~Subp. 20. **Program plan.** "Program plan" means a statewide plan developed by the state board, in consultation with the conservation district and appropriate agencies, for control of the soil and water conservation problems in the state.~~

Subp. 2~~0a~~1. **~~Protected~~ Public waters.** "~~Protected~~ Public waters" means waters ~~basins, water courses and wetlands~~ as defined in Minnesota Statutes, section ~~105.371~~ 103G.005, subdivision 15 and ~~on the~~ inventory~~ied~~ ~~of public waters and wetlands~~ under Minnesota Statutes, section ~~105.391~~, ~~subdivision 1~~ 103G.201, and identified on a ~~protected~~ public waters and inventory map available in a county auditor's office.

Subp. 2~~0b~~2. **Registered professional engineer.** "Registered professional engineer" means a person who is duly registered to practice~~s~~ professional engineering within the meaning of Minnesota Statutes, sections 326.02 to 326.15.~~, and who performs technical professional services such as, but not limited to, the planning, designing, or inspecting of the construction of erosion, sediment control or water quality protection or improvement measures. A registered professional engineer may be designated by a district board and may use criteria in a recognized technical procedure to design, install, and certify practices that qualify for state cost sharing.~~

Subp. 23. **Sensitive groundwater area.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the board. Wellhead protection areas and land that is adjacent and draining into a sinkhole may be designated as a sensitive groundwater area.

~~Subp. 20c. **Shallow soils overlying fractured or cavernous bedrock.** "Shallow soils overlying fractured or cavernous bedrock" means areas where the soil depth or texture in conjunction with the condition of the bedrock will not provide treatment of agricultural waste sufficient to protect adequate protection of groundwater quality. Actual Ddetermination of these areas is made on an individual project basis by assigned Soil Conservation Service personnel. Actual determination may be done by the district technician.~~

Subp. 2~~0d~~4. **Sinkhole.** "Sink hole means a depression or hole in the earth's surface caused by dissolving of underlying limestone carbonate bedrock and subsequent settling or collapse of surficial soils.~~; drainage is through joints and fractures in underlying bedrock.~~

~~Subp. 21. **Soil and water conservation practices.** "Soil and water conservation practices" means structural or vegetative practices applied to the land for the purpose of controlling soil erosion, sediment, agricultural waste, or other water pollutants. Practices installed or applied primarily to bring land into production or to increase the short term productivity are not considered to be soil and water conservation practices.~~

~~Subp. 22. **Soil Conservation Service.** "Soil Conservation Service" means the United States Soil Conservation Service, ;an agency of the United States Department of Agriculture.~~

Subp. 2~~2a~~5. **Special project.** "Special project" means a conservation project or program, including but not limited to, those projects or programs that accelerate implementation of innovative soil and water conservation ~~projects~~ activities. ~~or demonstration projects , accelerated watershed or water quality project, long term conservation agreement, planning technique, or nonstructural erosion or sediment control or water quality protection or improvement measure. Special projects may address nonshoreland secondary priority erosion problems and are submitted to the state board according to " Guidelines for Special Projects" published by the state board. That publication is subject to frequent change, is available in the State Law Library, and is incorporated by reference.~~

Subp. 2~~3~~6. **State board.** "State board" means the state ~~Soil and~~ Board of Water and Soil Resources ~~Conservation Board~~ created in Minnesota Statutes, section ~~40.03~~ 103B.101.

Subp. 2~~5~~7. **T.** "T" means the soil loss tolerance that is the maximum ~~level~~ average annual rate of soil ~~erosion~~ loss from sheet and rill erosion or wind erosion, expressed in tons per acre per year, that ~~will permit a high level of crop productivity to be~~ is allowed yet still sustain~~ed economically and indefinitely. In Minnesota "T" ranges from one to five tons per acre per year depending on the particular soil characteristics. "T" values for Minnesota soils are provided in the Field Office Technical Guide~~ the productive capacity

of the soil to produce food and fiber over the long term.

Subp. 2~~6~~8. **2 x T.** "2 x T" means soil erosion at the rate of two times T.

Subp. 29. **Technical Approval Authority.** "Technical approval authority" means the authorization granted in accordance with the Administrative Guidelines for the State Cost-Share Program to a district technical representative to provide comprehensive technical assistance for individual conservation practices, including associated technical sign-off as the district technical representative of record.

8400.0200 AUTHORITY.

Minnesota Statutes, chapter ~~40,~~ 103C.501 authorizes the state ~~Soil and Water Conservation B~~board, in cooperation with the ~~soil and water~~ conservation districts, to administer a program of cost-sharing with land occupiers ~~on~~ for the installation of soil and water conservation practices. Parts 8400.~~0100 to~~ 0050 through 8400.~~2~~18800 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to conservation districts, and standards and guidelines ~~which~~ that the conservation district boards shall use in allocating funds to land occupiers.

8400.0300 ~~ESTABLISHING~~ APPROVED PRACTICES.

Subp 1. **Approved practices.** The state board, in consultation with the conservation districts, shall maintain a list of practices ~~which~~ that are eligible for cost-share funds.~~ and a schedule of maximum rates.~~ The list is contained in the Administrative Guidelines for the State Cost-Share Program. ~~parts 8400.2000 to 8400.2700 and the schedule in parts 8400.2800 and 8400.2900~~. ~~Changes to the list and schedule must be made pursuant to Minnesota Statutes, chapter 14.~~

~~8400.0400 CRITERIA FOR APPROVED PRACTICES~~

Subp. 2. **Criteria for approved practices.** Practices approved by the state board must meet the criteria in items A through ~~C~~ D.

A. The~~ir~~ primary purpose must be the control of soil erosion, ~~of~~ sedimentation, or chemical or nutrient runoff or infiltration~~ the protection or improvement of water quality~~.

B. ~~They must be enduring in nature.~~ All practices cost-shared under this program must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date the conservation district board approves the final payment and the project is considered complete.

C. ~~They must be nonproduction practices.~~ No cost-share funds shall be furnished for practices designed only to increase land productivity.

D. All practices must be consistent with the district's comprehensive plan.

Subp. 3. **Objectives of approved practices**. The Administrative Guidelines for the State Cost-Share Program contains a list of approved practices. The objectives of these approved practices may include, but are not limited to, activities that:

1. control nutrient run-off,
2. stabilize critical areas,
3. divert runoff to protect and improve water quality,
4. reduce wind erosion,

5. control gully, rill or sheet erosion,
6. protect shoreland from erosion,
8. control storm water, or
9. protect surface and ground water quality.

Approved practices must meet the criteria listed in Subp. 2.

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS.

Subp. 1. **Comprehensive plan.** Before the state board can allocate cost-share funds to a conservation district it must ~~first~~ approve the conservation district's comprehensive plan, including its most recent amendment and the annual work plan ~~which~~ that includes the ~~application~~ justification for needed cost-share funds. The plans must be in a format required by ~~the~~ M.S. 103C.331, subdivision 11 and the state board.

Subp. ~~3~~.2 **Review criteria.** The state board shall review all required conservation district applications for cost-share funds, ~~with respect to~~ based on the following criteria:

A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans;

B. priorities for the control of soil erosion or water quality problems as established in the ~~program plan~~ Administrative Guidelines for the State Cost-Share Program of the state board;

C. historical success of the conservation district in applying soil and water conservation practices;

D. availability of cost-share funds from other sources; and the

E. ~~readiness~~ ability of the conservation district to ~~effectively use~~ expend the funds in a timely manner.

~~The state board shall review all district applications for special funds with respect to criteria established in the most recent version of the guidelines for special projects published by the state board. That publication is subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. ~~4~~ 3. **Grants to conservation districts.** ~~Following review and approval of the annual and comprehensive plans, the~~ The state board shall annually allocate ~~to conservation districts in the form of grants~~ cost-share funds to conservation district boards that have fully complied with all state cost-share program rules and comprehensive and annual planning guidelines as prescribed by the state board. At least ~~7~~80 percent of the cost-sharing funds available statewide will be allocated to conservation districts in the form of grants for conservation practices and technical and administrative services. ~~to address high priority erosion or water quality problems.~~ The remaining cost-share funds may be allocated by the board to conservation districts ~~for technical and administrative assistance or~~ to carry out special projects or programs addressing high priority erosion or high priority water quality problems. ~~Technical and administrative assistance grants may be used for controlling secondary priority nonshoreland erosion problems.~~

Subp.4 **Other state and federal funds.** Other funds received by the state board may be allocated to conservation districts for the treatment of erosion, sedimentation, or water quality problems. These additional funds may be incorporated with existing funds and their use may be governed by the Administrative Guidelines for the State Cost-

Share Program or may be subject to other administrative guidelines required to fully implement the intent for which these additional funds were appropriated.

8400.0700 PROGRAM REPORTING AND MONITORING.

For the purpose of reporting and monitoring the progress of the program and use of funds, ~~the state board shall receive from~~ each conservation district shall submit an annual report of the year's accomplishments by a date deemed reasonable by the state board. The state board ~~may~~ shall require additional special reports, including but not limited to, summaries of practice site inspections and special projects. ~~deemed necessary by the state board to monitor the cost-sharing program~~. ~~The reports must be on forms provided by the state board.~~

8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS.

Subp. 1. **General.** Following receipt of grant funds from the state board, a conservation district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter ~~40~~103C, the Administrative Guidelines for the State Cost-Share Program, and all other applicable laws. The conservation district board ~~may~~ shall make all decisions concerning use of these funds in accordance with parts 8400.0050~~0100~~ ~~to~~ through 8400.~~29~~1800 and the Administrative Guidelines of the State Cost-Share Program. At least 80 percent of the cost-sharing funds must be used to address high priority erosion or water quality problems. The remaining cost-share funds allocated by the board to districts may be used for technical and administrative assistance, or to install approved practices to address problems not meeting the high priority erosion or water quality problem definition.

~~As a condition to receiving grant funds from the state board, the district shall ensure compliance with the maintenance provisions of part 8400.1700 and Minnesota Statutes, chapter 40 by monitoring all cost-share contracts made with land occupiers.~~

Subp. 2. **Maximum cost-share percentage.** Prior to considering any applications from land occupiers for cost-share assistance, the conservation district board shall establish ~~the~~ cost-share rates for practices to be installed under the program, ~~which may not exceed~~ up to the maximum rates established by the state board. The maximum percent of the total eligible cost of ~~a~~ the practice(s) installed using state cost-share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost-share funds of this program, must not exceed the maximum payment rate of 75 percent.

~~This~~ The conservation district board~~'s decision~~ shall establish cost-share rates ~~be~~ based on the following factors:

A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans;

B. advice of technical experts familiar with the conservation district; ~~and~~

C. cost-share rates currently in effect under the agricultural conservation program administered by the United States ~~Agricultural Stabilization and Conservation Service~~ Consolidated Farm Service Agency and other assistance programs.

D. conservation district priorities as established in

the conservation districts' comprehensive and annual plans; ~~and~~

E. cost-share funds available; and

F. state board recommendations located in the Administrative Guidelines for the State Cost-Share program.

The maximum cost-share rates must be identified in the conservation district's annual plan and other documents containing the policies of the district.

Subp. 3. **Re-encumbering funds.** Prior to the end of the grant period for which the state board had allocated the cost-share funds, a conservation district board may re-encumber all funds resulting from cancelled projects or from those projects that did not utilize the full amount encumbered. For unencumbered funds remaining at the end of a grant period, the conservation district board shall follow the procedures described in part 8400.1460.

8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.

Land occupiers seeking assistance under this program shall apply to the conservation districts on forms provided by the state board and available from the conservation district office. Each application must be filled out in its entirety~~. The application~~ and must be signed by the land occupier. ~~and i~~ If the land occupier is not the landowner, ~~it~~ the application must also bear the landowner's signature. ~~Applications must be submitted not later than June 1 to be considered for cost sharing from the funds available for the current fiscal year. After initial priority screening by the district board, assigned Soil Conservation Service personnel or a registered professional engineer are responsible for making a determination of need and cost estimate. Actual determination for need and cost estimate may be done by the district technician. Additional information on the desired practice which may be required by the district board in its consideration of the application shall be included.~~

8400.1100 GROUP PROJECT.

~~A situation may arise w~~ Where the cooperation of several land occupiers is required to solve an ~~conservation~~ erosion or water quality problem, ~~. Tt~~he conservation district may share the cost of such a group project if all of the land occupiers are eligible as individuals and the practices satisfy the criteria of the program. The land occupiers must reach agreement on ~~a~~ division of payments and designate a group spokesperson. The spokesperson must ~~be identified on the group cooperator agreement and shall file all forms with the district and~~ sign the application on behalf of the group and negotiate all project details with the conservation district. ~~Checks~~ Payment for the conservation district's share of the practice shall be issued to the group ~~members~~ spokesperson ~~based on~~ who will be responsible for executing the division of payment plan prepared by the group.

8400.1200 ~~LAND IN MORE THAN ONE DISTRICT~~ COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.

Subp. 1. **Land in more than one conservation district.** If a project involves land in more than one conservation district, application for the entire project must be made to the conservation district containing the ~~most land benefited by the practice~~ majority

of the project lands.

Subp. 2. **Pooling cost-share allocation for joint projects.** Conservation district boards may enter into an agreement to pool all, or portions of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be done to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the district's comprehensive plan.

8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION

A determination of the effectiveness of a practice to address the erosion or water quality problem and a cost estimate must be made by the conservation district technical representative prior to the conservation district board's review of the application for cost-share funds. The assessment and cost-estimate must be conducted by an individual with the appropriate level of technical approval authority or by a registered engineer with expertise in the design of the conservation practice(s).

8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.

~~Criteria for~~ Conservation district board review:

~~A. The applicant must be a district cooperator.~~

~~B~~A. The practice needed to solve the problem must be on the list of approved practices listed in the Administrative Guidelines for the State Cost-Share Program or must have received approval from the state board.

~~C~~B. The primary purpose of the requested practice must be ~~the control of soil~~ to treat a high priority erosion problem or ~~sedimentation or the protection or improvement of~~ high priority water quality problem. ~~In cases where the primary purpose is questionable, the conservation district board shall make a determination of the shall make determination of the need for supplemental practices to protect any practice installed under this program, such as fencing of water impoundment structures. If the district board determines that supplemental practices are necessary, it shall authorize cost sharing for their installation.~~

~~D~~C. The requested practice must be consistent with district plans and priorities~~. and~~

D. The application must be signed by the land occupier and the landowner (if different) indicating their agreement to:

1. grant the soil and water conservation district's representative(s) access to the parcel where the conservation practice will be located;

2. obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

~~E~~. 3. ~~The practice must be maintained by the land occupier, who is~~ be responsible for operation and maintenance of practices applied under this program in accordance with an operation and maintenance plan prepared by the district technical representative.

~~F~~E. ~~Priority consideration shall be given to land occupiers or groups of land occupiers who demonstrate the ability to meet matching requirements.~~ Costs to repair damage to conservation

practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier. Costs to repair conservation practices installed without state cost-share dollars are not eligible for state cost-share assistance.

F. If the practice has fully met or exceeded its designed effective life the cost to reconstruct the practice is eligible for cost-share assistance if the practice was originally installed with or without state cost-share dollars. ~~Cost share funds may must not be used for repair of practices installed solely with private or federal cost sharing funds.~~

~~G. The practice must comply with the technical requirements of the Field Office Technical Guide~~. ~~For requested practices not included in the Field Office Technical Guide, other recognized technical procedures, adopted by a conservation district board, may be used to design, install, and certify practices.~~

8400.1400 CONSERVATION DISTRICT APPROVAL.

Subp. 1. **General.** After completion of the conservation district board review ~~a priority determination and cost estimate,~~ the conservation district board shall either approve or deny the application. If it is approved, the district board shall instruct the chair~~man~~ or acting chair~~man~~ to sign the application. Once it is signed, the application becomes the contract between the district and land occupier, and serves as the authorization ~~for work to proceed on~~ to construct the practice~~.~~ in accordance with the approved plan. Practices where construction has begun prior to conservation district approval are ineligible for financial assistance. Changes in any provisions of the contract are subject to review and approval by the conservation district board.

If ~~it~~ the application is denied, the conservation district board shall notify the land occupier in writing within 30 days after conservation district board action of the reason for denial~~ of the application. Changes in any provisions of the contract are subject to review and approval by the district board.~~

Subp. 2. **Conservation Practice Plans.** The plans for conservation practices must be prepared in accordance with standards in the Field Office Technical Guide or other standards approved by the state board. Plans prepared by a registered professional engineer must meet Field Office Technical guide standards, other standards approved by the state board or must be certified as appropriate standards by the registered professional engineer. Upon completion and technical approval of the plan, one copy will be given to the land occupier and on copy will be retained with the project file located in the conservation district office.

~~Subp. 2. **High priority problems.** In order to ensure compliance with part 8400.0600, subpart 4, the conservation district board shall approve only those applications that involve the high priority problems for that they received funds.~~

8400.1405 ~~STARTING AND COMPLETION~~ PROJECT DEADLINES AND PARTIAL PAYMENT

Subp. 1. **Time limit~~,~~ and cancellation.** Projects not started within 18 months after conservation district board approval must be canceled unless an amendment to the project has been approved by the conservation district board. Projects not completed ~~within two~~

~~calendar~~ by the end of the state's third fiscal year~~s~~ after initial conservation district board approval must be canceled unless prior written approval of the state board has been received.

Subp. 2. **Partial payment.** In cases where weather or other unanticipated circumstances beyond the control of the land occupier, force postponement of certification of completion until the following construction season, the ~~state board or its authorized representative may authorize a~~ conservation district board ~~to~~ may issue a partial payment for the work that has been completed. The ~~following conditions must be met before the state board or its authorized representative will~~ conservation district board shall not consider ~~authorizing~~ issuing a partial payment unless:

A. ~~T~~the anticipated completion date ~~will be in~~ complies~~ance~~ with subpart 1~~.~~;

B. ~~T~~the completed work meets the requirements of part 8400.1~~3~~400, ~~item C~~ subpart 2; and

C. ~~T~~the ~~state board's authorized~~ conservation district's technical representative ~~must~~ has reviewed the work and concurs in the payment decision.

Subp. 3. **Partial Payment conditions.** If the ~~state board or its authorized representative authorizes~~ conservation district issues a partial payment under subpart 2, the following conditions apply:

A. ~~P~~payment percentages must comply with part 8400.~~2800~~ 0900, subpart 2.;

B. ~~T~~the balance of the project must be paid by the conservation district board upon the satisfactory completion of the total project~~.~~;

C. ~~A~~all expenses incurred ~~in~~ to correct~~ing~~ damage caused ~~to the project by virtue of its incompletion~~ by the land occupier's failure to expeditiously complete the conservation practice must be borne by the land occupier~~.~~;

D. ~~L~~land occupiers receiving partial payments must complete the project within a time deemed reasonable by the conservation district board~~.~~; and,

E. ~~L~~land occupiers not completing partially paid projects ~~are~~ shall be considered as violating part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in part 8400.1700, to return the amount of financial assistance received~~.~~;

~~F. Partial payment authorizations shall not be construed as precedent setting.~~

Every request for partial payment will be considered by the ~~state~~ conservation district board ~~or its authorized representative~~ on its own merits.

Subp. 4. **Denial.** If the ~~state~~ conservation district board ~~or its authorized representative~~ denies a request for partial payment under subpart 2, they ~~conservation district board~~ shall ~~be~~ notify~~ied~~ the land occupier within 30 days of the reasons for denial of the request.

8400.1460 RETURN OF ALLOCATED FUNDS.

Cost-share funds unencumbered by the conservation district board at the end of a grant period must be returned to the state board within 30 calendar days following the end of that grant period.

8400.1500 CONSERVATION DISTRICT RECORDS.

The conservation district shall maintain a current ledger of all cost-share contracts on forms provided by the state board. The ledger must specify the land occupiers with whom the conservation district has contracted, the practices involved, the status of construction, and a total of funds encumbered. The conservation district shall also document their efforts to identify and contact land occupiers with high priority erosion problems.

8400.1600 ~~PAYMENTS~~ EXECUTING THE COST-SHARE CONTRACT.

Subp. 1. **Amending cost share contracts.** Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to amend the original cost share contract. If changes to the original cost share contract are needed, an amendment must be approved by the conservation district board. The conservation district board shall not approve amendments that increase the originally approved cost share percentage, nor shall the conservation district board approve any amendments after the approval to issue final payment on the original contract has been made.

Subp. ~~1~~.2 **Construction of the practice.** Construction of the practices must be monitored by the conservation district board to ensure compliance with part 8400.1~~3~~400, ~~item G~~ subpart 2. Upon completion, ~~assigned~~ the district technical representative with technical approval authority or the registered engineer shall certify whether ~~or not~~ the practice has been satisfactorily constructed in accordance with the approved conservation practice plan(s) ~~performed, including a certification that the practice meets the requirements of part 8400.1300, item G~~ and meets the design criteria of the practice as specified in the Field Office Technical Guide or other standards certifiable by a registered professional engineer or other standards approved by the state board. No certification shall be made until all specifications have been satisfied. Exceptions must be in accordance with part 8400.1405, subpart ~~2~~3. Upon certification of completion, the land occupier shall contact the conservation district for payment and shall present documentation of all costs incurred in the installation of the practice in the form of receipts or invoices.

Subp. ~~2~~ 3. **In-kind services and materials.** In-kind services and materials provided by the land occupier such as, but not limited to, earth work, seedbed preparation, ~~and~~ seeding and permanent fencing materials may be credited toward the land occupier's share of the total cost of the practice. The conservation district board shall determine whether charges for in-kind services and materials are practical and reasonable.

Subp. ~~3~~ 4. **Actual cost differing from estimated cost.** In cases where the actual cost of the practice exceeds the estimated cost, the conservation district may only share the approved percentage of the estimated cost, except when an amendment to increase the cost estimate listed on the cost-share contract has been approved by the conservation district board. ~~Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to increase the estimated cost, or postpone the starting or completion date of the practice. These changes must be approved by the supervisors in advance of completion of the work with an amendment to the cost share contract covering the changes.~~

~~Amendments may not be authorized for providing final cost sharing percentages in excess of the originally approved percentage or additional money for projects that were knowingly underfunded at the time of approval. Amendments may not be authorized after final approval of payment has been made on the original contract.~~ Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.

Subp. 5. Issuing cost-share payments. The conservation district board shall review the receipts or invoices provided by the land occupier to determine the actual cost of the practice. When the conservation district determines that all claims are practical and reasonable, it shall authorize issuance of a check for the conservation district's share of the practice. If the conservation district board determines that certain claims are not justified, it shall notify the land occupier in writing of the unjustified claims within 30 days. The conservation district board shall then authorize the issuance of a check for the conservation district's share of the justified claims.

8400.1650 RECORDING PRACTICES

The size, location and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to, or in excess of, $50,000 shall be recorded on the property title. The conservation district board may require the recording of practices where cost-share payments are less than $50,000 where such action is considered appropriate.

8400.1700 MAINTENANCE.

Subp. 1. **Land occupier maintenance responsibilities.** The land occupier is responsible for operation and maintenance of practices applied under this program to ensure that their conservation objective is met and the effective life, a minimum of ten ~~or more~~ years, is achieved. Should the land occupier fail to maintain the practices during their effective life, the land occupier is liable to the state of Minnesota for the full amount of financial assistance received ~~for their~~ to install~~ation~~ and establish the practice. ~~The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice.~~ The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if soil and water conservation practices are applied at the land occupier's expense that provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication** or **removal** of practices. In no case shall a conservation district provide cost-share assistance to a land occupier for the reapplication of practices that were removed by the land occupier during their effective life or that failed due to improper maintenance. The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice.

8400. 1750 PRACTICE SITE INSPECTIONS.

As a condition to receive grant funds from the state board, the conservation district shall ensure compliance with the maintenance

provisions of part 8400.1700 and Minnesota Statutes, chapter 103C by monitoring all cost-share contracts made with land occupiers. The conservation districts shall conduct site inspections of practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements pursuant to section 8400.1700. Site inspection procedures, including the prescribed forms and frequency, are described in the Administrative Guidelines for the State Cost-Share Program.

8400.1800 APPEALS.

~~If a~~ land occupier ~~feels he has been treated unfairly~~, ~~he~~ may appeal a conservation district's action by submitting a written request ~~that~~ to the conservation district board asking them to ~~review~~ reconsider their decision. Should the land occupier and the conservation district board reach an impasse, the land occupier may ~~petition~~ appeal the conservation district board's decision ~~in writing for a hearing before~~ to the state board. If ~~it~~ an informal hearing is grant~~e~~ed ~~the hearing, that shall be informal,~~ the state board or its ~~a referee~~ appointed mediator ~~by it~~ shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The ~~referee~~ mediator, if one is used, shall report ~~his~~ its findings and recommendation to the state board~~,~~. ~~which~~ The State board shall ~~within 60 days of the hearing date~~ make its decision on the appeal within 60 days of the hearing date, upholding, reversing, or amending the decision of the conservation district board.

REPEALER. Minnesota Rules, part 8400.1950 through 8400.2800 is repealed.

Board of Water and Soil Resources

CONSERVATION EASEMENT PROGRAMS

Fiscal Years (FY) 95-96 Work Plan

8/94 Report Prepared by: Marybeth Block, Easement Coordinator as per Minnesota Laws Chapter 643, Section 26, Subd. 3 and 4
8/95 Report updated by Tim Fredbo, Easement Coordinator.

I. Program Authority, History and Accomplishments

Authority

The Board of Water and Soil Resources (BWSR) administers two conservation easement programs, the Reinvest in Minnesota Reserve program and the Permanent Wetlands Preserve program. (Minnesota Statutes sections 103F.501 - 103F.531.) Administrative rules (Minn. Rules parts 8400.3000-8400.3930) for RIM Reserve were initially promulgated as emergency rules in 1986, and as permanent rules in 1988. The rules were revised in 1990, and again in October 1994.

These programs are administered by the state and implemented at the county level by soil and water conservation districts (SWCDs).

History

In 1984, Governor Rudy Perpich's concern for the future of tourism in Minnesota lead him to appoint a citizen's commission to report on ways to improve and promote hunting and fishing in Minnesota. The commission recommended that the sales tax revenues generated from the state's one billion dollar outdoor recreation industry be reinvested in the resources that sustain those activities. Their recommendations prompted the formation of a large and diverse coalition of organizations whose members supported the passage of the RIM Program in 1986. The RIM Coalition continued to support the program by developing innovative promotion programs and seeking stable funding sources. One of the four programs under the "RIM umbrella" was the RIM Reserve Program which focuses on retiring marginal lands from crop production via conservation easements. The program also assists landowners to the establish grass, trees or wetlands on the easement area (i.e., establish conservation practices).

The Permanent Wetlands Preserve (PWP) Program was enacted in 1991 in conjunction with the Wetland Conservation Act (WCA). PWP allows for the acquisition of easements on existing type 1,2 or 3 wetlands and wetlands where permits for WCA exemptions are denied. In 1994 program eligibility was broadened to include type 6 wetlands and wetlands expiring from state waterbank contracts.

Accomplishments to Date

Since 1986, over $40 million have been appropriated to the BWSR easement programs. RIM Reserve has secured 1,958 easements that protect over 53,695 environmentally sensitive acres. Over 540 wetland basins have been, or are currently being, restored encompassing 5740 acres, along with approximately 9,110 acres of adjacent uplands. The average size of a wetland restoration easement is 34 acres, with the average wetland basin covering about 10 acres. The average wetland restoration easement payment is $567 per acre and the average practice establishment costs are $152 per acre. Other easements (nonwetland restoration) average 23 acres in size at a cost of $592 per acre for the easement payment and $127 per acre for practice establishment.

In 1991, $7 million was appropriated for PWP easements. Approximately $6.4 million of that appropriation was expended through FY 95 to secure 260 easements protecting over 10,500 acres of existing wetlands and adjacent upland. Approximately one million dollars has been reserved to acquire easements where permits for WCA exemptions are denied.

Attachment #1 illustrates the location of easements across the state along with acres and numbers associated with the various eligible land types.

Many partnerships have formed to assist in the successful implementation of the conservation easement programs. The willingness of private groups to provide financial assistance to landowners to establish conservation practices, along with technical and financial assistance from federal agencies, has allowed the BWSR to target program appropriations towards the acquisition of more easement acres.

The historical demand for program dollars continues to exceed program appropriations by a large ratio. In 1994, landowners submitted over $20 million of requests for easements. **Attachment 2** illustrates, by year, the landowner demand and the bonding appropriation.

II. Program Priorities and Enrollment Goals

Statewide Priorities and Goals

In 1992, the BWSR adopted a five-year program plan for the RIM Reserve Program. This plan was based on the agency's strategic plan and set forth program priorities and objectives, as well as setting five-year enrollment goals.

Resource protection and improvement priorities established in the RIM Reserve program plan are:

1. Protect and improve **water quality**
2. reduce **soil erosion**
3. enhance **fish and wildlife habitat**

The same priorities are used for the PWP program, along with the priority to enroll wetlands that are highly susceptible to being altered (i.e., not protected by other local, state or federal regulations). For both RIM Reserve and PWP, high priority will be given to perpetual easements applications.

Acreage enrollment goals for FY 95-96 identified in the program plan include 4,000 acres of restored wetlands plus adjacent uplands; 6,000 acres of riparian lands (i.e., adjacent to a water course or water body); 2,000 acres of highly erosive marginal lands; 1,500 acres for ground water protection purposes and approximately 10,000 acres of lands expiring from a USDA Conservation Reserve Program contract or RIM Reserve limited-duration easement.

Local and Regional Prioritization

Each easement application is prioritized as to how well it achieves local resource protection goals as set forth in the county water plan, SWCD comprehensive plan and by a local screening committee. The screening committee is made up of representatives from conservation and environmental groups, farming organizations and various federal and state agencies. In addition to identifying resource protection priorities, this committee often reviews each application and assists the SWCD with prioritizing the applications.

Each easement application is subsequently assessed by one of the BWSR's 15 regional board conservationists (BCs) to determine how well (high, medium or low) it meets the BWSR's resource protection priorities listed above. Draft guidelines for this assessment are presented in **Attachment 3**. The BWSR's goal for FY 95-96 is to enroll at least 75 percent high resource protection priority easements, and no more than 25 percent medium priority easements. No low priority easement areas are included in the enrollment goals. In addition to considering how well the area meets local and BWSR resource protection priorities in a funding recommendation, the BC will also consider other factors, such as the degree to which the land's title is clouded or the capacity of the SWCD to implement the programs.

III. Easement Acquisition Procedures

Once an application has been approved for funding, the local SWCD gathers the information necessary to develop an agreement between the state and the landowner to enter into a conservation easement. During this process, land ownership is verified, a legal description and map of the easement area are prepared and a conservation plan is developed. Once the agreement is signed by the landowners and the state, the easement and conservation practice funds are encumbered.

The state purchases a title insurance policy on each proposed easement area. This allows for the resolution of any title problems that the state determines may pose a threat to the legal interests the state acquires upon conveyance of the easement (i.e., the cropping and grazing rights and the requirement that the conservation practices agreed to by the landowner and the state will be established and maintained). Upon the recording of the conservation easement and the state's approval of the final title policy, and upon the landowner's certification that cropping and grazing have ceased, the state will issue the easement payment. The easement payment is based on the Assessor's Township Average Market Value (ATAMV) as provided by the Minnesota Department of Revenue.

TYPE OF LAND	PERPETUAL	LIMITED
LANDS WITH CROP HISTORY	90% of the ATAMV	75% of the ATAMV
LANDS WITHOUT CROP HISTORY	60% of the ATAMV	45% of the ATAMV
Wetland W/out Crop History	50% of the ATAMV	N/A

Where ATAMV is not available, the current tax year's estimated market valuation of the land only (as documented by the assessor) will be used.

The general procedure to acquire a conservation easement is illustrated in a flowchart found in **Attachment 4**. Once the easement acquisition is complete the SWCD assists the landowner to establish the conservation practices as documented in the conservation plan. Engineering assistance

III. Easement Acquisition Procedures cont.

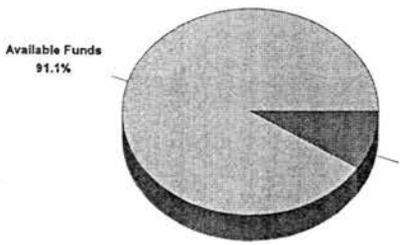
is provided to the SWCD and the landowner by the BWSR where needed (e.g., wetland restoration projects). Expenses incurred to install conservation practices will be reimbursed up to the statutory limits when the SWCD certifies that the practice has been adequately installed and submits an itemized expense voucher to the BWSR.

IV. Distribution of Program Funds

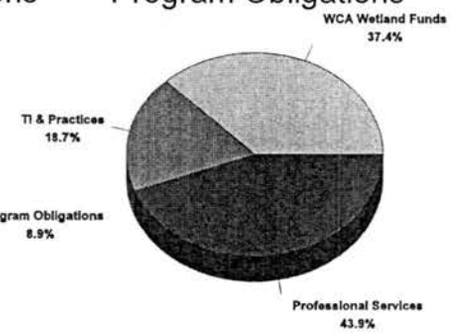
FY 95-96 Appropriation:

The Laws of 1994, Ch. 300, Sec. 64, appropriated $9 million to the BWSR for conservation easement acquisition and the establishment of perennial cover on easement areas. Of this appropriation, $300,000 was targeted to "jump-start" the state wetlands bank as defined in the administrative rules for WCA (M.R. Chapter 8420). These funds will subsequently be reimbursed through the sale of associated wetland banking credits. In addition, the BWSR received approval from the Department of Finance to expend up to $352,000 in FY 95 to supplement the BWSR's General Fund appropriation of $150,000 for the professional services necessary to acquire easements, restore wetlands and provide technical assistance to SWCDs and landowners. A reserve of $150,000 was also set aside to cover the costs associated with obtaining title insurance policies and reinstalling failed conservation practices. These collective expenses are referred to as "program obligations." Of the $9 million appropriation, $802,000 was set aside in FY 95 for program obligations, leaving $8.2 million of available funds.

Available Funds vs. Obligations



Program Obligations



FY 95 Easement Acquisition:

- 60 percent of the available funds (≈$5 million) was set aside to secure conservation easements from applications submitted for funding consideration in December 1994.

The December 1994 sign-up yielded over 523 applications representing approximately $20 million of bond fund requests. The BWSR selected those requests which best fit state and local priorities as discussed in Section II of this document. A total of 154 easements were selected for funding. These easement areas represent 6,632 acres with easement payments totalling $5,603,680.

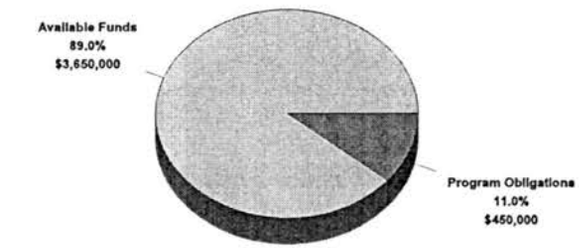
Of the $5,603,680 in funding requests, $1,505,990 will be secured from prior year bond funds that have been carried over and made available due to cancelled easement applications, plan revisions, etc.. This leaves a total of $4,097,690 of the FY 95-96 bonding appropriation needed to acquire the easements from the December '94 sign-up. The $4,097,690 plus the remaining FY 95 "program obligations" leaves a total of $4,713,579 as listed in **Attachment 5**, FY 95-96, Obligated column. The $9 million appropriation, minus the liquidated and obligated amounts, leaves a balance of approximately $4.1 million available for FY 96 easement acquisition. (**Attachment 5**).

FY 96 Easement Acquisition:

- 100 percent of the available funds (fund balances minus the program obligations for FY 96) will be allocated to applications submitted for funding consideration in December 1995.

The following "program obligations" are identified for FY 96: $350,000 to supplement the BWSR's Gen. Fund appropriation; $100,000 for obtaining title insurance and reinstallation of failed conservation practices. The above obligations total $450,000, leaving $3.65 million of available funds.

FY96 Available Funds vs. Obligations



Of the $3.65 million, the BWSR Board, at their February 22, 1995 meeting, committed $950,000 to the Grass Lake Wetland Restoration Project in Kandiyohi County (Resolution 95-22). This amount includes $410,000 from the FY 95 RIM special projects fund, and $540,000 from the regular FY 95-96 RIM/PWP appropriation. This leaves a balance of

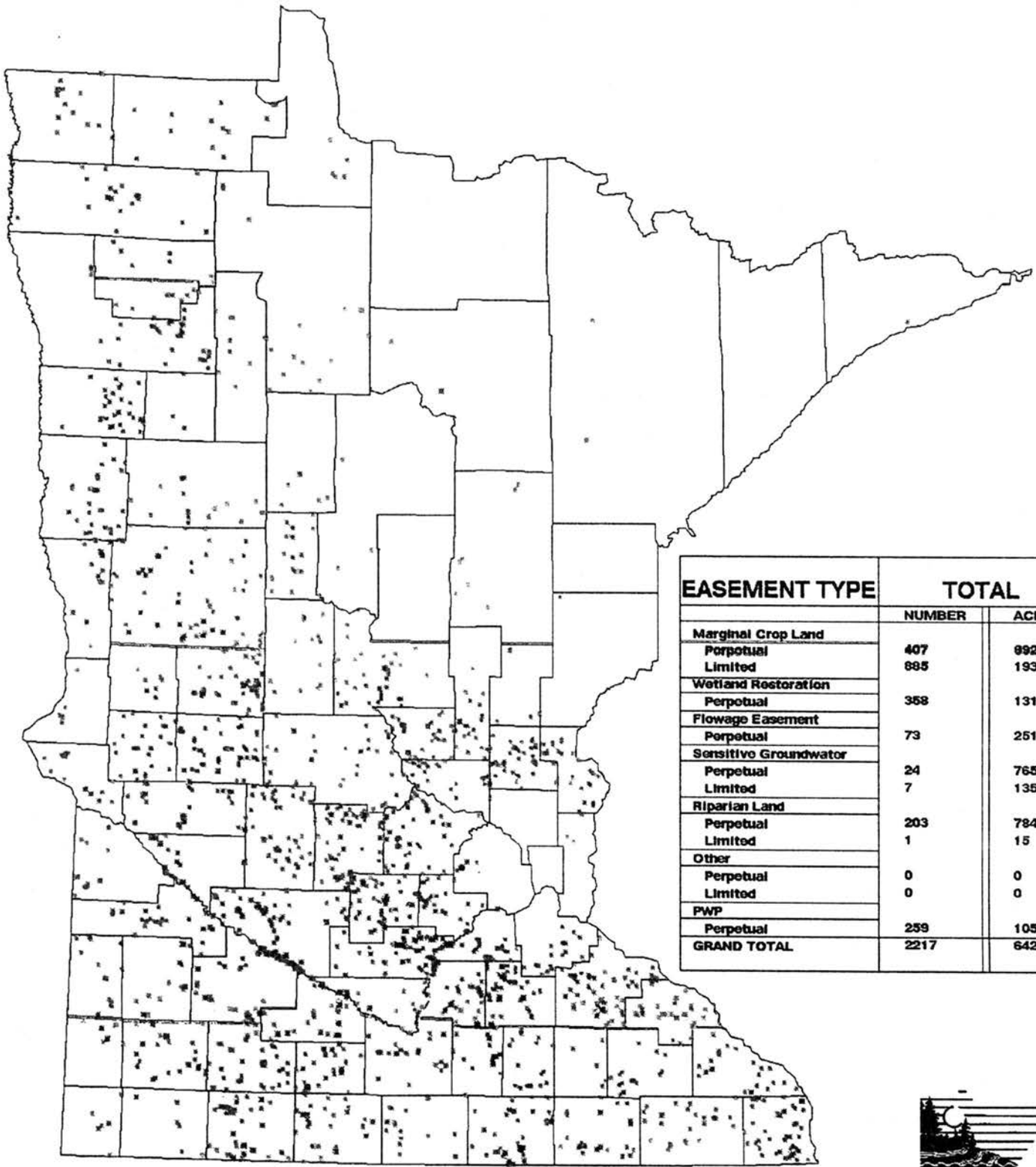
approximately $2.7 million available for the December '95 sign-up.

Target allocations for the 1995 sign-up, as listed in **Attachment 6**, will be provided to BCs as a financial guideline to use when determining how many applications they will recommend be funded. If their target allocation will not fund all of the high or medium priority applications submitted for their work area, up to three additional applications can be forwarded to BWSR in a "pending" status. The BWSR easement coordinator will determine which pending applications will be accepted based on the dollars made available from BCs who did not use all of their target allocation. A minimum of 50% of the available funds will be allocated to work areas within the Minnesota River Watershed, which is targeted as a high priority area by the BWSR.

An additional $753,348 has been secured in two separate grants from the North American Wetlands Conservation Act (NAWCA) Council; $353,348 for the Minnesota River Watershed Phase 2 project, and $400,000 for the Heron Lake Watershed phase 3 project. These NAWCA grants must be used to secure wetland restoration easements and fund restoration practices in their respective watershed areas. BC allocations for the Minnesota River Phase 2 grant are also shown on Attachment 6. The Heron Lake 3 amount is entirely within one BC work area for Murray, Cottonwood, Nobles and Jackson Counties.

ATTACHMENT 1

CONSERVATION EASEMENT LANDS 7/12/95
RIM RESERVE & PERMANANT WETLANDS



EASEMENT TYPE	TOTAL	
	NUMBER	ACRES
Marginal Crop Land		
Perpetual	407	9923
Limited	685	19309
Wetland Restoration		
Perpetual	358	13193
Flowage Easement		
Perpetual	73	2517
Sensitive Groundwator		
Perpetual	24	765
Limited	7	135
Riparian Land		
Perpetual	203	7840
Limited	1	15
Other		
Perpetual	0	0
Limited	0	0
PWP		
Perpetual	259	10573
GRAND TOTAL	2217	64268

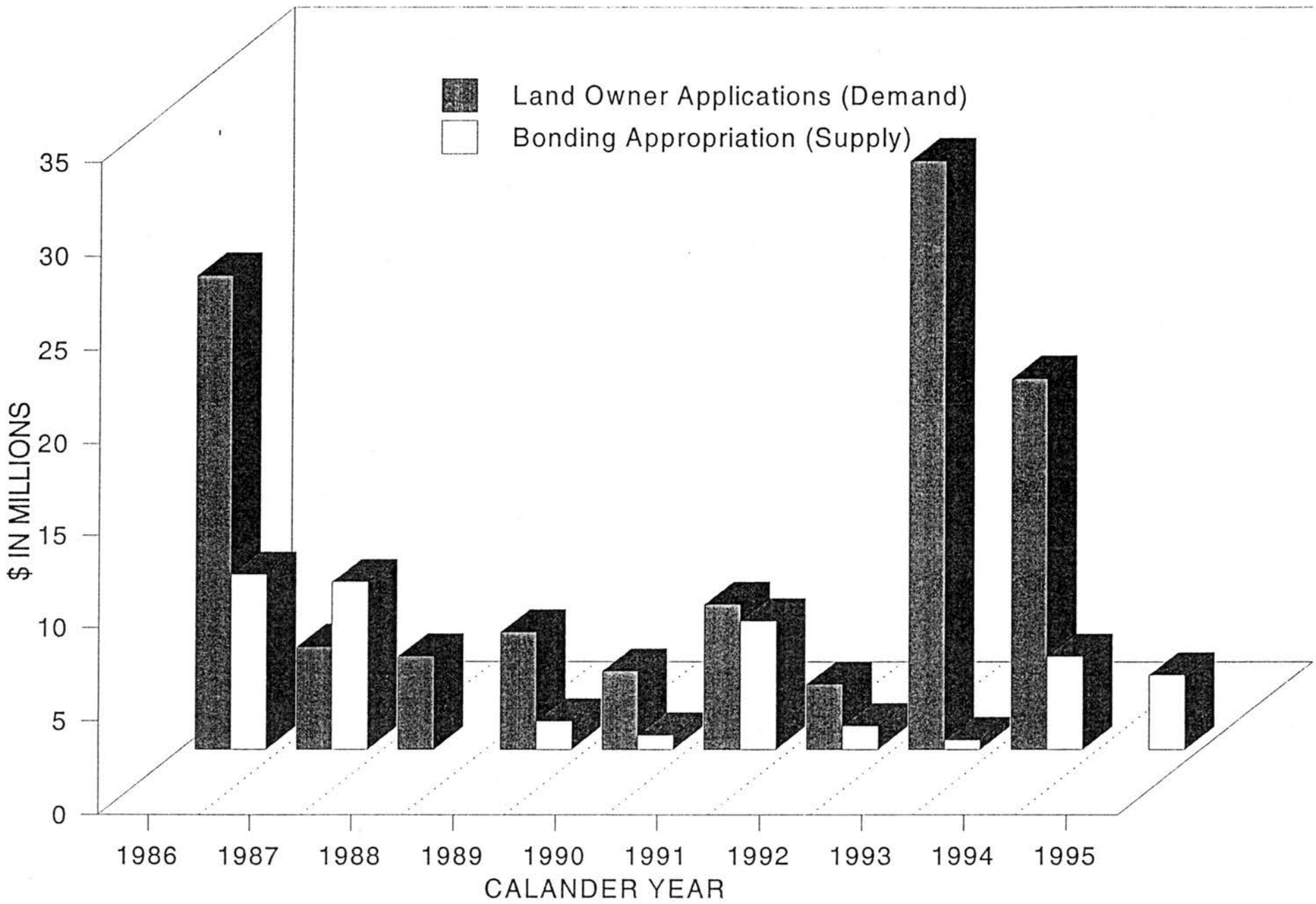
07/12/95
RIM.PLT

* RIM Easements

* PWP Easements

Minnesota Board of Water & Soil Resources

ATTACHMENT 2



CONSERVATION EASEMENT FUNDING

Supply and Demand

ATTACHMENT # 3
STATE RESOURCE PROTECTION PRIORITY
ASSESSMENT GUIDELINES - AUGUST 1995

Resource Protection Assessment Matrix

[Note: numbers in parentheses represent priority weighting factors]

	PRIORITY RATING		
PARAMETER	HIGH (5)	MED. (2)	LOW (0)
WATER QUALITY PROTECT. (5)	10	7	5
SOIL EROSION REDUCTION (3)	8	5	3
FISH & WILDLIFE HABITAT (1)	6	3	1

OVERALL PRIORITY RATING: 24- 20 = HIGH 19-14 = MEDIUM 13-0 = LOW

Assessment Guidelines: The following considerations are meant to guide SWCD's and board conservationists (BCs) in ascertaining to what degree the resource protection priorities of the state would be met if the RIM or PWP application were approved and an easement was acquired on the area.

1. Water Quality Protection

A. the area is located in a sensitive groundwater area, is contributing runoff to a sinkhole or is located in a designated wellhead protection area; **[high]**

B. where high rates of nutrients, sediment or pesticides are being directly conveyed from the easement area into a lake, river, stream, priority wetland, or drainage system, with little or no filtering of runoff by natural vegetation, **and**

B.1. the area is currently in row crop production or a hay/row crop rotation[1] ; or in a limited duration conservation contract at high-risk of being converted to row crop production or a hay/row crop rotation; or is an over-grazed pasture with denuded, bare soil areas, and/or excessive animal waste accumulations; **and**

- a majority of the easement area meets the B. and B.1 definitions **[high]**
- some of the easement area meets the above definitions **[medium]**
- a minority of the easement area meets the above definitions **[low]**.

C. where wetlands will be restored **[high]**

D. where farmed wetlands(types 1and 2 with crop history) currently exist, and once farming ceases the area will function to filter or trap nutrients, sediments or pesticides transported to the wetland from non-enrolled parcels, **and**

D.1. the wetland has a flow-through hydrologic regime, and outlets directly to a lake, river, stream, priority wetland area, or drainage system **[high]**

---

[1] hay/row crop rotation means at least two years of row crops are planted within previous 5 years.

(OVER)

D.2. the wetland has a depressional (no outlet) hydrologic regime **[low]**

E. where existing wetlands are not farmed (no crop history) **[low]**

2. Soil Erosion Reduction

A. fifty percent or more of the easement area is presently in row crop production or a hay/row crop rotation; or is presently in a limited duration conservation contract and at high-risk of being converted (potential for conversion) to row crop production or a hay/row crop rotation; **and**

A.1 shows evidence of (or potential for) excessive erosion (e.g., 2XT; Land Capability Class, if known, is erosive; ephemeral erosion is occurring, or gullies are present across the majority of the easement area) **[high]**

A.2 erosion is occurring (or potentially will occur), but not excessive (e.g. >T but <2XT; little or no evidence of ephemeral or gully erosion) **[medium]**

A.3 no significant evidence of (or potential for) erosion on the easement area **[low]**

B. less than fifty percent of the easement area is presently in row crop production or a hay/row crop rotation **[low]**

3. Fish and Wildlife Habitat

A. contains threatened or endangered species habitat **[high]**

B. wetlands will be restored on the easement area; and currently the

B.1 basin is fully drained and the majority (e.g., 75% or more) is cropped **[high]**
B.2 basin is partially drained and partially being cropped **[medium]**
B.3 drainage system is no longer functioning and the basin is not being cropped **[low]**

C. wetlands will be restored on the easement area; and

C.1 the upland to wetland ratio will be 3:1 or greater **[high]**
C.2 the upland to wetland ratio will be less than 3:1 but greater than 1:1 **[medium]**
C.3 the upland to wetland ratio will be less than 1:1 **[low]**

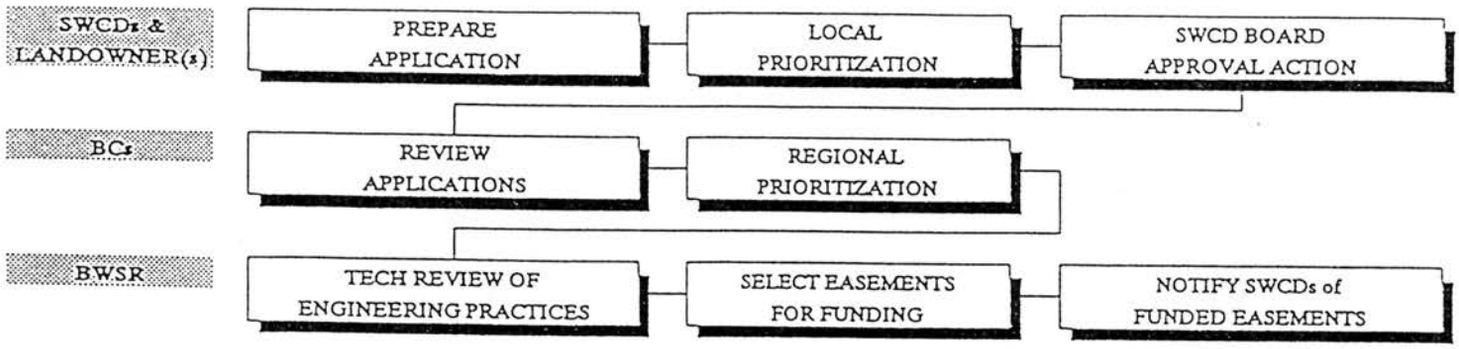
D. the easement area and surrounding land use:

D.1 is predominantly in agricultural use and in row crops or a hay/row rotation **[high]**
D.2 has some area in agricultural use or residential use **[medium]**
D.3 is predominantly secluded & undisturbed land or recreational land **[low]**

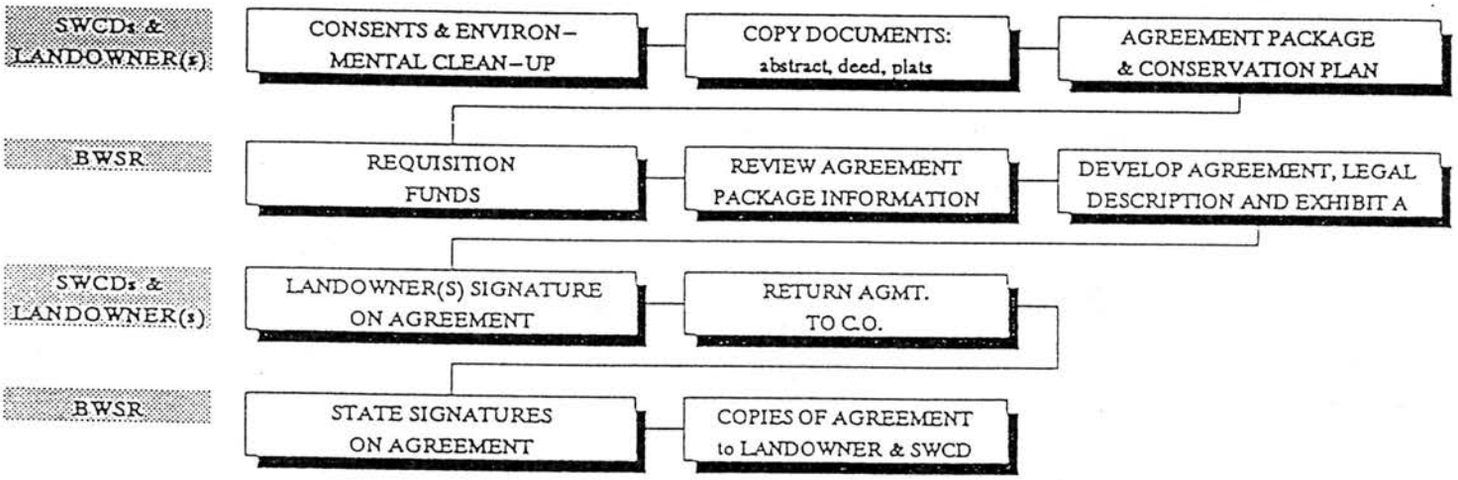
E. the easement area will be established to:

E.1 a mixture of native grass/trees; or introduced grass/native grass; or introduced grass/trees/native grass **[high]**
E.2 a mixture of introduced grass and trees; or native grass **[medium]**
E.3 a monoculture of introduced grass or trees **[low]**

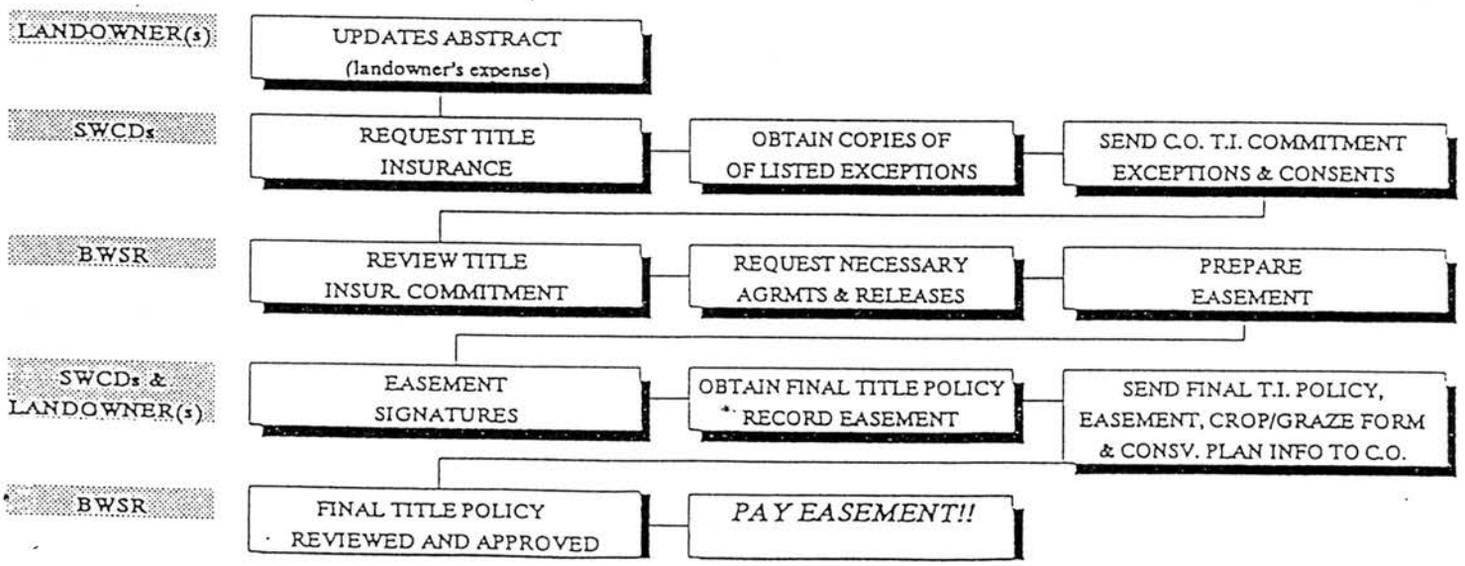
APPLICATION STAGE



AGREEMENT STAGE



EASEMENT STAGE



ATTACHMENT 5

bond.695

6/19/95

RIM RESERVE/PWP APPROPRIATIONS - MN BWSR

Conservation Easement Cash Flow

BONDING	Appropriated	Liquidated [1]	Obligated [2]	Balance
RIM-Non Wetlands				
FY86	$9,400,000.00	$9,376,257.00	$23,733.00	$10.00
FY87	$9,000,000.00	$8,874,440.00	$125,484.00	$76.00
FY89	$1,500,000.00	$1,347,113.00	$152,785.00	$102.00
FY91	$750,000.00	$704,973.00	$45,016.00	$11.00
FY92	$1,900,000.00	$1,725,682.00	$173,924.00	$394.00
FY93	$1,250,000.00	$885,098.00	$364,687.00	$215.00
FY94 [3]	$500,000.00	$116,827.00	$382,715.00	$458.00
FY95-96	$9,000,000.00	$184,111.00	$4,713,579.00	$4,102,310.00
TOTALS	***$33,300,000.00***	***$23,214,501.00***	***$5,981,923.00***	***$4,103,576.00***
RIM-Wetlands				
FY92	$5,000,000.00	$2,944,769.00	$2,055,140.00	$1,090.00
PWP				
FY92	$7,000,000.00	$4,494,168.00	$1,866,884.00	$638,948.00

LCMR	Appropriated	Liquidated [1]	Obligated [2]	Balance
RIM Wetland				
FY91-subd 6(d)	$600,000.00	$423,000.00	$44,000.00	$133,000.00 [4]
FY91-subd 9(h)	$400,000.00	$389,000.00	$9,000.00	$2,000.00 [5]
RIM Non-Wetland				
FY93	$823,000.00	$810,473.00	$0.00	$12,527.00 [6]

Other: Rim Reserve has received approximately $1,500,000.00 matching dollars for financial and technical assistance from government agencies and private organizations. Some of the participants include: North American Wetlands Conservation Council, Ducks Unlimited, Pheasants Forever, Minnesota Waterfowl Association and the U.S. Fish & Wildlife Service.

1 Liquidated: Easements paid

2 Obligated: Easement applications accepted for enrollment, requesitioned or encumbered.

3 Reappropriated $750,000.00 ($500,000.00 for RIM Reserve) from Laws of 1989-300

4,5 & 6 Easement applicants cancelled; balance to be returned to the trust fund.

(OVER)

1994-01 easements assigned to other accounts:

FY92	$6,224.00
FY93	$69,385.00
FY94	$382,715.00
FY92 (WET)	$727,162.00
FY92(PWP)	$320,504.00
SUBTOTAL	***$1,505,990.00***

1994-01 easement funded: $5,603,680.00

FY 95-96 funds needed for easements: $4,097,690.00

FY95-96 Obligated:

	$4,097,690.00	94-01 easements
	$300,000.00	Wetland Bank
(1995 ONLY)	$165,889.00	Profess. Services (350,000 - liquidated 184,111)
(1995 ONLY)	$150,000.00	Reseed + Title Insurance 184,111
	$4,713,579.00	Obligated Total

ATTACHMENT 6

08/09/95 Target Allocations by BC Work Area

BC	HISTORY		BASE		TOTAL	MNR %	TOTAL IN MNR
Brian Dwight	30,267.07	+	10000	=	40,000.00	0.00%	0.00
Bill Best	52,967.37	+	10000	=	63,000.00	0.00%	0.00
Mark Nelson	0.00	+	10000	=	10,000.00	0.00%	0.00
Dale Krystosek	98,367.95	+	10000	=	108,500.00	5.00%	5,425.00
Dan Steward	75,667.66	+	10000	=	86,000.00	0.00%	0.00
Keith Grow	136,201.78	+	10000	=	146,000.00	0.00%	0.00
Peter Waller	143,768.55	+	10000	=	154,000.00	36.00%	55,440.00
Jim Haertel	121,068.24	+	10000	=	131,000.00	40.00%	52,400.00
Barbara Ohman	15,133.53	+	10000	=	25,000.00	10.00%	2,500.00
David Sill	234,569.74	+	10000	=	244,500.00	95.00%	232,275.00
Tom Fischer	499,406.53	+	10000	=	509,500.00	65.00%	331,175.00
Tabor Hoek	363,204.75	+	10000	=	373,000.00	65.00%	242,450.00
Chris Hughes	416,172.10	+	10000	=	426,000.00	95.00%	404,700.00
Dave Peterson	211,869.43	+	10000	=	222,000.00	15.00%	33,300.00
Mary Kells	151,335.31	+	10000	=	161,500.00	0.00%	0.00
TOTALS	2,550,000.01	+	150000	=	2,700,000.00		1,359,665.00

History is based on activity in the work area for the past two fiscal years.

NAWCA MN River Phase II Grant

BC	Grant Amount
Peter Waller	25,527.02
Jim Haertel	21,496.46
David Sill	41,649.39
Tom Fischer	88,672.89
Tabor Hoek	64,489.37
Chris Hughes	73,894.07
Dave Peterson	37,618.80
TOTALS	353,348.00

NAWCA Heron Lake Phase III Grant

BC	Grant Amount
Tabor Hoek	400,000

REORGANIZATION MEETING DATES

7:00 p.m. - 9:30 p.m.

LOCATIONS TO BE DETERMINED

- Tuesday, September 5, St. Cloud
- Wednesday, September 6, Bemidji
- Thursday, September 7, Fergus Falls
- Monday, September 11, Marshall
- Tuesday, September 12, New Ulm
- Wednesday, September 13, Rochester
- Thursday, September 14, Twin Cities
- Monday, September 18, Duluth

BWSR Memo

August 9, 1995

TO: BWSR Members

THROUGH: Ron Harnack, Executive Director

FROM: Jim Birkholz, Assistant Director

SUBJECT: **Proposed policy to allow SWCDs to administer certain RIM Reserve non-compliance penalty payments received from landowners**

ISSUE

As an alternative to returning funds to the state, should soil and water conservation districts which resolve non-compliance problems with RIM Reserve easements be authorized to receive and disburse landowner payments which are part of the restitution?

BACKGROUND/HISTORY

1. The RIM Reserve Program was created by legislative act in 1986. As more easements were acquired each year, attention was directed to firming up the part of the law which provides for enforcement and damages if the provisions of the easements are not followed.

2. In 1989 Session Laws, Ch. 353 (attachment #1) the legislature amended the RIM law to make landowners who violate the term of a conservation easement liable to the state for double (not willful) or treble (willful) damages as appropriate and authorized the attorney general to act on request of the BWSR board to enforce the easement provisions when necessary. DNR has had success with this approach for some of its programs.

3. In August, 1994 as part of the ongoing RIM Reserve administrative retooling process, a "Non-compliance/Violation Procedures" section was added to the RIM Reserve Handbook. This section instructed SWCDs how to carry out their responsibilities as the State of Minnesota's local agent in enforcing the provisions of RIM Reserve easements. The assumption made in these guidelines is that any landowner payments which are part of restitution for easement violations would be made to the state.

4. Earlier this year, the Mower SWCD discovered and corrected a non-compliance issue as part of its normal follow up and inspection of RIM Reserve easements in Mower County (the infraction involved

planting and harvesting an agricultural crop on RIM land). Part of the settlement involved the landowner paying restitution. The landowner's check was made out to the SWCD. The SWCD requested permission from BWSR to utilize the funds for conservation efforts in the township where the non-compliance occurred (attachment #2).

5. Because the RIM Reserve Program easements are funded through the sale of state bonds and because the law specifies that landowners who violate easement terms are liable to the state, BWSR staff conducted further research and the Department of Finance and Attorney General were consulted. This research indicates that the Mower request can be granted, however, a consistent statewide approach should be taken via a policy enacted by the BWSR Board and updated RIM Reserve administrative procedures.

ANALYSIS

1. The role of the SWCD in the RIM Reserve Program is to act as the State's local agent. For easement maintenance this involves periodic site inspections and certifications as to whether landowners are in compliance with the terms of the easement. This is an important aspect of the program as most easements are perpetual. Allowing SWCDs the option to utilize restitution funds locally has several advantages over returning the funds to the state. First, it would create a financial incentive for SWCDs to give appropriate attention to inspection and maintenance of RIM Reserve easements by providing funds to further the SWCDs local program. Secondly, it would minimize the passing of funds from one level of government to another thereby reducing the related administrative costs. Third, it emphasizes the "locally directed" nature of the program which is one of RIM Reserve's strengths.

2. Staff at the Department of Finance and the Attorney General's office have indicated that it would be appropriate for SWCDs to utilize restitution funds within the district contingent upon BWSR enacting appropriate guidance.

3. The BWSR RIM Reserve Administrative Guidelines define "noncompliance" as the part of the enforcement process conducted by the SWCD. If the SWCD fails to get compliance from the landowner, the issue is treated as a "violation". (see flowchart, attachment #3) It is appropriate for the SWCD to retain funds received as restitution for resolving "noncompliance" status issues. When they move to the "violations" stage, significant BWSR and attorney general staff time and expense can be incurred. Restitution funds received from "violations" should be sent to the state.

4. The legislature has expressed concern in the past that the RIM Reserve program not be a stepping stone to greater state ownership of land. Any policy enacted by BWSR should continue to emphasize the private lands aspect of RIM Reserve.

PROPOSED POLICY

1. Penalties received by a soil and water conservation district from landowners as restitution for a non-compliant RIM Reserve easement may be expended by the soil and water conservation district consistent with the purpose and policy of the Reinvest In Minnesota Resources Act. Or, at the SWCD's option the funds may be sent to the Treasurer, State of Minnesota.

2. If the SWCD chooses to expend the funds, such expenditures must result in long term protection of soil and water quality and improve fish and wildlife habitat. Tree, shrub or grass plantings which improve habitat are strongly encouraged. Local RIM screening committee members should be consulted to gather input and recommendations for use of funds.

3. SWCDs may expend funds to individuals, private and public organizations to enhance fish and wildlife habitat provided that funds shall not be used to purchase lands for the purpose of sale or gift to the state.

4. Any funds received and disbursed by the SWCD for the purpose of carrying out this policy must be recorded in the official SWCD bookkeeping system subject to periodic audit as are other funds of the district.

5. Prior to expending restitution funds locally, the SWCD shall receive approval in writing from the BWSR Board Conservationist who shall follow guidelines for approving expenditures established in the RIM Reserve Administrative Handbook.

Attachment #1

Subd. 9. Enforcement and damages. (a) A landowner who violates the term of a conservation easement or agreement under this section, 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's fees, and any other appropriate relief to enforce sections 103F.505 to 103F.531 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.

Laws 1990, c. 391, art. 6, § 73. Amended by Laws 1991, c. 354, art. 10, § 3; Laws 1992, c. 415, § 3.

Attachment #2

MOWER COUNTY SOIL AND WATER
CONSERVATION DISTRICT

101 21st Street S.E.
Austin, Minnesota 55912
Telephone # (507) 433-8268
Fax # (507) 437-4755

received
MAR 08 1995

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

March 7, 1995

Dave Peterson
Board Conservationist
40 16th. Street S.E Suite A
Rochester, MN 55904

Dear Dave,

The Mower County SWCD has received 1,383.00 in restitution for a conservation easement violation on property owned by Gary Thome located in T.102N.-R.16W section 34.

The district proposes to donate the 1,383.00 to the Pheasant Forever Habitat group in Grand Meadow to establish tree and shrub plantings and nesting cover. It shall be suggested that they target their conservation efforts to Marshall township which is where the violation occurred.

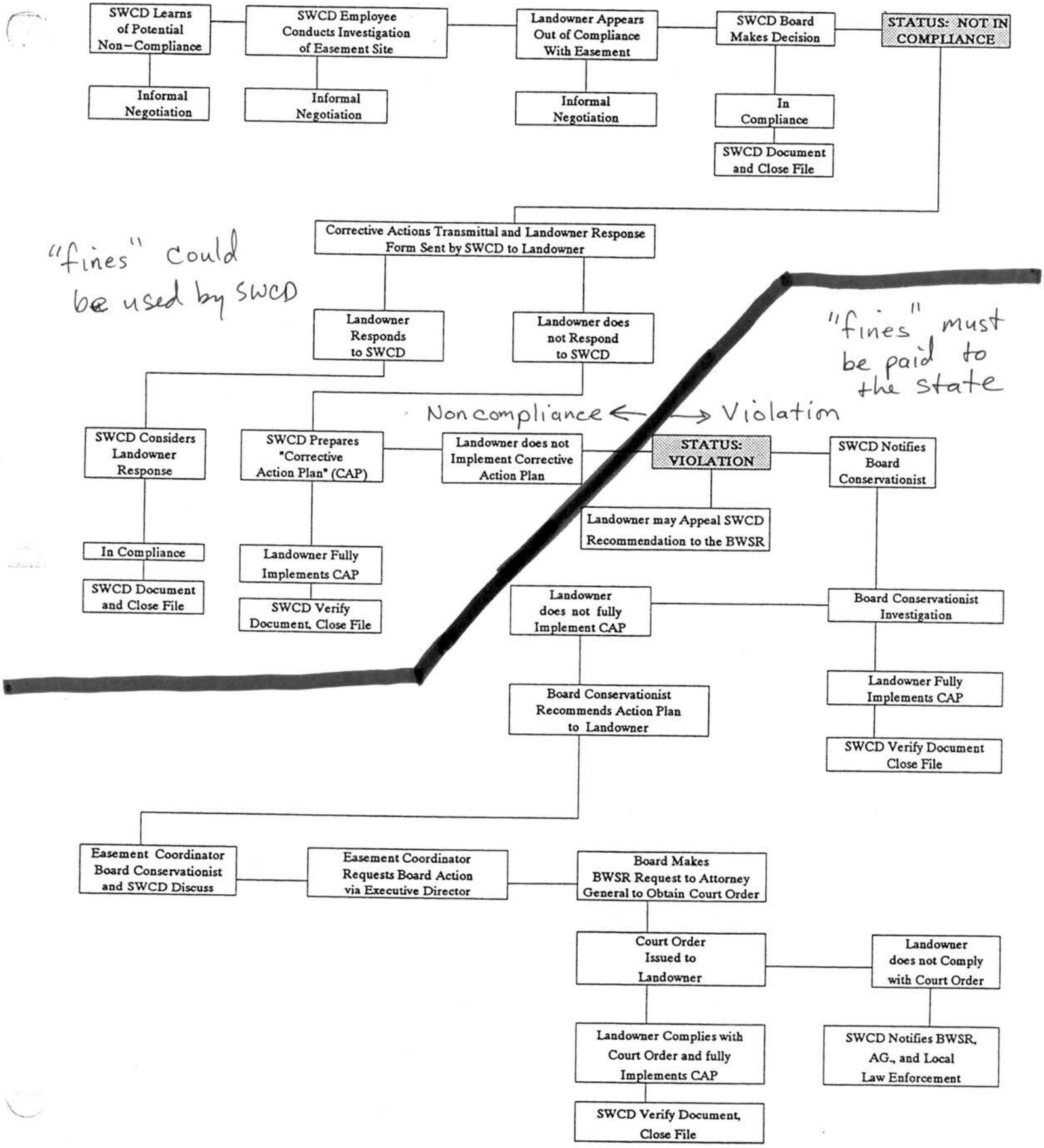
The district believes this would follow the guidelines and policies set forth by the Board of Water and Soil Resources involving proper restitution on behalf of Mr. Thome.

Sincerely,

John Voz
Resource Specialist

Attachment #3

D. FLOWCHART OF NON-COMPLIANCE / VIOLATION PROCEDURES



Minnesota Board of Water & Soil Resources

One West Water Street
Suite 200
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

40–16th Street SE
Suite A
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:
One West Water Street
Suite 250
St. Paul, MN 55107
(612) 282-9969
Fax (612) 297-5615

An equal opportunity employer

Printed on recycled paper

August 14, 1995

TO: Commissioner, Minnesota Department of Agriculture
Commissioner, Minnesota Department of Health
Commissioner, Minnesota Department of Natural Resources
Commissioner, Minnesota Pollution Control Agency
Chairman, Minnesota Environmental Quality Board
Director. Minnesota Geological Survey

On August 1, 1995 the Minnesota Board of Water and Soil Resources (BWSR) began the official 90 day State review of the Benton County Comprehensive Local Water Plan. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the Benton County water plan for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

The Benton County water plan document itself is being sent to your agency's 103B Technical Review Committee Member under separate cover. The 103B Technical Review Committee Members are:

MDA, Mark Zabel
MDH, Kimberly Benson-Johnson
MDNR, Ken Wald/John Fax
MPCA, Celine Lyman
EQB, Marilyn Lundberg
MGS, Barb Palen

Thank you for your agency's continued assistance and commitment to make comprehensive local water planning the success that it has become. We also look forward to working with your agency as counties continue implementation of their updated water plans.

Sincerely,

Ron Harnack
Executive Director

cc: Members BWSR
Staff BWSR
103B Technical Committee
Don Bajumpaa, Benton County SWCD

h:bent95.not/djt

Minnesota Board of Water & Soil Resources

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Fax (218) 828-6036

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(507) 285-7458
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(507) 537-6060
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One West Water Street
Suite 250
St. Paul, MN 55107
(612) 282-9969
Fax (612) 297-5615

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August 8, 1995

TO: board members

FROM: Susan Tsakakis

RE: proposed outline for a board member orientation book

Below is a proposed outline for a board member orientation book. I will be asking for feedback on this at the upcoming board meeting--please let me know then of any changes you think are appropriate.

Orientation Handbook for Board Members--Proposed Outline

I. The Board of Water and Soil Resources
- history
- mission
- structure of board
- staff/board relationship
- program summaries
- BWSR budget
- board meetings
- board policies
- BWSR enabling legislation--see Appendix

II. BWSR board members
- responsibilities
- board member PD
- the appointment process
- terms
- per diem
- reimbursement for expenses
- board member pictures and biographies--see Appendix

III. BWSR staff
- how staff carries out board mission
- field staff/central office
- staff/board relationship
- executive director position
- organization chart
- staff work teams
- staff pictures and biographies--see Appendix

IV. Local government units (LGUs)

- SWCDs
- WDs
- counties
- joint powers
- associations

V. Other agencies

- Department of Health
- Department of Agriculture
- Department of Natural Resources
- Pollution Control Agency
- Minnesota Extension Service
- Army Corps of Engineers
- Natural Resources Conservation Service

VI. Appendix

- BWSR general statute/list of other BWSR statutes
- strategic plan
- charge and authorities of each committee/committee members/committee process
- acronyms
- calendar of expected board meeting votes
- board members pictures/biographies
- staff pictures/biographies

s:boardoutline.smt

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
AUGUST 1, 1995

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Kathleen Roer, Chair	citizen
	Glenn Annexstad	citizen
	Jim Rossman	county commissioner
	Ted Lovdahl	SWCD
	Marvell Tripp	watershed district
	Doug Thomas	staff

Responsibility: The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule appeals, and appeals of state agencies water decisions that are of a policy nature. The authority of the DRC is established in statute and as given by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

EDUCATION & PUBLIC RELATIONS COMMITTEE

Membership:	Tim Hvidsten, Chair	SWCD
	Barb Uppgaard	citizen
	LeRoy Stensgaard	county commissioner
	Ginny Imholte	watershed district
	Susan Tsakakis	staff

Responsibility: The education committee is responsible for the development of an overall education strategy for the Board; establishing annual objectives; assessing the education initiatives; and updating the education strategy to meet the needs of the Board's clientele. The committee will review the training needs of the clientele and review the training plan to ensure continuity with the education plan of the Board. In addition, the committee will assess and make recommendations concerning new Board Member indoctrination materials, the need for specific Board Member educational briefs, and to develop distribution of the annual Board calendar. The committee will evaluate and make recommendations concerning BWSR's publicity and public relations tools including, but not limited to, its brochure, convention "booth" and State Fair involvement.

FEEDLOT ADVISORY COMMITTEE

Membership:	Jim Rossman, Chair	county commissioner
	Ted Lovdahl	SWCD
	Al Kean	staff

Responsibility: The committee was established to provide Board participation on the Feedlot and Manure Management Advisory Group and to provide input to the Board on issues relating to feedlot activities of the Board. The committee will review feedlot cost-share requests where enforcement actions have been initiated and make recommendations to the Board on the request. The committee acts in an advisory capacity only.

COST-SHARE / SOIL CONSERVATION COMMITTEE

Membership:	Dwain Otte, Chair	SWCD
	Glenn Annexstad	citizen
	Ginny Imholte	watershed district
	LeRoy Stensgaard	county commissioner
	Darrell Bruggman	county commissioner
	Barbara Cobb	WMO
	Marybeth Block	staff

Responsibility: The committee has developed an implementation strategy to achieve the goals for soil conservation as defined in the Strategic Plan of the Board and has developed recommendations approved by the Board regarding the 1995 Federal Farm Bill. It is to remain actively involved in the new Farm Bill development process and act as liaison to the Board in regard to its progress and other associated issues. The committee is responsible for contributing to the multi-agency cost-share rules retooling efforts and will act as liaison to the Board regarding the future product.

WATER PLAN COMPLIANCE COMMITTEE

Membership:	Barbara Cobb, Chair	WMO
	Barbara Uppgaard	citizen
	Darrell Bruggman	county commissioner
	Ginny Imholte	watershed district
	Doug Thomas	staff

Responsibility: This is an ad hoc committee formed to review policy issues relating to compliances; rule and statute changes and inter-agency coordination with particular emphasis on looking into agency cooperation concerning development of a more defined, more absolute method to assure water planning compliance.

WATER PLAN REVIEW COMMITTEE

Membership: The committee is ad hoc and is appointed by the Chair on an as needed basis.

Responsibility: The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, and amendments to same and to advise the Board on the adequacy of the plans.

WETLANDS COMMITTEE

Membership:	Darrell Bruggman, Chair	county commissioner
	Tim Hvidsten	SWCD
	Glenn Annexstad	citizen
	Kathleen Roer	citizen
	John Jaschke	staff

Responsibility: The Wetlands Committee is responsible for reviewing Wetlands Conservation Act (WCA) policies and procedures; participating in Wetland Heritage Advisory Committee (WHAC) meetings and making recommendations to the Board.

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Barbara Cobb, Chair	WMO
	Jim Rossman, Vice-Chair	county commissioner
	Dwain Otte	SWCD
	Barb Uppgaard	citizen
	Ted Lovdahl	SWCD
	Ron Harnack	staff
	Mary Jo Anderson	staff

Responsibility: The administrative advisory committee will act in the capacity of a "management team" and will make evaluations and recommendations to the Board on various Board positions including standing policies; programs; ethics; expenses/per diem; legislative platforms and strategy. It will assess specific Board objectives and evaluate the Board's effectiveness. It will assist in the formulation of bylaws, review the budget, make suggestions involving Board budget and act in a personnel review function for the Executive Director.

ENVIRONMENTAL REORGANIZATION COMMITTEES

Responsibility: The two committees will form recommendations regarding the Governor's initiative to reorganize and/or improve.

A) State Agencies

Barb Uppgaard, Chair	citizen
Darrell Bruggman	county commissioner
Dwain Otte	SWCD
Ginny Imholte	watershed district

B) Special Purpose Districts

Kathleen Roer, Chair	citizen
Tim Hvidsten	SWCD
Marvell Tripp	watershed district
LeRoy Stensgaard	county commissioner

C) Liaison between both groups and the Board and member of Governor's Environmental Cluster Group

Barbara Cobb	WMO
Ron Harnack	staff

STATUTORY COMMITTEES

Membership: Eric Mohring — staff

Responsibility: Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee.

Advisory members have offered to serve on BWSR committees and assist as needed.

Ron

RECEIVED
AUG 10 1995

STATE OF MINNESOTA

ENGINEERING SERVICES DIVISION

CONTACT REPORT - OFFICE OF ENVIRONMENTAL SERVICES

Date:July 21, 1995

State Project No. :NA

Job Location :NA

Reason for Contact :Watershed District Coordination Policy

Persons Contacted :Doug Thomas, BWSR
Ray Bohn, Mn As. of Watershed Districts (MAWD)
Jon Roeschlein, Bois de Sioux WSD
Tim Kelly, Coon Creek WSD
Cliff Aichinger, Ramsey-Washington Metro WSD
Bob Mostad, Sauk River WSD
Allan Kuseske, North Fork Crow River WSD
Jim Wynnemer, South Two Rivers WSD
Lowell Enerson, Red Lake WSD
Larry Foote, OES
Dave Halvorson, CO Hydraulics
Dennis Larson, Metro Hydraulics
Nick Tiedeken, OES

Date of Contact :July 21, 1995

Status of Work :CLARIFICATION

Remarks::Tim Kelly (Coon Creek Watershed District) asked us to participate in the Watershed District Administrators meeting in order to discuss the new Mn/DOT Policy of Coordination. This policy calls for Mn/DOT to coordinate with local water planning organizations (Watershed Districts <WSDs> and Watershed Management Organizations <WMOs>) in the Mn/DOT project development process, but states that Mn/DOT will not apply for permits from lower levels of government. Apparently the WSD Boards and administrators think that Mn/DOT is trying to cut them out of the process. Participation in this meeting helped to clarify Mn/DOTs policy and resulted in fostering continued cooperation between Mn/DOT and the WSDs.

Nick and Dennis explained why the policy was developed and how it is proposed to be implemented. The policy will in many instances allow for WSD coordination earlier in the process (predesign) than is currently done (permit application after final design is completed). While the administrators thought this was good they were concerned the language of the policy could allow Mn/DOT to

ignore them. Lowell felt there already was lack of interaction with Mn/DOT in the Red River WSD since the policy came out.

Dennis and Nick pointed out several examples where the actions of certain watershed districts threatened to jeopardized Mn/DOT projects. The administers recognized that there are a couple of WSDs that are causing problems for Mn/DOT, but also thought that the policy may be like dealing with a mosquito using a sledgehammer. Overall though, it seemed that most WSDs had very good working relationships with Mn/DOT and want to continue in this manner.

The administrators generally acknowledged that state agencies did not have to apply for local permits, but they did want a more formalized coordination process in order to assure that they would be involved. Cliff suggested some sort of coordination document. Ray thought a more formal agreement should be laid out with a process for dispute resolution. Doug suggested an Memorandum of Understanding (MOU) between BWSR, Mn/DOT, and the WSDs with reference to the BWSR dispute resolution process. Larry said any agreements should be between the Mn/DOT Districts and the WSDs.

Larry committed Mn/DOT to:
-develop a coordination procedure for the Highway Project Development Process
-craft a clarification memo to better explain the policy (Mn/DOT does not plan to retract the policy)
-look into an MOU (preferably between the Districts and the WSDs)

Larry also suggested that the WSDs should talk to State Aid (for local projects). Larry would also talk to State Aid.

Ray invited Mn/DOT to attend the MAWD meeting September 15 (9 am at the Minneapolis-St. Paul Airport, RM 347A), and also the meeting in December.

Larry also discussed enhancement fund opportunities for the WSDs especially for water quality benefits. Larry stated that the project must be associated with a transportation project , but that this would be a good opportunity for the WSDs. The WSDs should work with the Area Transportation Partnerships (ATPs).

Prepared by: Nick Tiedeken NT

cc: Attendants
John Sandahl,
District Hydraulic Engineers
District PreDesign Engineers
Ron Harnack, BWSR

· MT - Done 8/15-Lono
Done 8/15-LB · Field Office
Done 8/10-LB · Board.

Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40__

RECEIVED
AUG 10 1995

August 2, 1995

Here at last is the summary of the last Natural Resources Issues Day. We did a lot of good work that day. Your ideas and comments were helpful during the legislative session, as we debated entire bills or riders on all the topics covered in the small group sessions. Thank you for the help.

The next regular session, opening January 16, is the session in which the legislature funds capital improvements. These funds are vital to maintaining and improving our natural resources. They fuel much of the Reinvest in Minnesota program, as well as programs to improve parks, trails and accesses, and office site improvements to increase productivity and make DNR services more readily available to the public.

Assuming no special session in which a wetlands bill is introduced is called this fall, we also look forward to continued debate on how to improve wetlands management.

Another issue that might arise is property rights. Underway is a nationwide debate on whether or not property owners should be paid by government when regulations reduce the usefulness of their property. We expect part of that debate to occur in the Minnesota Legislature next winter.

Meanwhile, legislation the past session set up a review of the organization of environmental services in Minnesota. Preliminary recommendations are due October 1995, so any necessary legislation to rework the look of state agencies can be drafted for the session.

All in all it looks like the "off session" will be a busy one. You might put a reminder on your calendar for next January to attend Natural Resources Issues Day. As soon as we have settled on a site and day we'll send you an invitation so you can firmly set your calendar.

Sincerely,

Bill

Bill Becker
Legislative Unit

Forestry

The forestry group identified a set of problems and opportunities for DNR. They then provided advice on three areas

Problems and Opportunities

Managing Minnesota's forests is replete with conflicts. So many benefit from different aspects of the forest that these conflicts give rise to the foundation of forest management in Minnesota — Multiple Use Management. Minnesota forest management needs to face these multiple demands and craft management that balances trade-offs.

At the same time DNR and other forest resource managers are being asked to do more with less. In this environment, workloads expand and timelines extend. We need new and more efficient ways to manage Minnesota's forests. We need to concentrate on the most important issues.

Among the newer conflicts being placed on forests is maintenance of biodiversity while continuing efficient fiber production. Old growth needs to be set aside. Natural processes, such as fire, need to return to the forest. At the same time foresters can efficiently produce fiber through plantation forestry. In addition agroforestry offers a new, environmentally friendly, opportunity for farmers. Dealing with these new conflicts calls for broader scale management, beyond the forest unit - to the landscape.

Part and parcel of landscape level forest management is involvement of private landowners. They have control over their lands and need to understand the effects of their actions on the landscape. Community-based forestry advances landscape level forest management. In addition, this affords DNR an opportunity to become a mediator in forest management issues at the landscape level.

DNR needs to shift its thinking from industrial forestry, where the forest is viewed as a fiber crop, to a holistic approach. This shift will provide a perspective improving the ability to accommodate other demands.

Advice

DNR should implement community-based forestry. This involves stakeholders in decision-making. It requires forums to address multi-use conflicts, and other issues defined by the community. Education will enhance the ability of the community to make decisions and take actions that satisfy wants and needs.

The integrity of the landscape may depend on key privately owned parcels. Minnesota needs a program, at the landscape level, to identify the best management for landscapes. It should scientifically determine the best complex of management for the ecosystem. Where necessary, the program should have incentive programs or outright purchase authority to purchase and manage private parcels necessary and vital to the integrity of each ecosystem.

Success of this landscape management depends on understanding. The DNR should educate the public on conservation biology. It should also formally adopt conservation biology forest management policy.

Minnesota
DEPARTMENT OF NATURAL RESOURCES

For more information contact:
Department of Natural Resources
Office of Planning
500 Lafayette Road
St. Paul, MN 55155-4010

612-296-0565 (Metro area)
800-766-6000 (Toll-free in Minnesota)
TDD: 612-296-5484
800-657-3929 (Toll-free in Minnesota)

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Summary Report
Minnesota Natural Resources Issues Day
January 21, 1995

Introduction

The third annual Department of Natural Resources Natural Resources Issues Day was held on January 21, 1995 at the Minneapolis Convention Center.

The divisions and units of the DNR provided the names of individuals to invite. DNR invited 350 people to attend. Final attendance was 61 people from the public and approximately 28 DNR employees who served as staff and technical advisors.

The day included an opportunity for attendees to select topic areas for in-depth, small group discussion. Open voting was used to select from among the 17 issue areas below:

17 Issue Areas
1995 Natural Resources Issues Day

- ❑ Enforcement
- ❑ Environmental Education
- ❑ Game & Fish Funds
- ❑ Challenges Facing Fisheries Management
- ❑ Forestry's Role in Habitat and in Minnesota's Economy
- ❑ Trails & Parks
- ❑ Natural Resource Legal Matters
- ❑ Future of Mining in Minnesota
- ❑ Forming Partnerships to Improve Resource Management
- ❑ Sustainable Development as a Goal for Natural Resources
- ❑ Preserving and Improving Minnesota's Rivers
- ❑ Small Game Species
- ❑ Wetland Management in Minnesota
- ❑ Lake & River Management
- ❑ Water Quality Management
- ❑ Big Game Management
- ❑ Ecosystem Management and the DNR's Role

After reviewing the votes, four topic areas were selected for in-depth, small group discussion. Groups were assigned and individuals from each group volunteered to facilitate and record the thoughts of the group. Below are the results of each group.

Ecosystem-based Management Discussion

The group discussing ecosystem-based management found a number of barriers to successful implementation. In addition, they identified a few areas where the DNR could begin to address these barriers, highlighting one opportunity. They provided a succinct summary of their discussion, with a short statement of the problem and concrete advice for DNR.

Barriers to Ecosystem-based Management

With any changes in management come uncertainties. The group thought doubt about untried ways and fear of a loss of benefits stood in the path of successful implementation of ecosystem-based management. They felt that all payers, especially hunters and anglers, feared ecosystem-based management.

Concern that the dollars they contribute would be diverted to activities that didn't enhance fish, game, trails or other fee supported goods and services lay at the core of their concern. In addition the group identified doubt about the prospects of ecosystem-based management achieving the current or a better level of goods and services.

A recognition that ecosystem-based management spans the gap between management of public lands and private land, thus affording more resources to production of desired goods and services, hasn't reached most fee paying constituencies. The group also felt that the relationship between suitable development and growing resource production wasn't understood. In fact, this perception has reached the point of a contrary notion, that "sustainable development" means anti-growth.

Areas of Promise

By working in some areas, we can reach a greater common understanding of the true potential of ecosystem-based management. The group agreed that education/communication, improved DNR management, and taking advantage of Minnesota's opportunities are the important areas in which to work.

Participants felt we should work to change societal habits, standards and behaviors through education. Then personal choices would create more productive ecosystems.

Here the basic premise is that individuals don't fully

understand the systemic and common pool effects of their acts. If they fully understood these effects they would make better choices. For example, the rational lakeside landowner who wants to develop land will agree to protect the top soil from erosion, if they know that others will do the same, and the net result is maintenance of the quality of the lake on which they live. Here the key is a common understanding of the combined effects, if all who can take the action do, and a corporate decision to limit activities to those that don't contribute to harm.

Local involvement provides important perspective and understanding. It helps develop ecosystem friendly individual and local government actions. Achieving a critical mass of local involvement requires teaching people what the ecosystem is, at each ecosystem level, and affording opportunities to agree on what that ecosystem should sustain. Successful ecosystem-based management requires hearing from all variety of perspectives and making community decisions about how to accommodate these perspectives.

Minnesota's level of education, and monetary and resource wealth combine to make this local approach achievable. We are well positioned to come together to make our future what we agree it should be.

The group found that the management of the DNR itself produced barriers to success. It isn't clear what role the DNR's should take in ecosystem-based management. For example, questions like: 'Who defines the quality of life in an ecosystem?'; 'How do you measure it?'; and 'Who measures it?' have not been answered. Successful implementation of ecosystem-based management requires early agreement on the role of various levels of government, especially the role of DNR.

Advice

The advice from the group included recommending that DNR outline what people would gain and lose with ecosystem-based management. They felt the DNR should provide education, at the grass roots level, about the implications of continued emphasis on managing individual species and places (lake basins), and the advantages of ecosystem-based management. They endorsed finding places to demonstrate ecosystem-based management and requested that DNR incorporate aspects of Total Quality Management in these demonstrations. Along these lines they suggested DNR promote its activities in this area in recent years. In addition, they asked that DNR evaluate its role in environmental education, connect better with schools, and become a manager, facilitator and coordinator of quality education and research.

The issue of funding arose. To fund ecosystem based management participants suggested the state seek broader-based funding, beyond hunters and anglers, such as a tax on bird seed.

Summary

The group provide this summary of their discussion.

Primary Problem: Most people in Minnesota do not understand what ecosystem-based management is, how it works, and how it benefits them and society.

Advice to DNR: Do a better job of communicating ecosystem-based management to the agency's various stakeholders.

Lakes and Rivers Discussion

The group discussing the management of lakes and rivers provided a straight forward assessment of the direction DNR should take. They identified fragmented management as a broad-based problem. They then suggested an improved management approach.

Problem

DNR and other lake interests take a fragmented approach to lake management. Many activities, both in the lake basin and in the adjacent watershed contribute to lake problems. Coordinated management of these activities offers a reasonable solution framework. Often the activities, especially individual activities, are founded in ignorance of their impacts.

Solution

The state should institute comprehensive management of lakes. This management should look beyond the basin, to the watershed for solutions. It should be based on partnerships among all levels of government and the private sector. These partnerships should focus on creating an environment that sustains the productivity of each lake, as well as the community and economic activity on the watershed.

Advice

The group recommended that DNR, in partnership with others, strive toward comprehensive management of land and water resources to sustain Minnesota's lakes and rivers. Local water planning, conducted at the county level, affords the best opportunity for this comprehensive management. In the near future, local water plans will be updated and improved. The DNR and others should increase participation in the local water planning process.

Wetlands Discussion

The group discussing wetland issues identified issues, found some things DNR and natural resources groups could do, making some specific recommendations for action.

Issues

The group found three major classes of wetland issues: Need for statewide consensus on wetlands retention; Operation of wetland management agencies; and Minnesota Statutes.

Agreement on how many wetland acres, of what type, where, is critical to wetland management. Without this agreement, the programs and laws protecting wetlands will be beset with significant opposition. This agreement should be on the basis of ecological differences in Minnesota, and should factor in the historic loss rate in each ecological area.

Wetland management is complicated by conflicts between different levels of government. The group identified the following as government entities active in wetland management:

- ❑ Corps of Engineers
- ❑ Environmental Protection Agency
- ❑ Soil Conservation Service
- ❑ Fish and Wildlife Service
- ❑ Board of Water and Soil Resources
- ❑ Department of Natural Resources
- ❑ Pollution Control Agency
- ❑ Soil and Water Conservation Districts
- ❑ Local Governmental Units (counties, townships, municipalities)

So many entities create conflicting objectives, regulations and rules, and public confusion about who to contact for what permit or advice.

This confusion reaches into agency programs as well. For example, it complicates management of the Board of Water and Soil Resources' training program. Who should get trained? What are is the legal exposure if one is trained? What happens if the person trained is an elected official, who leaves office shortly after training?

Stemming from confusion, one of the long desired improvements in wetlands management is one-stop shopping for permits. The complex array of agencies involved in wetland management makes this difficult if not impossible.

A related area troubling the group is the condition of Minnesota Statutes governing wetland management. The group thought that complex statutes, with authority spread throughout, contributed to the confusion about wetland management.

What Can DNR and Natural Resources Groups Do to Help?

Agencies and others should increase education about wetlands. They should promote a model for management, and invest in training for local government officials. A goal of the education should be development of a consensus on wetland management goals for Minnesota. Another goal of the education should be to engender trust in wetland management agencies. Overall, the group felt water issues needed more discussion.

Comprehensive local water plans offer an opportunity address wetland issues and educate people about wetlands. This is an opportunity to stress the scientific and technical expertise available for effective wetland management. This will require substantial support from DNR and other agencies.

Management would improve if agencies gave up some turf. Better delineations of lines of jurisdiction would help. This objective would be advanced through the development of one answer place. The group suggested that Soil and Water Conservation Districts would be the best place to centralize this assistance.

The participants specifically recommended that the governments dealing with wetlands participate in and work with the 1995 Wetlands Plan. This could foster agreement on many of the issues at hand. Given the current debate over wetlands, they recommended a moratorium on changes to the Wetland Conservation Act, with the exception of changes to provide relief to northern counties, based on reason.



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Itasca rescinds OK of state Wetlands Act

By NATE BOWE
Staff Writer

Hoping to spur the Legislature to amend the Wetlands Conservation Act, Itasca County has rescinded its approval of the law, effective Nov. 1.

The 3-2 action was taken Tuesday, following a 90-minute discussion, according to Commissioner Matt Iluju of Marcell.

"We want to conserve wetlands, but on a common sense or sensible approach," he said.

The Itasca County Board hasn't liked the WCA from its inception, he said. "We didn't appreciate the way it was written, the way the rules were written and that we as a county were mandated to approve it. They said it was voluntary, but we had no choice — there would have been no way to get our projects approved if we hadn't accepted it."

Iluju said the board believes the law needs to be changed "and this is one way of speeding up the process — hopefully the Legislature will take notice."

Brian Dwight, conservationist for the Board of Water and Soil Resources in Bemidji, said he was sad to hear the news, but had no comment on the Itasca County action.

The action is "solid confirmation that the law is broken and beyond repair, especially for counties that are still managing over 80 percent of their presettlement wetlands," said Dan Larson, a consultant and lobbyist for the five counties, including Beltrami, that never approved permanent WCA rules.

Beltrami County Commissioner Richard Florhaug attended Tuesday's meeting and plans to attend a Roseau County Board meeting next week to urge commissioners to rescind. Lake of the Woods County is next on the list, he said.

In a news release, Florhaug and Koochiching County Commissioner Joel Maggert blamed bureaucrats and Twin Cities legislators for killing a wetlands reform bill last session.

"We could have had some of the relief people have been calling for, and really helped those that need it most," Florhaug said. "We feel badly that the bill was killed by some group of bureaucrats and metropolitan legislators who don't care about the problems of people in other parts of the state."

Florhaug made the comments at a recent meeting of county commissioners from around the state.

"The wetland act made the cost of road projects in wetland areas astronomically higher," Florhaug continued, "at a time when state and federal funding are drying up."

For counties, the WCA put out of reach simple safety concerns like wide road shoulders for stranded motorists, because the law requires replacement elsewhere of up to five times the acreage affected by the road project. "There just isn't enough money," Florhaug said.

Larson said BWSR will release a proposed reform bill today, based on a compromise threshed out in the last session. But he said it doesn't go far enough to win acceptance from the rebel counties.

The counties, for example, want greater leeway for road construction so highways don't have to be built curving around wetlands. That causes safety problems and adds greatly to the final construction bill, he said.

Wetlands preservation does add to construction costs, said Beltrami County Highway Engineer Tom Kozojed. But the department doesn't have specific figures and hasn't been tracking mitigation costs.

Because of the WCA, the department has to replace smaller wetlands. Under the old U.S. Corps of Engineers requirements, only wetlands of an acre or more had to be mitigated. The WCA calls for mitigation of a half acre or more, and state agencies have convinced the Corps to lower its requirement to a half acre to better conform with the WCA, Kozojed said.

Roads through large wetlands are also poorer now because they are built on fabric "bridges" — or fabric laid on top of muck and covered with four or five feet of fill — rather than on straight fill, Kozojed said.



A crew from Bemidji Redi M
house a pavilion near the new
Bemidji Rotary and Bemidji S
and a playground. The Bemidj
amusement park. Materials are

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Minnesota Board of Water & Soil Resources

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September 18, 1995

TO: Board Members and Advisors

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

RE: September 27th board meeting

In Ron's absence, I met with Barbara Cobb and prepared the enclosed agenda.

Although the formal board meeting will conclude by 12:30, there are a number of items requiring your decision. A short summary of decision items is provided.

✓ **Cost-share rule**: The cost-share retooling team continues to make progress toward revising the rule governing the state cost-share program. Two items need attention: endorsement of the draft rule and adopting a resolution to adopt the rule without a public hearing. After these actions, the draft rule will be published in the State Register with a request for comments.
Refer to Mary Beth Block's enclosure for more information.

✓ **Snake River Watershed District Petition:** With the implementation of the Snake River Joint Powers agreement, it is appropriate to formally dismiss the earlier petition to establish a watershed district. Refer to Doug Thomas's enclosure for more information.

✓ **Alternatives for local government not implementing the Wetland Conservation Act:**
As described on the enclosure, staff suggest that the current policy of withholding WCA funds be revisited in light of the increasing number of counties who are rescinding their implementation of the wetland conservation act.

✓ **Fiscal Year 1996 Natural Resources Block Grants (NRBG):** This is the third year of the NRBG program. This grant, made to counties, assists local government in implementing four resource protection programs: wetland conservation act, local water planning, DNR shoreland management and MPCA feedlot programs. The most significant change from the previous program is the separation of the base and competitive grants into separate application periods. After considering the previous agenda item, the appropriate action would be to approve the 1996 NRBG. Refer to the spread sheet prepared by Wayne Zellmer.

✓ **Legislative initiatives:** In preparation for the 1996 legislative session, we need to discuss and provide staff with direction concerning legislative initiatives. Four initiatives are described on the enclosures. A fifth initiative proposes to increase funding by $3 million per year for the state cost-share program to offset the severe cuts to the Federal agricultural cost-share programs.

✓ **Ramsey County Groundwater Plan:** Ramsey County has completed their groundwater plan. Staff recommends approval. Refer to the enclosed overview prepared by Eric Mohring.

I draw your attention to the afternoon schedule which is reserved for the efforts of two committees.

Drive safely!

CC: Board meeting distribution list

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
SEPTEMBER 27, 1995

PRELIMINARY AGENDA

9:00 a.m.

1. Call Meeting to Order

2. Adopt Agenda

3. Approval of Minutes of August 23, 1995

4. Reports
   -Chair - Barbara Cobb
   -Executive Director - Ron Harnack
   -Dispute Resolution Committee - Kathleen Roer
   -Education & Public Relations Committee - Tim Hvidsten
   -Feedlot Advisory Committee - Jim Rossman
   -Cost-Share/Soil Conservation Committee - Dwain Otte
   -Water Plan Compliance Committee - Barbara Cobb
   -Wetlands Committee - Darrell Bruggman
   -Administrative Advisory Committee - Barbara Cobb

5. Old Business
   -Endorse Amendments to Revised Cost-Share Rule and Authorize Publication (for comment) - Marybeth Block **[Decision Item]**
   -Snake River Watershed District Petition - Doug Thomas **[Decision Item]**

6. New Business
   -WCA Eligibility: Natural Resource Block Grant Issues - Greg Larson **[Decision Item]**
   -Natural Resources Block Grants - Doug Thomas **[Decision Item]**
   -MASWCD Initiative Regarding SWCD Supervisor Per Diem - Ron Harnack **[Decision Item]**
   -Legislative Initiatives - Ron Harnack **[Decision Item]**
   -Ramsey County Ground Water Plan - Eric Mohring **[Decision Item]**
   -Dispute Resolution Committee Recommendations - Kathleen Roer **[Decision Item]**
   -Update on Environmental Reorganization Meetings - Kathleen Roer and Barbara Uppgaard **[Information Item]**
   -RIM 10th Anniversary Celebration - Ron Harnack **[Information Item]**

(continued)

7. Advisory Comments
-Paul Burns, Department of Agriculture
-Kim Benson-Johnson, Department of Health
-Jim Anderson, Minnesota Extension Service
-Wayne Edgerton, Department of Natural Resources
-Wayne Anderson, Pollution Control Agency
-Bill Hunt, NRCS
-Jim Schafer, MASWCD
-Rick Reimer, MACDE
-Ray Bohn, MAWD
-Franklin Denn, MAT

8. Board Issues - discussion, comments, action needed
-Decision Concerning Meeting Schedule
-Attendance at Conventions
AMC, December 3-5, St. Cloud
MAWD, December 8-9, Alexandria
MASWCD, December 10-12, St. Cloud

9. Next Board Meeting - October 25, 1995

12:30 p.m. Adjourn

Box Lunch Provided (Board and Associated Staff Only)

1:30 p.m. Special Purpose Districts
Reorganization Committee Meeting
-Kathy Roer
-Tim Hvidsten
-Marv Tripp
-LeRoy Stensgaard

Water Plan Review - Benton County
-Barbara Cobb
-Darrell Bruggman
-Jim Rossman
-Ted Lovdahl
-Dwain Otte
-Barbara Uppgaard
-Ginny Imholte
-Glenn Annexstad

3:00 p.m. Adjourn

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
SEPTEMBER 27, 1995

AGENDA

9:00 a.m.

1. Call Meeting to Order

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3. Approval of Minutes of August 23, 1995

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   -Dispute Resolution Committee - Kathleen Roer
   -Education & Public Relations Committee - Tim Hvidsten
   -Feedlot Advisory Committee - Jim Rossman
   -Cost-Share/Soil Conservation Committee - Dwain Otte
   -Water Plan Compliance Committee - Barbara Cobb
   -Wetlands Committee - Darrell Bruggman
   -Administrative Advisory Committee - Barbara Cobb

5. Old Business
   -East Otter Tail SWCD Update - Ted Lovdahl
   -Endorse Amendments to Revised Cost-Share Rule and Authorize Publication (for comment) - Marybeth Block **[Decision Item]**
   -Snake River Watershed District Petition - Doug Thomas **[Decision Item]**

6. New Business
   -WCA Eligibility: Natural Resource Block Grant Issues - Greg Larson **[Decision Item]**
   -Natural Resources Block Grants - Doug Thomas **[Decision Item]**
   -MASWCD Initiative Regarding SWCD Supervisor Per Diem - Ron Harnack **[Decision Item]**
   -Legislative Initiatives - Ron Harnack **[Decision Item]**
   -Ramsey County Ground Water Plan - Eric Mohring **[Decision Item]**
   -Dispute Resolution Committee Recommendations - Kathleen Roer **[Decision Item]**
      -C.A.R.E. v. Wright County SWCD
      -Landview Landscaping v. Minnehaha Creek WD
      -Levine v. Minnehaha Creek WD
   -Update on Environmental Reorganization Meetings - Kathleen Roer and Barbara Uppgaard **[Information Item]**
   -RIM 10th Anniversary Celebration - Ron Harnack **[Information**

7. Advisory Comments
-Paul Burns, Department of Agriculture
-Kim Benson-Johnson, Department of Health
-Jim Anderson, Minnesota Extension Service
-Wayne Edgerton, Department of Natural Resources
-Wayne Anderson, Pollution Control Agency
-Bill Hunt, NRCS
-Jim Schafer, MASWCD
-Rick Reimer, MACDE
-Ray Bohn, MAWD
-Franklin Denn, MAT

8. Board Issues - discussion, comments, action needed
-Decision Concerning Meeting Schedule
-Attendance at Conventions
AMC, December 3-5, St. Cloud
MAWD, December 8-9, Alexandria
MASWCD, December 10-12, St. Cloud

9. Next Board Meeting - October 25, 1995

12:30 p.m. Adjourn

Box Lunch Provided (Board and Associated Staff Only)

1:30 p.m. Special Purpose Districts
Reorganization Committee Meeting
-Kathy Roer
-Tim Hvidsten
-Marv Tripp
-LeRoy Stensgaard

Water Plan Review - Benton County
-Barbara Cobb
-Darrell Bruggman
-Jim Rossman
-Ted Lovdahl
-Dwain Otte
-Barbara Uppgaard
-Ginny Imholte
-Glenn Annexstad

3:00 p.m. Adjourn

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA
AUGUST 23, 1995

BOARD MEMBERS PRESENT:
Barb Cobb, LeRoy Stensgaard, Dwain Otte, Glenn Annexstad, Darrell Bruggman, Ginny Imholte, Jim Rossman, Ted Lovdahl, Marvell Tripp, Kathy Roer, and Tim Hvidsten.

BOARD MEMBERS ABSENT:
Barbara Uppgaard

AGENCY MEMBERS PRESENT:
Bob Patten, Department of Agriculture
Wayne Edgerton, Department of Natural Resources

AGENCY MEMBERS ABSENT:
Kim Benson-Johnson, Department of Health
Jim Anderson, Minnesota Extension Service
Wayne Anderson, Pollution Control Agency

OTHERS PRESENT:
Jim Schafer and Bob Pigeon, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Bill Hunt, Natural Resources Conservation Service (NRCS)
Rick Reimer, Minnesota Association of Conservation District Employees (MACDE)
Greg Anderson, Consolidated Farm Service Agency (CFSA)
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)

STAFF PRESENT:
Doug Thomas, Jim Birkholz, Al Kean, Wayne Zellmer, Tom Wenzel, Marybeth Block, Keith Grow, and Mary Jo Anderson.

Chair Cobb called the meeting to order at 9:05 a.m.

** 95-42 **Adopt Agenda** - Moved by Marvell Tripp, seconded by Jim Rossman, to adopt the agenda as presented. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

Minutes of July 26, 1995 - Kathy Roer stated that a change needs to be made on page five, regarding the recommendations of the Dispute Resolution Committee on appeals; it should read "watershed district permit" appeals, rather than WCA. Also, the end of that sentence should be deleted. Moved by LeRoy Stensgaard, seconded by Marvell Tripp, to approve the minutes of July 26, 1995, as corrected. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

** 95-43

Dispute Resolution Committee (DRC) Report - Kathy Roer reported that three items will be addressed on September 14 when the Dispute Resolution Committee (DRC) meets again; and also two matters that are set for hearing in the near future. Rossman stated that staff should make determination if the appeal has met criteria for the appeal to come before the DRC.

Education Committee Report - Tim Hvidsten stated that he will stop by the BWSR state fair booth and MASWCD booth as well and encouraged other board members to stop by the BWSR booth.

Chair's Report - Barb Cobb attended several meetings this past month including the Environmental Quality Board (EQB) meeting; the NRCS/MASWCD/BWSR meeting regarding partnerships; the MAWD board of directors meeting on reorganization; and a metro SWCD meeting.

Executive Director's Report - Ron Harnack spent three days visiting field offices in northern Minnesota. A watershed district petition has been received for expansion of boundaries; a BWSR committee may have to be appointed to hear the issue. A Reinvest In Minnesota (RIM) Reserve celebration ceremony has been scheduled for October 12 in Yellow Medicine County to celebrate 60,000 acres, acknowledge cooperating partners, and promoting future program funding; Ron encouraged board members in the area to attend. BWSR has a booth at the state fair in the Education Building; members are invited to stop by the booth. A WCA appeal from McLeod County was heard before district court and the court ruled in BWSR's favor; a summary will be provided to members. A legislative mini-session will be held September 21-22 in Bemidji. Three additional counties, Clearwater, Itasca, and Roseau, have resolved to rescind the Wetland Conservation Act (WCA) in November. Ron met with Association of Minnesota Counties (AMC) committees to address the issue of wetland legislation. AMC is appointing a wetland committee to review issues

and develop a position. Ron attended the MASWCD board of directors meeting in Rochester; cost-share area allocation was discussed. BWSR needs to revisit the cost-share allocation issue. Ron stated that legislation deadlines have been set; legislative initiatives are due September 29. Policy and money issues are due October 6; drafts need to be in the Revisor's Office by November 1; staff will bring considerations before BWSR in September. Chair Cobb asked for a legislative outline to be sent out to board members.

Consent Agenda

- Grass Lake Wetland Restoration Project in Kandiyohi County - Tom Wenzel updated board members on the Grass Lake Wetland Restoration Project; things are going very well and the partnership is making great progress. Moved by Jim Rossman, seconded by Dwain Otte, to make final approval on the Grass Lake Wetland Restoration Project in Kandiyohi County. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

** 95-44

-FY96 Non-Point Engineering Assistance Grant - Wayne Zellmer updated board members on the hiring process for engineering assistance. Moved by Marvell Tripp, seconded by LeRoy Stensgaard, to approve the two-year funding grant for non-point engineering assistance. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

** 95-45

-Proposed Cost-Share Rule Revisions and Cost-Share Allocation Procedure - Marybeth Block gave an overview of the allocation process and rule revision process. Dwain Otte commended staff, Marybeth Block, Keith Grow, and Wayne Zellmer for the work they have done on the cost-share revisions and allocation procedures. The BWSR cost-share committee met yesterday with staff to discuss the rule revision and allocation processes. Staff and committee members will be asking the board to endorse the draft rule in September. The allocation formula was discussed. Ron Harnack clarified that the board had already endorsed distributing funds area option (August 1994), provided all SWCDs in an area agreed to the area-allocation process. The board did not change the allocation formula. Jim Schafer, President of MASWCD, stated that the MASWCD board of directors met yesterday and revisited the issue. He indicated that it appears there is confusion and misunderstanding regarding the area allocation process among members. Dwain Otte mentioned that the board will need to decide whether or not they will distribute a portion, not to exceed 20%, of the regular statewide appropriation for a special program and project initiatives. He reported that the committee was going to recommend retaining 20%. If board members are uncomfortable with retaining a portion of the appropriation, or any aspect of the rules revision Dwain encouraged them to please speak to the BWSR cost-share committee members. Board members further discussed the area allocation process. Each area accepting the area option must establish priorities within their area for the use of cost-share funds. An area may elect not to participate in this cost-share

allocation process; districts in non-participating areas will receive their allocations according
** to the current allocation formula. Moved by Marvell Tripp, seconded by Dwain Otte, to
95-46 endorse the BWSR cost-share committee policy statement, all or none, regular statewide cost-share program allocation procedures. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

** Moved by Ginny Imholte, seconded by Marvell Tripp, to approve proceeding with the cost-
95-47 share rule revision process. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

A letter will be sent to districts regarding the area option.

Chair Cobb called for a break in the meeting at 10:35 a.m. The meeting reconvened at 10:50 a.m.

RIM Easement Program Work Plan and 1995 Sign-Up - Tim Fredbo gave an overview of the program and presented the allocations by board conservationists' work area. Staff recommends approval of the proposed $2.7 million allocation. Chair Cobb commended Tim
** and Marybeth on the easy-to-follow work plan. Moved by Dwain Otte, seconded by Kathy
95-48 Roer, to approve the RIM Easement Program Work Plan and 1995 Sign-Up. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

Reorganization Update - Ron Harnack stated that the reorganization meetings have been scheduled. The role of BWSR is multi-fold--BWSR is a member of EQB; BWSR is behind the scenes, and BWSR is also part of the environmental cluster group of the Governor's office. Findings, conclusions, and draft recommendations are expected to come out of the meetings. One administrative report will be submitted to the Governor. Ron asked members to let him know which meetings they can attend. BWSR staff will serve as facilitators.

Proposed Policy Allowing SWCDs to Retain RIM Penalty Payments - Jim Birkholz explained the issue: as an alternative to returning funds to the state, should SWCDs that resolve non-compliance problems with RIM Reserve easements be authorized to receive and disburse landowner payments that are part of the restitution? Jim has been in contact with the Department of Finance and the Attorney General's office on this issue. A proposed policy was distributed to members for review. Wayne Edgerton asked if Mower County would then be denied its request to fund Pheasants Forever with RIM Reserve dollars. Jim
** Birkholz stated that, yes, Mower County would be denied its request under this policy.
95-49 Moved by Ginny Imholte, seconded by Ted Lovdahl, to approve the proposed policy to

allow SWCDs to administer certain RIM Reserve non-compliance penalty payments received from landowners. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

Local Water Planning Update - Doug Thomas gave an overview and history of local water planning. He distributed proposed criteria for authorizing extensions of comprehensive local water plans. Moved by Jim Rossman, seconded by Darrell Bruggman, to approve the proposed criteria for authorizing extensions of comprehensive local water plans. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

** 95-50

Advisory Comments

-Department of Natural Resources (DNR): Wayne Edgerton reported that a roundtable discussion was held at Camp Ripley to address trespass issues in the state and how they relate to property rights. Wayne stated that DNR looks forward to working with BWSR on Wetland Conservation Act amendments as they progress.

-Department of Agriculture (MDA): Bob Patten stated that the agricultural loan best management program (BMP) continues to move along with anticipated workshops in September.

-Consolidated Farm Service Agency (CFSA): Greg Anderson reported that the thirteenth Conservation Reserve Program (CRP) sign-up will take place in September. There are 1.8 million acres of CRP land in Minnesota. Greg stated that agricultural conservation program (ACP) funds have been cut by 50 percent. He stated that due to the USDA Reorganization Act, CFSA has transferred some programs to NRCS.

-Minnesota Association of Soil and Water Conservation Districts (MASWCD): Jim Schafer stated that MASWCD continues to work on getting conservation on the land.

-Minnesota Association of Conservation District Employees (MACDE): Rick Reimer stated that MACDE met in August; one topic discussed was review of summer training. MACDE will produce a new publication "Keeping in Touch." Rick stated that MACDE will assist BWSR staff on five-year training program. He stated that MACDE is looking for raffle items for the convention. Rick reported that currently there are 315 SWCD employees involved in MACDE.

Chair Cobb recessed the meeting for lunch at 12:20 p.m. The meeting reconvened at 1:15 p.m.

-Proposed Board Member Handbook - Susan Tsakakis reviewed the proposed board member handbook and asked for suggestions and ideas. Susan hopes to have the handbook finalized in six months. A draft handbook will be distributed to board members.

-Media Communications - Susan Tsakakis gave an informative presentation on how board members should respond to the media.

** 95-51 Moved by Dwain Otte, seconded by Marvell Tripp, to adjourn the meeting at 1:40 p.m. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Tripp. Opposed: None. Carried.

Respectfully submitted,
Barb Cobb, Chair

September 14, 1995

To: *Water and Soil Resources Board Members*

Prepared by: *Marybeth Block, Cost-Share Retooling Work Team*
612-297-7965

Subject: *Cost-Share Rule Revisions*

Minnesota Board of Water & Soil Resources

This month staff is asking that the board pass a resolution to ***give notice of the board's intent to adopt rules without a public hearing*** governing the state cost share program.

Prior to taking that action, the board should endorse the draft rule (August 1995) they have reviewed, along with the amendments outlined on the attached pages. The changes were suggested by Al Kean and Ron Harnack, and I reviewed and incorporated them. They basically clarify text and correct terms (e.g., protected waters v. public). The change of most consequence administratively can be found in 8400.1300 - it removes restrictions regarding cost-sharing practices constructed with funds not derived from the state cost-share program. The August 1995 draft was mailed in the August board packet. If you have misplaced your copy give me a call and I'll forward another to you.

Also attached are comments that Wright SWCD has asked the board consider prior to endorsing the rule. Please review the comments (sent to me via e-mail) and my response that basically conveys the staff's recommendation regarding the comments.

Staff is proposing that discussions regarding the percent of the regular statewide appropriation that may be retained for special projects be tabled until January or February. By doing so, we can focus on the rule process.

Changes made to the August 1995 draft:

8400.0100 DEFINITIONS

Subp. 10 "or other designee" moved from the middle of line 41 to the end - immediately following *conservation district board.*

Subp. 11 "United States" struck from line 54.

Subp. 13 "technical" has been inserted on line 15 between *providing* and *standards* and "technical requirements of" on line 16 has been struck.

Subp. 16 "public" removed and "protected" retained in line 39

Subp. 19 "United States" struck from line 21.

Subp. 20 "Program Plan" deleted - the reference in the rule was changed to "Administrative guidelines of the State Cost-Share program".

Subp. 21 "Protected" retained and "public" struck and definition reworded to read *Protected waters means waters of the state identified as public waters or wetlands under Minnesota Statutes, section 103G.005, subdivision 15 and inventoried under Minnesota Statues, section 103G.201, and identified on a protected waters inventory map available in a county auditor's office.*

Subp. 23 "Sensitive groundwater" deleted because the reference (in the definition of high priority water quality problems) was struck.

8400.0300 APPROVED PRACTICES

Subp. 1 Added "along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost-share funds" to the end of line 23.

Subp. 2 Added "that impairs water quality" to the end of line 34.

Subp. 3 Item 2 added "erosion" after critical on line 51.
Item 8 inserted the word "runoff" after *storm water* on line 3.
Item 9 added "or improve" after protect on line 4.
Replace numbers (1-9) with letters (A-H).

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS

Subp. 2 Deleted "required" on line 15.

8400.0700 PROGRAM REPORTING AND MONITORING

Delete "by a date deemed reasonable" on line 8 and replaced it with "in accordance with the guidelines and requirements established"

8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS

Subp. 2 Item F. deleted "recommendations located in the" and made board possessive.

8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW

Item E deleted lines 3 and 4 on page 12.
Item F deleted "if the practice was originally installed with or without state cost-share dollars." (middle of line 7 and line 8)

8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT

Subp. 2 Item C line 19 deleted "concurs with the payment decision" and replaced with "defined the total percent of construction that is complete.

8400.1600 EXECUTING THE COST-SHARE CONTRACT

Subp. 2 added the word "appropriate" to the end of line 23. Inserted "for partial completion" between *exceptions* and *must.*

8400.1700 MAINTENANCE

Subp. 3 added "and the purpose of the original practice has been achieved" to the end of line 49.

Date: **Tue, 05 Sep 1995 21:04:56 +0000**
From: **buffa!kjs@mn4ao.attmail.com**
Subject: **State Cost-Share Rules**
To: **marybeth.block@bwsr.state.mn.us**

>From kjs Tue Sep 5 15:38 CDT 1995
>From kjs Tue Sep 5 15:38 CDT 1995 forwarded by kjs

***** UNDELIVERABLE MAIL sent to marybeth.block@bws.state.mn.us, being returned
send-mail: Error # 8 'Invalid recipient' encountered on system buffa

To: marybeth.block@bws.state.mn.us
Subject: State Cost-Share Rules

Dear Mary,

A few comments abouth the proposed State Cost-Share rules I would like the BWSR Board and Staff to consider before the Rule is finalized.

On Page 4 subp. 17; High prioority water quality Problems. Language has been added stating that," the pollutant delivery rate to the water source is in amounts that will impair the quality of the water resource." This requirement could be very difficult to meet if someone wanted to press the issue. Usually the source of pollution is a problem in combination with other sources not solely by itself. Further it would be almost impossible to show what impact a particular area, that was slated for funding, has on a waterbody. I would suggest that this language be removed or at the least modifided in the proposed rule.

On page 14, 8400.1500 Conservation District Records; It states that the Conservation District shall also document their efforts to identify and contact land occupiers with high priority erosion problems. This appears to be a new suggested requirment. On the face of it this seems to be a reasonable request, but if a district is using its funds wisely why should they be required to document their outreach effort.

Provided projects installed meet the requirments of the rules a District should not be required to document its efforts or even to undertake them. For instance if a District has funded good projects why should they be required to reach other clients when they would not have the funds to to offer anyway. A District Board should be able to decide how best to use its staff, not a requirment of the cost-share rules. This language should be removed from the proposed rule.

We appreciate the opportunity to comment on the new rules and thank you for considering our comments.

From: **Self <BWSR-MN/MARYBETH>**
To: **buffa!kjs@mn4ao.attmail.com**
Subject: **Re: State Cost-Share Rules**
Date: **Tue, 12 Sep 1995 13:46:47**

Dear Kerry,

Thank you for taking the time to comment on the proposed changes to the cost-share rule. As my correspondence of August 14 stated, the board has the August draft of the rules and any comments will need to be reviewed by them and adopted as an amendment to the draft.

Your comment regarding the definition of high priority water quality problems will be considered by the board. While I understand your concern regarding how a district documents that a water body is being "impaired", it was the belief of the retooling committee that pollutant discharge to a water body be tied to degradation. Again, I will put your suggestion to strike the language before the board at their Sept. 27 meeting.

As for your comment regarding 8400.1500 District Records and the language stating districts will document their efforts to identify and contact landowners with high priority erosion problems, I will not ask the board to consider removing this language because the governing statutes required it to be in rule. M.S. 103C.501 Subd. 6, Rules, item 6 "requirements for districts to document their efforts to identify and contact land occupiers with high priority erosion problems."

Feel free to give me a call to discuss any or all of this. Thanks again for your interest!

CERTIFICATE OF THE

BOARD OF WATER AND SOIL RESOURCES

AUTHORIZING RESOLUTION

I, Barbara Cobb, do hereby certify that I am a member and the Chair of the Board of Water and Soil Resources, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Water and Soil Resources, duly and properly called and held on the 27th day of September, 1995, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "**RESOLVED,** that Ronald Harnack, the Executive Director of the Board of Water and Soil Resources, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt (rules without a public hearing) governing the State Cost-Share Program to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of September, 1995.

_____

Barbara Cobb, Chair
Board of Water and Soil Resources

Attest by one other Board Member:

_____

Signature of Attesting Board Member

_____

Printed Name of Attesting Board Member

Snake River Watershed District Petition - Dismissal - For Action

In 1990 residents from the Pokegama lake area of Pine county presented a petition to the BWSR for the formation of a watershed district. After the hearing process it became apparent that the counties and the petitioners were still at odds and that continued litigation of the issue was likely. In 1991 with the assistance of BWSR all parties entered into a stipulated agreement which laid out a process by which the counties would plan for and create a local mechanism for the protection and enhancement of the Snake River watershed and its lakes. In 1993 the counties that comprised the majority of the Snake River watershed entered in a joint powers agreement that laid out how they would provide for the cooperative management of land and water resources within the watershed. After this point the counties, soil and water conservation districts, and a citizen advisory committee put elements of the joint powers agreement into effect including preparation and adoption of an operating budget, hiring of a local coordinator, and the securing of a number of implementation grants. By July of 1995 all parties that had standing in the establishment petition had signed a dismissal petition agreeing to end the proceedings for establishment of the Snake River Watershed District. At this time staff will be presenting an Order to the Board dismissing the Snake River Watershed District Petition.

Natural Resources Block Grant:
Alternatives for Dealing with Local Governments not Implementing the Wetland Conservation Act (WCA)

Background: The Natural Resources Block Grant (NRBG) is a multi-program grant provided to counties for implementing local water plans, the wetland conservation act, shoreland management and feedlot management. Last year (fiscal year 1995), five counties--Koochiching, Marshall, Pennington, Beltrami and Lake-- declined to implement the wetland conservation act (WCA). At the request of the BWSR, all but Lake County returned all or part of the block grant associated with the wetland program. Lake County did not apply for WCA funds. The county is the NRBG pass-through agent for other units of government implementing the WCA, such as cities. A number of cities in the five counties are implementing the wetland conservation act. Consequently, not all WCA funds were returned. The "unused" WCA funds were reallocated later for WCA challenge grants.

Eight additional counties--Clearwater, Roseau, Kittson, Itasca, Pope, Stevens, Lake of the Woods and Big Stone--have recently rescinded their earlier acknowledgement to implement the WCA. The policy to be addressed at the September board meeting concerns the block grant policy in light of an increasing number of recalcitrant counties. I must point out that implementation of the WCA is not optional; the law is mandatory. And staff are receiving an increasing number of comments from implementing counties wondering why they must follow state law when other counties do not. To guide the discussion, I have provided a number of alternatives.

1) Continuation of the moratorium on projects that impact wetlands with DNR enforcement of violations. (This is the policy adopted at the July, 1995 BWSR meeting. Although that policy did not include fiscal penalties, I have listed the policy for information.)

2) Alternative 1) plus county to return unspent amount of previous WCA funds and the county is ineligible to receive WCA funds until WCA is implemented. Acknowledgement by county of WCA adoption must occur by 1/16/96 (NRBG application deadline) or the FY96 WCA portion of the NRBG is reallocated to other LGUs. (This is essentially the WCA fiscal policy of last year.)

   → If a county rescinds WCA after they have submitted a NRBG application, they will be required to return the WCA funding.

3) Alternative 1) plus county to return unspent amount of previous WCA funds and county is ineligible to receive fiscal year 1996 WCA **and** local water planning funds until the WCA is implemented. Acknowledgement by county of WCA adoption must occur by 1/16/96 or the WCA and water planning funds will be reallocated to other LGU's.

   → If a county rescinds WCA after they have submitted a NRBG application, they will be required to return both the water planning and wetland grant.

4) Same as #3 except require a county to return the unspent amount of previous WCA funds and county is ineligible to receive WCA funds this year and water planning and wetland funds beginning next year (fiscal year 1997) until acknowledgement of WCA adoption is received.

5) Seek court ordered adoption of WCA program in combination with one of more of the options listed above.

Considerations

- After considerable discussion, the BWSR staff Grants Team endorsed option #4 at their 9/7/95 meeting.

- All options under the moratorium require active enforcement to be effective. A meeting was held with the DNR Deputy Commissioner and DNR Enforcement personnel on 9/1/95 to develop a plan for ensuring that active enforcement does occur.

- Court action against non-adopters will take considerable time, incur much expense, and will do little to salvage whatever chance remains for an amicable settlement.

- All options that require a return or withholding of all or part of NRBG funds may have an impact on the ability of counties and SWCD's to retain employees funded by the NRBG. NOTE: In counties that are not implementing WCA, the SWCD must still play a significant role in providing landowner contact, enforcement assistance and interagency coordination. SWCDs would receive the current $5000 base grant (directly from BWSR rather than through the county) as long as they continue to carry out their required duties.

- If a county does not receive WCA funding, a mechanism is needed to grant money to other LGU's such as cities. Staff suggest that the SWCD be used as the pass-through agent.

- The vast majority of counties and LGUs are implementing the WCA despite the need for changes. At last count, there are about 460 local units of government implementing the WCA, and 13 counties that have declined participation.

TO : Board Members

FROM : Wayne Zellmer, Grants Coordinator WAZ

RE : FY 1996 Natural Resources Block Grant (NRBG)

During the past few years the NRBG has evolved from four separate programs. These programs are: local water plan implementation, WCA, DNR shoreland, and the MPCA county feedlot program. Last year, except for the DNR shoreland portion, each program area had a competitive grant in addition to the base grant. This large composite grant proved difficult for many LGUs to manage and state agency staff observed an abnormal amount of errors, confusion, and an overall decrease in the quality of applications.

For the 1996 NRBG, the Grants Team along with MPCA and DNR staff, are proposing a "retooled" grant. Beginning now, an annual base grant application period would be held each fall. The competitive portion of the grant would occur once during the second half of each each biennium. Staff believe that separately timed and tailored grant applications will:

* Reduce the quantity of errors and omissions in applications
* Simplify and focus the application process
* Increase the overall quality of applications, especially the competitive portion
* Reduce and/or spread out state agency and LGU workloads

Proposed county base grants for the 1996 NRBG are listed on the enclosed spreadsheets. The 1996 Natural Resources Block Grant will consist of the following base grant components:

Comprehensive Local Water Plan Implementation Base Grant
This component is for implementation of comprehensive water plans. A local levy match is required. The grant amount is derived from the formula of $37,500 - local levy, but all counties are eligible for a minimum of $18,750 (1995 legislative change).

WCA Implementation
This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of WCA activity. Grant amounts are the same as last year plus any demonstrated need for an increase, via the 1995 category 1 WCA challenge grant. SWCDs are eligible to receive at least $5,000 of this grant.

DNR Shoreland
This component is for the administration of state approved shoreland management programs. A local 1:1 cash and/or in-kind match is required. Grant amounts are the same as last year.

MPCA County Feedlot Program
This component is for county administration of the feedlot program. A local 1:1 cash and/or in-kind match is required. This grant is calculated by a formula revised in 1995 legislation.

(Grant amounts are calculated by MPCA and have not been provided to BWSR at this printing.) These funds are not appropriated to BWSR but are transferred from MPCA.

Grant Aggreement Addition

In FY 96 SWCDs received a legislative appropriation increase in their service grants. The appropriation language also states that the BWSR will reduce a county's NRBG by an equal amount that a county reduces a SWCD services grant. This language is to provide that SWCDs will maintain there county funding levels. This language will be included in the county NRBG agreements.

Proposed 1996 NRBG Schedule

	Base Grants
September 1995	BWSR requested to approve revised NRBG
October 1995	1996 NRBG published in State Register
	1996 NRBG application sent to counties
	BWSR staff host area NRBG training sessions
January 16, 1996	1996 NRBG applications due in Central Office
February 1996	Grant agreements sent to counties

	Competitive Grants
March 1996	1996 NRBG published in State Register
	1996 NRBG application sent to counties
July 1, 1996	1996 NRBG applications due in Central Office
August 28, 1996	BWSR requested to approve grants
September 1996	Grant agreements sent to counties

Staff Recommendation

Staff requests that the Board authorize the revised NRBG Program and authorize staff to issue the allocations for the 1996 base grants according to Board policy.

PROPOSED 1996
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
AITKIN	$4,876	$32,624	$19,200	$14,217	THESE	**$66,041**
ANOKA	$74,475	$18,750	$40,500	$3,000		**$62,250**
BECKER	$7,041	$30,459	$24,200	$14,153	AMOUNTS	**$68,812**
BELTRAMI	$6,356	$31,144	$36,000	$6,969		**$74,113**
BENTON	$6,959	$30,541	$36,000	$3,922	ARE	**$70,463**
BIG STONE	$1,571	$35,929	$10,000	$3,105		**$49,034**
BLUE EARTH	$15,470	$22,030	$19,200	$3,864	NOT	**$45,094**
BROWN	$6,530	$30,970	$10,000	$3,084		**$44,054**
CARLTON	$6,922	$30,578	$19,200	$4,802	YET	**$54,580**
CARVER	$18,240	$19,260	$36,000	$3,000		**$58,260**
CASS	$11,820	$25,680	$51,000	$14,098	AVAILABLE	**$90,778**
CHIPPEWA	$3,878	$33,622	$10,000	$3,015		**$46,637**
CHISAGO	$8,232	$29,268	$26,700	$6,196		**$62,164**
CLAY	$10,811	$26,689	$16,700	$3,453		**$46,842**
CLEARWATER	$2,718	$34,782	$19,200	$3,754		**$57,736**
COOK	$3,056	$34,444	$12,200	$5,171		**$51,815**
COTTONWOOD	$4,543	$32,957	$10,000	$3,216		**$46,173**
CROW WING	$19,763	$18,750	$36,000	$25,669		**$80,419**
DAKOTA	$115,117	$18,750	$41,000	$3,000		**$62,750**
DODGE	$3,945	$33,724	$16,700	$3,083		**$53,507**
DOUGLAS	$8,672	$28,828	$19,200	$11,140		**$59,168**
FARIBAULT	$5,291	$32,209	$10,000	$3,165		**$45,374**
FILLMORE	$4,242	$33,258	$10,000	$3,106		**$46,364**
FREEBORN	$8,368	$29,859	$10,000	$3,721		**$43,580**
GOODHUE	$21,129	$18,750	$16,700	$3,216		**$38,666**
GRANT	$2,126	$35,374	$13,980	$3,607		**$52,961**
HENNEPIN	$453,988	$18,750	$36,000	$0		**$54,750**
HOUSTON	$3,523	$33,977	$12,200	$3,152		**$49,329**
HUBBARD	$5,931	$31,569	$26,700	$10,988		**$69,257**
ISANTI	$5,635	$31,865	$26,700	$4,909		**$63,474**
ITASCA	$17,245	$20,255	$36,010	$13,286		**$69,551**
JACKSON	$4,832	$32,668	$10,000	$3,545		**$46,213**
KANABEC	$2,142	$35,358	$26,700	$5,026		**$67,084**
KANDIYOHI	$10,382	$27,118	$19,200	$8,682		**$55,000**
KITTSON	$3,118	$34,382	$16,700	$3,046		**$54,128**
KOOCHICHING	$3,111	$34,389	$19,200	$3,147		**$56,736**
LAC QUI PARLE	$2,565	$34,935	$10,000	$3,020		**$47,955**
LAKE	$2,614	$34,886	$16,700	$5,746		**$57,332**
LAKE OF THE WOODS	$1,048	$36,452	$26,700	$4,205		**$67,357**
LE SUEUR	$5,808	$31,692	$16,700	$6,163		**$54,555**
LINCOLN	$1,863	$35,637	$10,000	$3,211		**$48,848**

PROPOSED 1996
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
LYON	$7,197	$30,303	$10,000	$3,169		**$43,472**
MCLEOD	$7,632	$29,868	$16,700	$3,513		**$50,081**
MAHNOMEN	$1,237	$36,263	$12,200	$4,032		**$52,495**
MARSHALL	$4,188	$33,312	$19,200	$3,000		**$55,512**
MARTIN	$6,955	$30,545	$10,000	$3,563		**$44,108**
MEEKER	$4,829	$32,671	$19,200	$5,912		**$57,783**
MILLE LACS	$3,578	$33,922	$19,200	$6,012		**$59,134**
MORRISON	$5,837	$31,663	$26,700	$4,826		**$63,189**
MOWER	$7,378	$30,122	$12,200	$3,893		**$46,215**
MURRAY	$3,462	$34,038	$10,000	$3,832		**$47,870**
NICOLLET	$6,826	$30,674	$16,700	$3,092		**$50,466**
NOBLES	$5,890	$31,610	$10,000	$3,064		**$44,674**
NORMAN	$2,735	$34,765	$12,200	$3,013		**$49,978**
OLMSTED	$35,569	$18,750	$26,700	$3,735		**$49,185**
OTTER TAIL (2 SWCD'S)	$13,637	$23,863	$33,200	$23,775		**$80,838**
PENNINGTON	$2,307	$35,193	$16,700	$3,301		**$55,194**
PINE	$5,407	$32,093	$36,700	$7,508		**$76,301**
PIPESTONE	$2,423	$35,077	$10,000	$3,000		**$48,077**
POLK (2 SWCD'S)	$9,119	$28,381	$16,700	$4,157		**$49,238**
POPE	$2,564	$34,936	$15,200	$5,246		**$55,382**
RAMSEY	$156,848	$18,750	$26,700	$0		**$45,450**
RED LAKE	$928	$36,572	$12,200	$3,356		**$52,128**
REDWOOD	$5,591	$31,909	$10,000	$3,000		**$44,909**
RENVILLE	$6,344	$31,156	$10,000	$3,066		**$44,222**
RICE	$11,314	$26,186	$19,200	$5,162		**$50,548**
ROCK	$3,079	$34,421	$10,000	$3,000		**$47,421**
ROSEAU	$3,651	$33,849	$26,700	$3,114		**$63,663**
ST. LOUIS (2 SWCD'S)	$42,293	$18,750	$36,700	$26,780		**$82,230**
SCOTT	$22,476	$18,750	$36,000	$3,000		**$57,750**
SHERBURNE	$25,481	$18,750	$36,000	$6,100		**$60,850**
SIBLEY	$3,608	$33,892	$12,200	$3,117		**$49,209**
STEARNS	$28,154	$18,750	$51,500	$11,771		**$82,021**
STEELE	$8,147	$29,353	$12,200	$3,347		**$44,900**
STEVENS	$2,435	$35,065	$10,000	$3,156		**$48,221**
SWIFT	$2,846	$34,654	$12,200	$3,178		**$50,032**
TODD	$3,382	$34,118	$19,200	$6,183		**$59,501**
TRAVERSE	$1,952	$35,548	$10,000	$3,260		**$48,808**
WABASHA	$4,331	$33,169	$12,200	$4,241		**$49,610**
WADENA	$1,840	$35,660	$21,700	$3,645		**$61,005**
WASECA	$4,705	$32,795	$12,200	$3,539		**$48,534**
WASHINGTON	$60,447	$18,750	$36,000	$3,000		**$57,750**

PROPOSED 1996
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	TOTAL
WATONWAN	$3,186	$34,314	$10,000	$3,163		**$47,477**
WILKIN	$2,484	$35,016	$10,000	$3,026		**$48,042**
WINONA	$9,631	$27,869	$12,200	$3,051		**$43,120**
WRIGHT	$24,470	$18,750	$36,000	$12,233		**$66,983**
YELLOW MEDICINE	$3,149	$34,351	$10,000	$3,020		**$47,371**
MARSHALL–BELTRAMI SWCD			$5,000			**$5,000**
NORTH SHORE MGMT. BD.				$50,000		**$50,000**
TOTALS		**$2,612,358**	**$1,744,790**	**$518,001**	**$0**	**$4,875,149**

A:NRBGBAS9

FY 96 NON–WCA COUNTIES AND THEIR NRBG

COUNTY	WCA							L WP		WCA & LWP
	*BASE	1/12 BASE	1995 CAT. 1 CHALLENGE GRANT		GP 17		WCA	BASE	1/12 BASE	GRANT
	GRANT	GRANT	GRANT	1/12 GRANT	GRANT	1/12 GRANT	SUBTOTAL	GRANT	GRANT	TOTAL
	(1)		(2)		(3)		(1 + 2 + 3)	(4)		(1+2+3+4)
BELTRAMI	$31,000						$31,000	$31,144	$2,595	$62,144
KOOCHICHING	$14,200						$14,200	$34,389	$2,866	$48,589
LAKE	$11,700						$11,700	$34,886	$2,907	$46,586
MARSHALL	$14,200						$14,200	$33,312	$2,776	$47,512
PENNINGTON	$11,700						$11,700	$35,193	$2,933	$46,893
ROSEAU	$21,700	$1,808					$21,700	$33,849	$2,821	$55,549
KITTSON	$11,700	$975			$4,000	$333	$15,700	$34,382	$2,865	$50,082
STEVENS	$5,000	$417					$5,000	$35,065	$2,922	$40,065
LAKE/WOODS	$21,700	$1,808			$8,628	$719	$30,328	$36,452	$3,038	$66,780
CLEARWATER	$14,200	$1,183					$14,200	$34,782	$2,899	$48,982
ITASCA	$14,200	$1,183	$16,810	$1,401			$31,010	$20,255	$1,688	$51,265
POPE	$7,200	$600	$3,000	$250			$10,200	$34,936	$2,911	$45,136
TOTALS	$178,500		$19,810		$12,628		$210,938	$398,645		$609,583

THESE AMOUNTS WERE NOT GRANTED IN 1995

* BASE GRANT FIGURES DO NOT INCLUDE $5,000 PASS THROUGH TO SWCDs

WATERSHED DISTRICT
M.S. 103D
PROPOSED 1996 LEGISLATIVE INITIATIVES

Stormwater Utility Fees - Incorporate into 103D the same basic authority that counties and cities have to establish a utility fees. A financing mechanism based on a fee, that would be directly related to the amount a parcel contributes to a situation or an amount of service provided is a more equitable means of assessing costs. This type of financing mechanism gets away form the traditional WD approach of assessing benefits and damages which has proven to be a difficult mechanism to employ when implementing water quality projects. One issue that has not been resolved, at this time, is can an collection mechanism which would involve the use of property tax statements be found.

Buffer Strip Establishment - Some desire exists on the part of watershed districts to have a mechanism to order the establishment of buffer strips on ditch systems, after a petition, without having to go through a costly redetermination of benefits.

Sub Watershed Areas - Expand the authority of Watershed districts o allow for the establishment of sub watershed taxing areas. This authority is needed in the metro area to allow for the broader use of ad valorem levies that WMO's have in the metro area. Current law limits this authority to cities and counties. This would also be necessary for the efficient operation of utility fees.

Resolution No. 8

SUPERVISOR PER DIEM

WHEREAS, in this day and age, time is valuable, time is money; and

WHEREAS, we as Soil and Water Conservation Districts (SWCD) Supervisors hold county elected positions of our own choice, we must recognize that this is time dedicated by our willingness to serve as conservationists, and environmentalist, and local policy makers; and

WHEREAS, all employees, whether SWCD, state or federal, receive their daily wages while attending meetings. Supervisors should also be fully compensated for their knowledge and experience.

THEREFORE BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) seek to establish per diem rate of up to $70.

Submitted By:
Swift SWCD

Area Association: Area V
Date Adopted: June 22, 1995

Reviewed By:
MASWCD Board of Directors
Date: August 22, 1995

MASWCD Annual Convention:
Action:
Date:

For Further Information Contact:
Orvin Gronseth, Supervisor, Swift SWCD (612) 366-3754

OVERVIEW OF RAMSEY COUNTY GROUND WATER PLAN

September 1995

DRAFT

Background

In 1990, the Ramsey County Board of Commissioners delegated responsibility for preparation of a county ground water plan to the Ramsey Soil and Water Conservation District (RSWCD). In 1990 the county entered into a contract with the Minnesota Geological Survey for production of a Ramsey County Geologic Atlas. The Geologic Atlas was published in 1992. The county applied for and received a $15,600 plan development grant from BWSR. In the fall of 1992, RSWCD convened a ground water planning advisory committee and officially began the planning process for the development of the Ramsey County Ground Water Quality Protection Plan.

County Description

Ramsey County, home of the state capital of St. Paul, is located in east-central Minnesota. It is the smallest county in the state with an area of 170 square miles. The county is bordered by Anoka, Dakota, Hennepin, and Washington counties. Nearly 1/2-million people reside in the 18 cities and one township which comprise the county's local jurisdictions. Increasing population and land development in the last few decades have resulted in almost complete urbanization of the county. The county contains an inner core, an inner ring of developed cities, and an outer ring of developing suburbs.

Ground water provides the water supply for 11 cities and 28% of the county's residents. It also contributes up to 20% of the water distributed by the St. Paul Water Utility. There are over 4000 active water wells in the county.

Plan Goal, Objective, and Strategies

The stated goal of the plan is to protect and maintain the quality of ground water resources through the prevention of contamination. The objective is to develop protection programs that cities and other local units of government can use to protect ground water resources within their jurisdictions.

Strategies include:

- Perform a comprehensive inventory of ground water resources.
- Inventory existing and potential ground water contamination sources.
- Review the current ground water management system.
- Design programs and activities for local governments to protect ground water resources.
- Create a framework for coordinating ground water protection activities among local governments.

Plan contents

The plan contains sections on recommendations for local governments, rationale for protecting ground water, ground water planning overview, ground water resource assessment, ground water contamination sources, existing ground water protection framework, local ground water resource protection programs and activities, roles of local governments in ground water protection, financing ground water protection, and plan review, adoption and amendment.

Plan Review

A draft plan was submitted for preliminary local review in August, 1994. A revised draft was submitted for local review and preliminary state agency review in February, 1995. The official state agency review period began in May, 1995. The county has addressed the agency comments, and hopes to receive BWSR approval of the plan in September, 1995.

Minnesota Board of Water and Soil Resources
Southbridge Office Building
One West Water St., Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of Reviewing the Ground Water Protection Plan for Ramsey County
(Minnesota Statutes Section 103B.255)

ORDER APPROVING GROUND-WATER PLAN

Whereas, the Ramsey County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on May 5, 1995 pursuant to Minn. Stat. 1990, 103B.255, and

Whereas, the Board has completed its review of the Plan,

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. In May, 1990 Ramsey County passed resolution 90-294 delegating responsibility for preparation of a county ground water plan to the Ramsey Soil and Water Conservatiion District (RSWCD).

2. In May, 1990 Ramsey County passed resolution 90-295 accepting $15,600 in state grant funds to develop a Ground Water Plan.

4. Chapter 103B.255 authorizes and encourages counties in the 7-county metropolitan area to develop and implement ground-water plans.

5. RSWCD completed a draft Plan in August of 1994, and submitted it to affected local units of government for preliminary review and comment.

6. A revised draft was submitted for local review and preliminary state agency review on February 6, 1995 pursuant to Section 103B.255.

7. On May 5, 1995, RSWCD submitted the Plan to the Board, the Departments of Health, Natural Resources and Agriculture, the Pollution Control Agency, the Minnesota Geological Survey, and the Metropolitan Council for review and comment.

8. **Minnesota Pollution Control Agency Review:** On April 4, 1995 the Minnesota Pollution Control Agency (MPCA) provided written comments on the Plan.

On August 14, 1995, RSWCD responded in writing to the MPCA on its Plan review comments. RSWCD stated that recommended changes were incorporated into the Plan.

9. **Minnesota Department of Natural Resources Review:** On March 28, 1995 the DNR Waters Division provided written comments on the Plan.

   On August 9, 1995, RSWCD provided written comments to DNR on its Plan review comments, stating that recommended changes were made to the Plan.

10. **Minnesota Department of Agriculture Review:** On March 22, 1995 the Minnesota Department of Agriculture (MDA) provided written comments on the Plan.

    On August 9, 1995, RSWCD responded in writing to the MDA on its Plan review comments. The County stated that recommended changes were incorporated into the Plan.

11. **Minnesota Geological Survey Review:** On April 6, 1995, the Minnesota Geological Survey (MGS) provided written comments on the Plan. MGS reviewed the Plan for accuracy of the text on geology and ground water described in the Plan. MGS identified a number of suggested additions, changes, and corrections.

    On August 14, 1995, RSWCD provided written comments to MGS on its Plan review comments, stating that recommended changes were made to the Plan.

12. **Metropolitan Council Review:** On June 23, 1995, the Metropolitan Council provided written comments on the Plan. In its comments, the Council expressed concern that the Plan needed to provide more specific guidelines and implementation schedules to local governments, and outline estimated costs to local units of government for each objective. The Council recommended Board approval of the Plan.

    On August 14, 1995, RSWCD provided written comments to the Metropolitan Council on its Plan review comments.

13. **Minnesota Board of Water & Soil Resources Review:** On July 31, 1995, the Minnesota Board of Water & Soil Resources (Board) provided written comments to the County on its preliminary Plan. The comments suggested changes or additions to the Plan including the Plan implementation program and technical and editorial comments.

14. **County Response to Agency Comments:** RSWCD, in its final Plan submitted to the Board on September ___, 1995 made all the changes deemed necessary by the Board staff review of July 31, 1995. Ramsey County also made numerous changes to the Plan as a result of Agency and local comments.

15. The Board reviewed the Plan for conformance with the requirements of the Metropolitan Water Management Act at its September 27, 1995 regular meeting.

DRAFT

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Ground Water Protection Plan of Ramsey County, Minnesota, pursuant to Minn. Stat. 103B.255.

2. The Ramsey County Ground Water Protection Plan attached to this Order:
   (a) covers the entire county area;
   (b) describes existing and expected changes to the physical environment, land use, and development in the county;
   (c) summarizes available information about ground water and related resources in the county;
   (d) states the goals, objectives, scope, and priorities of groundwater protection in the county;
   (e) contains standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, and previously contaminated areas;
   (f) describes relationships and possible conflicts between the ground water plan and the plans of other counties, local units of government, and WMO's in the affected ground water system;
   (g) sets forth standards and guidelines for the implementation of the plan by WMO's and local units of government;
   (h) includes a procedure for amending the plan,

   as provided in Minnesota Statutes Chapter 103B.255.

ORDER

The Board hereby approves the attached Plan as the Ground Water Protection Plan of Ramsey County. Dated at St. Paul, Minnesota, this 27th day of September, 1995.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Barbara Cobb
Chair

OVERVIEW OF THE BENTON COUNTY WATER PLAN -UPDATE SEPTEMBER 1995

Background

The original Benton County Water Plan (Plan), was developed in 1990 and 1991. The Plan was approved by BWSR in December 1991 and adopted by the Benton County Board the same month. The Benton SWCD was appointed lead local agency for water plan implementation.

County Description

Benton County is located in Central Minnesota in the central hardwood forests region. Agriculture dominates Benton County land use. 42% of the county is cropland, and 52% is pasture. Urban areas cover about 4% of the county. The county has relatively few lakes with only seven.

The most significant special geologic conditions in the county are the Crow Wing Outwash Plain, which is located along its west boundary, and the Mississippi Valley outwash located along its south boundary. Together, these outwash plains cover 23% of the county. These outwash areas of sand and gravel are dependable sources of groundwater, aut also easily transmit pollutants to the water table. Benton County is concerned about groundwater quality in its outwash aquifers because most of the county's urban growth is occurring there, plus irrigated agriculture is also concentrated there.

In terms of surface water, the Elk River watershed drains the central two-thirds of the county, 27% drains directly to the Mississippi River on the County's west boundary, and 8% of the county drains east to the Rum River.

Since development of the original water plan, Benton and Sherburne Counties have joined into a joint powers agreement to improve water quality in the Elk River Watershed. The Joint Powers Board was awarded a $30,000 BWSR Challenge Grant in 1994.

Summary

In 1994 SWCD staff began work on updating the Plan. The SWCD held public meetings, and also depended on the Water Resources Advisory Committee for further public input. The draft update was submitted for local review on May 1, 1995. The county also requested and received preliminary agency comments from the departments of Health, Agriculture, Natural Resources, Pollution Control, the Geological Survey, and the BWSR. The county responded to agency comments in writing. The county submitted the Plan for final state review on September 1, 1995. The county is currently awaiting final comments from the agencies. No substantive review issues are known at this time. The Plan will be before the Board for action in October.

LOCAL AGENCIES

Soil and Water Conservation Districts

Soil and Water Conservation Districts (SWCD) are local units of government serving only the county. They are governed by a board of supervisors elected by the voting public. The Board sets policy and gives direction to the District's functions. All Soil and Water Conservation Districts are coordinated through the State Board of Water and Soil Resources. The SWCD is funded partly by the county, partly by the State of Minnesota through cost share funds, and partly by the Federal Government to assist with programs. A large share of the annual operating budget of the SWCD is returned to farmers in the county to aid in the installation of conservation practices. The Soil and Water Conservation District is assisted by the Soil Conservation Service (SCS), a technical agency of the U.S. Department of Agriculture that provides technical assistance and approval for construction projects, and the Agricultural Stabilization and Conservation Service (ASCS), also an agency of the USDA, which administers all federal financial assistance for agricultural conservation cost share programs. While the ASCS programs are geared toward farmers, the State Cost Share programs can be used for any demonstrated erosion problems. The local SWCD provides the technical assistance to those agencies, as well as reporting and conservation plan development services for all local, state, and federal programs; especially for those provisions of the Food Security Act of 1985 requiring a conservation plan, and for the Swampbuster, Sodbuster, and Conservation Compliance Programs.

The purpose of the Soil and Water Conservation District is to assist land occupiers in applying proper practices for the conservation of soil and water resources. To do this, the SWCD provides technical assistance to individuals, groups, and communities concerning conservation, development, and use of natural resources. The SWCD can assist with the design and installation of erosion control structures, establishment of strip cropping, terraces, diversions, stormwater control structures, field windbreaks, animal waste control systems, and critical area stabilization projects. The SWCD administers the following state programs.

The Reinvest in Minnesota Program is designed to retire marginal cropland from production through conservation easements. A perennial vegetative cover must be established on enrolled acres to reduce soil erosion, improve water quality, and to develop and enhance fish and wildlife habitat. Twenty year and perpetual easements are available, and assistance is available to establish the vegetative cover

The State Cost Share Program assists landowners in the installation of non-production oriented soil and water conservation practices such as tree planting. Cooperators are eligible for up to a 75% cost share.

The Streambank, Lakeshore, and Roadside Erosion Control Program provides financial assistance to local units of government for the control of erosion along stream-

banks, lakeshores, and roadsides. 50 percent cost share is available

The SWCD also provides technical services for planning and installing farmstead shelterbelts, and wildlife plantings. Some districts have equipment such as no-till drills and tree planters for rent. The SWCDs often have rainfall monitoring programs in conjunction with other groups, and are usually delegated the responsibility of monitoring water levels in the DNR observation well network. Some districts also have the responsibility of collecting and recording water clarity, depth, and bank erosion data for the Minnesota Pollution Control Agency's Clean Lakes Program. Most Soil and Water Conservation Districts are also very active in promoting environmental education through the 4-H, Future Farmers of America, elementary school programs, tours, demonstrations, contests, and displays at public functions and fairs.

Watershed Districts

The Minnesota Watershed Act, Chapter 112, delegates the rights and authority to a watershed district. Watershed Districts are governed by a board of managers, initially appointed by the state, and later by the county commissioners of the counties within the watershed district. Projects can be initiated by landowners, by the county board of any county affected, or by the governing body of any city lying wholly or partly within the area affected. Projects must be reviewed by the Board of Water and Soil Resources and the Department of Natural Resources, and are reviewed at public hearings. Projects are funded by special assessments on benefited parties, advalorem taxes, as well as through cost sharing with other agencies or private organizations such as Ducks Unlimited. Watershed Districts can deal with any problems relating to water, such as drainage, water quality, water conservation, pollution abatement, precipitation and stream gaging, and promotion of educational programs. Their regulations can overlap with and be more stringent than those that exist at the state level. The real advantage of watershed districts is that they cross jurisdictional boundaries, and have taxing power for both administrative and construction projects. Watershed districts are often involved with the maintenance and improvements on ditches, especially in counties where ditches have been turned over to the watershed. Some districts are now becoming involved in monitoring water quality and quantity in lakes and streams within their jurisdiction. Some of the parameters monitored include: temperature, flow, pH, conductivity, fecal coliform, nitrates, total phosphates, total alkalinity, dissolved oxygen, and turbidity. Most watersheds work in conjunction with the local Soil and Water Conservation Districts to collect rain and snow fall data which is then reported to the State Climatologist's Office in the Department of Natural Resources Division of Waters. Some watershed districts assist other local, state, and federal agencies with pollution abatement by defining water quality, identifying pollution sources, and developing and educational program to inform residents of the existing problems and the best management practices to help prevent future problems. The educational role is becoming an important activity for almost all watershed districts in the state

Minnesota Extension Service

The Minnesota Extension Service, the statewide educational outreach branch of the University of Minnesota, serves to bridge the gap between research initiatives at University research centers and the Minnesota Agricultural Experiment Station, and the local needs and central issues that affect the lives of Minnesotans. Sound educational programs and regulatory efforts based on unbiased research are essential to improving water quality. The Extension service serves in many cases as the front door of the University in the State. Offices, staffed by county extension agents are located in each county throughout the state, and interact with the public to provide education for all age groups. They draw on their network of cooperative relationships with state and local agencies throughout Minnesota to provide research based, practical educational programs for communities, youth, farmers, homeowners, citizen-action and professional groups. Initiatives include: pesticide collections; water testing programs; water well and septic tank construction; soil conservation and erosion control methods; alternative tillage; crop and farm management assistance; and agricultural engineering assistance for irrigation, waste management, and fertilizer and pesticide application and management. The Extension Service administers the required tests and educational programs for Restricted Use Pesticide Application Licenses, and is actively involved in promoting safe handling and application of all agricultural chemicals. The Extension Service is very active in agriculture, community and natural resource development, home economics, 4-H youth development, and educational program for all ages. In addition to personal assistance, there are numerous publications and other resources available through the extension offices that address a great number of issues.

County Services

There may be other services available through the county to assist with implementation of the County Water Plan. The County Health Department may have the facilities and expertise to assist with water testing, the county may have a comprehensive zoning office to assist with land use questions, and the county planner may be able to assist with grant applications. The county may also have computer facilities to allow the establishment of a resource data base.

The **Wetlands Tax Credit and Exemption Program** exempts eligible wetlands from taxation and provides credit on wetland acres enrolled. Qualifying wetlands include land that is mostly under water, produces little if any income, and is important to wildlife. All protected wetlands qualify. County assessor's offices can provide detailed information.

Private Organizations, Service Clubs

There are numerous service clubs in every community willing assist with community projects. These groups provide valuable assistance distributing educational information, fund raising, and providing visibility to a community project. Scouting Organizations, 4-H, Church Organizations, and other youth groups are involved in educational efforts, and may be willing to provide assistance with projects such as tree planting or clean-

up and maintenance efforts on city or community property. These groups also can disseminate information, and help organize public meetings.

Pheasants Forever, Minnesota Deer Hunters Association, Minnesota Waterfowl Association, Nature Conservancy, Sportsmen Clubs, and other wildlife organizations

All local chapters of state wildlife organizations are a valuable source of assistance. They distribute information and educational materials, provide labor for projects, purchase easements, provide seed for habitat restoration, raise significant amounts of money for projects, provide some cost share for projects, and assist other agencies in their efforts. Since local people are involved, a direct connection between the project and the counties interest is established. These groups also will provide testimony at public hearings concerning wildlife and conservation issues.

Appendix 7-1. Government agencies and other organizations involved in local water planning issues.

REGIONAL AGENCIES

Lower Red River Watershed Management Board

Eight Minnesota watershed districts within the Red River Valley form the Lower Red River Watershed Management Board. Through cooperation under a joint powers agreement these locally based districts have joined together to take a basin-wide approach to resolving water resource problems in the Red River Valley. The Board was authorized by Minnesota legislation passed in 1976. The legislation also allowed the member watershed districts to levy up to 2.0 mills advalorem tax to be used for flood water retention projects. One half of that tax is retained by the district, and one half is transferred to the LRRWMB for projects which provide benefits to the Red River Main Stem. To date, the LRRWMB has financially participated in 25 flood water retention projects in the Red River Valley. The Board has the power to cooperate with authorities in Manitoba and North Dakota.

In addition to construction of flood control structures, the LRRWMB has studied the characteristics of tributaries to the Red River to understand the contribution of each of them to the flooding problem, and has cooperated in the establishment of the northwest chapter of the Minnesota Viewers Association, an organization to provide expertise and training to viewers of watershed and county ditching projects. They have supported and sponsored educational initiatives, including the development of a water resource simulator to be used to illustrate the effects of water management programs; are an active participant in the Comprehensive Water Planning Process in the Red River Valley; and are supporting the creation of updated land use maps for the region.

Minnesota Environmental Education Board and Regional Environmental Education Councils

The Minnesota Environmental Education Board is a state agency established in 1973 as a grass roots driven volunteer organization to help address the needs for environmental education in the state. Volunteers on the Board are assisted by representatives from seven state agencies and six members at large. There are thirteen Regional Environmental Education Councils in the state, whose 200 volunteers, assisted by a staff of five regional coordinators, actively plan and conduct environmental education programs. The main purposes of both MEEB and and the councils are to "encourage development of life values and a style of living which fosters the constructive use, rather than exploitation, of natural resources and the environment, and to promote coordination among various groups and institutions developing and distributing environmental education materials, including but not limited to formal and informal education, prekindergarten, kindergarten through grade twelve, post secondary, vocational, college and adult education." (Minn. Stat. 116E.01) .

Over 100,000 individuals participate each year in MEEB and regional council programs. Approximately 40 percent of the programs are designed for the community, 30 percent for teachers, and 30 percent for students. These programs include conferences, field days, curriculum planning workshops for teachers of all grade levels, and learning stations for classrooms. Programs

focus on specific specific issues such as groundwater and surface water problems, erosion and sedimentation, wildlife preservation and household hazardous waste education.

WesMin Resource Conservation and Development Association

The WesMin RC&D Association is a nonprofit rural development organization covering 23 counties in West Central Minnesota. The Association provides local leadership and oversees Resource Conservation and Development Programs in the WesMin area. The Resource Development and Conservation Program was established as part of the 1962 Farm Bill. It was created on the assumption that local people, with assistance from USDA, could develop and carry out an action oriented plan for the social, economic, and environmental betterment of their communities. The basic concept of the RC&D Program is to encourage economic growth through development, conservation, and planned utilization of the natural resources in an area. The RC&D Association is composed of one appointed representative for each sponsoring organization (County and SWCD Board). Operation of the Association is spelled out through a set of By-laws.

The RC&D Program is designed to help local people help themselves. Locally identified rural development problems, opportunities, and needs are brought to the WesMin RC&D Association as applications for assistance (proposals). Those needs consistent with RC&D objectives and goals may receive assistance. The RC&D Assistance varies according to need but may include: 1) Technical assistance - RC&D identifies and brings together public and private assistance sources to solve specific problems; 2) Information/Education Activities - RC&D conducts multi-county conferences, seminars, tours, demonstrations, etc., to promote rural development activities; 3) Grant writing Assistance - RC&D staff develops grant proposals for public and private funding of local projects; and 4) Organizational Support - RC&D offers broad based support of individual county projects. The Association helps achieve completion of activities and carries out a coordinating role to make effective use of all financial and human resources available.

Applications for WesMin RC&D Program assistance are available through Soil and Water Conservation District Offices. Applications are reviewed by County and the local SWCD Boards (RC&D Sponsors) prior to being submitted to the RC&D Association, to assure that the assistance requested is consistent with local resource planning goals and objectives. Application approval by the RC&D Association is dependent upon the following: 1) the project contributes toward meeting WesMin objectives; 2) local interest, leadership and support; and 3) staff assistance available.

The International Coalition for Land and Water Stewardship in the Red River Basin

The International Coalition is a nonprofit organization dedicated to promoting wise stewardship of land and water resources in the Red River basin. The Coalition works with and local units of government to build support for projects, and promotes stewardship education in schools and other organizations. The Coalition co-sponsors work-

shops and training programs, and has been responsible for developing comprehensive water plans in 15 North West Minnesota Counties.

West-Central, North-West Initiative Fund

These Initiative Funds may be used to develop Minnesota Initiative Projects where a clear interrelationship between environment and education, or environment and economic development exists.

State Universities, Community Colleges, Area Vocational Technical Institutes

All institutions of higher education in the state provide assistance to the citizens of the state through adult education, out-reach classes, conferences, and community education. These institutions may be able to provide facilities, staff, and student assistants to assist with research projects or monitoring programs. They may have lab facilities to analyze some water samples. Students can often work on an intern basis, and receive academic credit for their experiences.

Appendix 7-1. Government agencies and other organizations involved in local water planning issues.

STATE AGENCIES

Minnesota Department of Natural Resources

The Department of Natural Resources (DNR) is involved in many ways with water resources, including regulatory programs, gathering of information concerning surface and ground water, and providing funding for some programs.

Regulatory Programs.

The DNR controls the appropriations of surface and groundwater as declared in Minnesota Statutes Chapters 105 and 116 D, for any usage exceeding 10,000 gallons a day or 1,000,000 gallons in a year, or serving more than 25 households.

The Minnesota Shoreland Management Act of 1969 is administered by the DNR. This act requires the DNR to develop regulations to be implemented through county and municipal land use controls which provide minimum performance standards for development of shoreland areas. They have the power to adopt ordinances for local units of government that fail to adopt their own shoreland management ordinances.

The DNR is involved in floodplain management under the State Flood Plain Management Act, Chapter 104, in which they have overall responsibility for the implementation of the Act. The Act promotes nonstructural floodplain management, such as control of development in flood prone areas rather than control of flood waters by constructing large, expensive public works projects. The individual county or municipality administers the local flood plain regulatory program.

The Department is responsible for the administration of Chapter 105 which regulates the activities within protected waters and wetlands. Since 1937 Minnesota has promoted wise utilization and conservation of public waters. Regulations provide for the orderly and consistent review and permitting of applications to work in protected waters so that the policy of conservation and wise utilization the water resources of the state is achieved. Permits are required for any draining, filling, dredging, channeling, construction of dams, harbors, or permanent offshore structures and placement of bridges and culverts.

The DNR regulates dam safety, aeration systems, and removal or control of aquatic nuisances. The rules on dam safety include the enlargement, repair, alteration, maintenance, operation, transfer of ownership, and abandonment of dams to provide for the best public health, safety, and welfare. The aeration permits cover aeration systems designed for preventing fish winterkill, keeping areas free of ice, keeping mooring facilities open, protecting structures in water from ice damage, maintenance of open water for captive waterfowl, and rehabilitating lake water quality. And finally, the permits for aquatic nuisance control, cover destruction and control of aquatic plants, algae, snails, leeches, and other invertebrate aquatic life in

protected waters.

Designation of trout lakes and streams as well as wild scenic and recreational rivers is also a responsibility of the DNR. The Department is responsible for the preservation and protection of trout in the designated trout lakes and streams and outstanding scenic, recreational, natural, historic, and scientific values of certain Minnesota rivers and adjacent lands.

Information Collection Programs

The DNR is actively involved with gathering information concerning the states water resources. Initiatives include: gathering climatological data; establishing and monitoring stream flow stations; development of 1/4 section maps of irrigation usage; assisting with studies of regional groundwater systems in cooperation with local units of government and the federal government; and gathering flood plain data. The DNR has a contractual agreement with the SWCD to read and record water levels in observation wells in the counties. **The In Stream Flow Studies Program** is designed to determine safe yield in streams so the needs of all users can be met. **Ground Water Studies** to locate and determine safe yield of aquifers.

Funding Programs

There are a number of programs administered through the DNR to help fund water protection initiatives. These include

The State Water Bank Program which will pay people not to drain wetlands either on or off the protected wetlands inventory. The state will purchase the wetland, or will pay for either a 20 year or perpetual easement.

The Critical Habitat Matching Program part of the RIM Program, provides a means for private individuals and groups to help fund, on a dollar for dollar match, the cost of acquiring and developing critical fish and wildlife habitat.

The Wildlife Land Acquisition Program will purchase land or a perpetual easement on land, for the purpose of development of wildlife habitat. The Private Lands Wildlife Habitat Improvement Program provides technical assistance and cost share grants to develop wildlife habitat, especially wetlands, on private property.

The DNR Gift Program provides landowners with tax savings for donating full or a partial interest (easement) in property to the DNR or to a tax exempt public foundation. RIM Funds will match state funds.

The Minnesota Forestry Incentives Program provides cost sharing for forestry related practices not covered by other state and federal programs such as pest control, fire break establishment and forest road construction.

The Native Prairie Tax Credit and Exemption Program exempts approved native prairie from property taxes and provides property tax credit. Information is available from county assessors.

The Nongame Wildlife Program provides written materials and advice to private landowners on projects to enhance their property for nongame wildlife.

The Private Forest Management Program provides technical assistance to landowner participants in state and federal cost-share programs. Assistance includes management planning, inventory, multiple use planning, as well as sales of tree seedlings.

The Roadside Wildlife Program offers technical assistance to road officials, conservation groups, and landowners to improve the quality and/or management of roadsides or other grassland sites for the benefit of nesting farmland wildlife.

The Save the Wetlands Program acquires wetlands and adjacent uplands for State Wildlife Management Areas. These areas provide critical habitat for plant and animal species. High priority is given to lands adjacent to existing wildlife areas.

The Flood Damage Reduction Program is a 50 percent cost share program for structural or nonstructural initiatives to reduce the impact of flooding.

The Stream Maintenance Program is a 50 percent cost share program with local units of government to remove debris from water courses.

The Dam Safety Program provides funding to local units of government to repair dams and control structures.

The Game Lake Designation Program will provide project development funding, and lake plan development assistance for restoration of historical waterfowl lakes, and the solution of rough fish problems in lakes.

In addition to these programs, the DNR will work cooperatively with Lake Improvement Associations, Watershed Districts, SWCDs, or other units of government to assure efficient and effective resolution of water problems.

Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency (MPCA) is given the responsibility of protecting water, land and air quality in Minnesota. To accomplish this task, the MPCA has a very strong regulatory role, a data gathering role, as well as a role of providing financial assistance to people and local units of government to help resolve problems.

Regulatory Programs

The Minnesota Pollution Control Agency is a regulatory agency. The areas of management and regulation include: surface and groundwater quality; air quality; solid waste disposal; inventory and management of feedlots, underground storage tanks, and landfills; disposal of wastes or surplus waters in wells or sumps; hazardous waste shipment, storage, and disposal; used oil, and used tires; operation and management of individual and municipal waste treatment sys-

tems; and clean-ups of accidental spills. Many of these areas need local assistance to manage.

Information Collection Programs

The MPCA is actively involved with gathering original data concerning water quality in the state. They are involved with assessments of surface water and ground water quality, setting limits on contaminants, establishing nondegredation standards for water quality, and the site assessment process for solid waste disposal. The MPCA relies on local groups to assist with this data collection, and supports a number of programs to help fund these initiatives. The MPCA also funds research projects with funding from the Legislative Commission on Minnesota Resources.

Funding Programs

The Clean Water Partnership program was established in 1987 by Minnesota Statutes, Chapter 392, Section 10. The focus of this program is to control nonpoint source of pollution and thus protect state ground and surface water resources. The program provides financial assistance (50% matching grants) and technical assistance to local units of government for diagnostic and implementation projects. Diagnostic projects analyzes specific water quality problems in order to identify goals, objectives, incentives and best management practices to solve the problem. Implementation projects include the institution of management practices which will abate the nonpoint causes of water quality degradation. Grant funding will be made available on an annual or semi-annual basis.

The Federal Clean Lakes Program was authorized by Section 314 of the Clean Water Act and is administered for the Environmental Protection Agency by the MPCA. The program provides financial (50 percent matching grants) and technical assistance to local units of government to control nonpoint sources of pollution impacting freshwater lakes. The program consists of a diagnostic/feasibility phase followed by an implementation phase. Over the years Minnesota projects have been awarded a total of more than 10 million dollars. Funds are usually available on an annual basis depending upon Congressional allocations.

Section 205(j)(3) of the Clean Water Act provides Federal matching dollars for nonpoint water quality planning projects by Regional Comprehensive Planning Agencies. Grants are made available through the MPCA to Regional Planning Agencies, which undertake water quality management activities. The projects must emphasis nonpoint source pollution, its origins, solutions, and the identification of economic impacts and benefits of clean water in a localized geographic area.

The Federal Nonpoint Source Management Program was authorized by Section 319 of the Water Quality Act of 1987, also to be administered through the MPCA. As of yet no dollars have been appropriated by Congress for this program. When

funds are appropriated and allocated, they will be provided as grants to local units of government through the Clean Water Partnership Program. The eligibility requirements and structures of the Clean Water Partnership program will apply.

The Citizen's Lake Monitoring Program seeks to use citizens to collect basic water transparency information by weekly sampling of lakes by use of a Sechi Disk. The MPCA provides the disk and instructions on use. Participants receive annual reports for all lakes and copies of the publications called Lake Watch. The cost of the program are minimal, and a lot of very useful information is provided. Counties that have made good use of this program will be in a position for high priority funding through other programs.

The Lake Assessment Program is a local assistance program conducted by the MPCA staff on five to ten lakes statewide per year. Lake Associations provide a boat and person to take MPCA staff out to sample water chemistry and clarity. Citizens provide basic land use information and verification of morphometric data. A report is compiled which identifies lake conditions, potential problems and suggested follow-up actions. Participation in the Clean Lakes Monitoring Program is a mandatory precursor to involvement in this program.

Matching grant funds are available to municipalities, who qualify for upgrading or replacing failed individual on-site wastewater treatment systems. Awards will be made to cover 50% of the eligible project costs up to a maximum grant to $2,500.00 per trench system and $3,750.00 per mound system. Eligibility requires adoption of a wastewater treatment plan and adoption and enforcement of Chapter 7080 (septic tank criteria).

The Federal Construction Grants Program, Initiated under the Clean Water Act of 1972, provides 55 percent grants for the planning design and construction of municipal wastewater treatment projects including interceptor sewers, wastewater treatment facilities, outfall sewers, etc. MPCA funds project based on an Environmental Protection Agency approved priority system. Federal participation in the program will end after fiscal year 1990. An Independent State Grants Program follows the same guidelines as the Federal Construction Grants Program. The program, however, provides 80% independent state grants for municipalities with less that 25,000 population, and 50% grants for communities with greater than 25,000 population.

The Water Quality Act of 1987 authorizes Environmental Protection Agency funding to states to capitalize a State Revolving Loan Fund as part of the phase out of the Federal Construction Grants Program. Loans will be made available to communities for construction of wastewater treatment projects. It is anticipated the procedures will parallel those of the Federal Construction Grants Program.

The State must match (20%) for the Federal revolving loan program. The program terminates in fiscal year 1994.

Other MPCA Programs are available to assist communities with solid waste problems; waste oil, tires, and lead acid batteries; composting of vegetative waste; hazardous waste identification and collection, and pesticide collection and management. There is a major effort to involve local units of government in Comprehensive Waste Reduction and Recycling programs. Future programs will assist with feed lot registration, and the identification and registration of underground storage tanks

Community Assistance programs include establishing better communication with local units of government, increasing city expertise in wastewater management, and emphasizing planning for future wastewater needs. With the establishment of the Ground Water Protection Strategy, local units of government will have an increasing involvement in the protection of their groundwater resources. Numerous publications are available through the MPCA, that help define the pollution problems in the state, as well as the role citizens can play in protecting their own environment.

Minnesota Department of Health

The Department of Health (MDH), partly funded by the federal government, is charged with the responsibility of ensuring that public drinking water meets safe drinking water standards. They require testing of all public wells and water intakes on a regular basis.

The MDH, through the Community Health Services Act, participates with counties to fund Public Health Programs. These are subsidy programs, based on population. The MDH provides matching funds on a 1:1 basis to counties with greater than 30,000 population. Counties with less than 30,000 population can join with a neighboring county to qualify for the matching funds. These funds are a grant. The county can decide how the money will be allocated. In some cases, counties have established County Environmental Health Programs, and fund labs that can do water quality testing.

The MDH administers the state well code, and the well abandonment procedures found in Minnesota statute, Chapter 156 A. Under this statute the Minnesota Department of Health, through the Commissioner of Health, has been granted strong regulatory power. The Commissioner may order the owner of a well to take remedial measures including making repairs, reconstruction or abandonment of a well. The MDH regulates the construction of all new wells, and requires water tests on them.

The handling, collection and storage of infectious waste in health care facilities is covered to a very limited degree by the standards and regulations of the MDH. Some aspects of infectious waste disposal come under the jurisdiction of the various divisions of the Minnesota Pollution Control Agency, such as incineration and landfills.

The MDH has available to the public a large

number of publications ranging from the well code to information on lead in school drinking water. These publications are available on request from the MDH.

Minnesota Department of Agriculture

The Minnesota Department of Agriculture (MDA) is the major farm food regulatory and protection agency in the state. With this obligation, the MDA enforces laws designed to protect the public health and works to prevent fraud and deception in the manufacture and distribution of foods, animal feeds, fertilizers, pesticides, seeds, and other items. The MDA encourages agricultural industry through aggressive market development and promotion throughout the world.

The **Agronomy Services'** regulates the sale, storage, use and disposal of pesticides in Minnesota through the MN Pesticide Control Law; enforces the MN Fertilizer, soil amendment and plant amendment Law, which regulates the sale and storage of these commodities; enforces the state seed law and performs tests for purity, germination, and identification of seeds and plants; administrator of the MN Agricultural weed law; and enforces the MN Commercial Feed Law which prohibits adulteration and misbranding of animal feed. The MDA has also developed various rules to assist in these programs. The Bulk Storage Rules and Chemigation rules for the storage and application of pesticides are an example of these.

The division is also responsible for the training, licensing and certification of applicators and dealers, providing training and information on water quality studies, and promotes best management practices and wise use of pesticide and fertilizer products in the state.

The **Family Farm Security Program** assists qualifying persons purchase farm real estate by guaranteeing loans and deferring interest payments.

The **Energy and Sustainable Agriculture Program** was established in 1987 in response to concerns over the impact of conventional agricultural practices on farm profitability, health and the environment. The purpose of the program is to demonstrate and promote alternative practices which are energy efficient, environmentally sound, profitable, and which enhance the self-sufficiency of Minnesota farmers. The activities include on-farm demonstrations, workshops, resource data bases, an energy audit program to recommend ways for farmers to reduce petrochemical inputs, and a grant and low-interest loan program to integrate sustainable technologies into farming operations.

The **Agriculture In the Classroom Program** is a public/private partnership in the publishing and distribution of the Minnesota Agriculture Magazine to Minnesota schools. The program and Board of Directors also serves as a general resource outlet for interested educators and students. The program is a partnership between MDA and over 30 private sector groups contributing funds.

Appendix 7-1. Government agencies and other organizations involved in local water planning issues.

The **Dairy and Livestock Division** administers and enforces dairy laws and regulations designed to protect public health and to be of service to the dairy industries. The division also monitors dairy trade practices as well as administering the state laws covering all livestock marketing activities for the benefit and financial protection of livestock producers through the enforcement of licensing, bonding, and fair trade practice regulations.

The **Food Inspection Division** enforces state laws and regulations relating to foods, meats, and beverages, poultry and poultry products. Standards enforced relate to quality, condition, labeling, advertising, and for the sanitation of premises, equipment, and vehicles used in the sale, storage, or distribution of foods and beverages.

The **Grain Inspection Division** provides grain sampling, grading, weighing, and protein analysis on request to producers, shippers, grain firms, elevators, and processors. The division also licenses grain and general storage warehouses and grain buyers that purchase grain from producers in the state.

The **Plant Industry Division** is responsible for a broad range of inspection, certification, survey and control programs. The division certifies grain shipments to foreign countries and other states as being pest free, certifies seed potatoes, inspects and certifies nurseries and honey bee colonies, provides inspection for fresh fruit and vegetables and Wholesale Produce Dealers.

The **Marketing Division** is responsible for promoting the agricultural interests of producers and processors, promoting state agricultural markets and promoting the agricultural interests of the state in cooperative production and marketing with other states. The division cooperates and shares staff with the MN Trade Office in the promotion of agricultural products in state , national, and international markets.

The MDA also provides services dealing with **Agricultural Statistics**, which provides accurate data on major crop and livestock items, farm income, farm costs and returns, and other special information, and the **Research and Promotion Councils**, which oversees the eight commodity research and promotion programs funded by the commodity check-offs.

Minnesota Geological Survey

The Minnesota Geological Survey, part of the University of Minnesota, is responsible for the investigation and mapping of Minnesota's geology. They are active throughout the state with special projects. The MGS in addition to their own research initiatives, works in conjunction with other agencies such as local watersheds and Soil and Water Conservation Districts to define geological parameters in solving problems. The MGS supports the WELLS Data Base, which maintains geological and stratigraphic information on all wells drilled by licensed well drillers in the state. Each new well is assigned a unique well identification number

and is entered into the data base. The WELLS Data Base is an excellent source of information for counties, and can be expanded to accommodate water quality information. The MGS also works with counties to create County Geologic Atlases, which are detailed studies of the local geology and hydrology. The Atlases program is provided on a cost share basis.

Board of Water and Soil Resources

The Board of Water and Soil Resources (BWSR) is the lead State agency responsible for the review and approval of the County Comprehensive Water Plan. BWSR will actively participate with local units of government such as counties, soil and water districts, and watershed districts in achieving goals outlined in the plans, and will assist with associated programs. These programs strengthen administrative support and coordination in government, provide technical assistance to landowners, offer financial aid in installing conservation measures, and educate the public on environmental concerns. The Board of Water and Soil Resources will offer its assistance to the local units of government in establishing a working partnership to help fulfill these program goals. Specific programs include State cost share grants to SWCD's for construction of water quality projects such as wetland restoration or enhancement, or 75% cost share grants for innovative erosion control or water quality projects beyond local funding capability. Pending legislation in both houses of the Legislature addresses funding of county implementation. In the legislation, BWSR is given the responsibility of administrating grants to local units of government to implement their plans.

Environmental Quality Board

The Environmental Quality Board is the state's principal forum for discussing environmental issues and provides an opportunity for the public to have direct input into the development of the state's environmental policy. The Board implements environmental review procedures established by the Minnesota Environmental Policy Act. These regulations apply to all units of government. Documents are prepared that address significant environmental issues and proposed actions, which are then made available to governmental units and citizens early in the decision process. These documents are used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.

Minnesota Department of Transportation

The Minnesota Department of Transportation has several units with responsibilities for water quality in the State of Minnesota. **The Environmental Coordination Unit** serves as the liaison between Mn/DOT and the Environmental Quality Board. This unit provides guidance for the environmental review process, and represents the department in addressing environmental issues. **The Environmental Development Unit** is the multidisciplinary team responsible for analyzing environmental impacts of transportation projects. The unit recommends and develops environmental mitigation, reviews and processes environmental documents, and conducts environmental research. **The Water**

Quality Unit provides technical expertise on a state-wide basis for the design, implementation, and operation of long-term monitoring programs to describe the physical and chemical characteristics of runoff from transportation projects and surface and ground waters receiving this runoff. **The Environmental Studies Unit** is responsible for developing rules and procedures for the effective utilization of highway right-of-way and adjacent public lands for recreational use in areas of unusual scenic interest.

Minnesota State Planning Agency

The Minnesota State Planning Agency identifies and analyzes key policy issues and makes recommendations for planning and the governors legislative program. The staff in the Environmental Division serve as the focal point for the development and analysis of state environmental policies. They identify, define and research emerging natural resource and environmental issues; coordinate environmental activities of state agencies and governmental entities, and implement statutory environmental mandates to the State Planning Agency and the Environmental Quality Board. The Minnesota State Planning Agency was responsible for the development of the rules and guidelines for counties to follow in preparing their comprehensive water plans. Staff members are also responsible for developing legislation relating to water and natural resources.

University of Minnesota; University Agricultural Research Stations

The University of Minnesota and the Agricultural Research Stations, provide a wide variety of research services to the State and Local units of Government. Results of research projects are disseminated through the outreach branch of the University, the County Extension Service, located in all counties in the State. A wide variety of information and services are available, and technical assistance is provided in the form of publications, referral services, and personal assistance. (See section concerning the Minnesota Extension Service)

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FEDERAL AGENCIES

Soil Conservation Service Agricultural Stabilization and Conservation Service

The Soil Conservation Service (SCS) is a technical agency of the U.S. Department of Agriculture that provides technical assistance and approval for construction projects. The Agricultural Stabilization and Conservation Service (ASCS), also an agency of the USDA, administers all federal financial assistance for agricultural conservation cost share programs. A large number of federal programs are available to assist individuals with conservation projects. The programs are administered through local SCS or ASCS offices, with technical assistance provided by the Soil and Water Conservation Districts. Information on any of the programs listed below is available from the county offices.

The Acreage Conservation Reserve Program is designed to reduce the acreage of specific crops at a specific percentage to increase crop values and reduce crop surpluses. The acreage taken from production must be eligible cropland devoted to conservation uses to protect the soil from wind and water erosion.

The Agricultural Conservation Program provides cost sharing with farmers and ranchers to carry out conservation and environmental protection practices on agricultural land that results in long term public benefits.

The Conservation Reserve Program pays farmers on bids to discontinue growing crops on highly eroding cropland and plant it to grass and trees. Ten year contracts are developed on the enrolled acres with annual payments to the landowner.

The Emergency Conservation Program provides emergency funds for sharing the costs of rehabilitating farmland dam aged by wind erosion, floods, or other natural disasters and for carrying out emergency water conservation measures during periods of severe drought.

The Federal Waterbank Program authorizes 10 year lease contracts with landowners to protect qualifying wetlands. Agreements require landowners not to drain, burn, fill, or otherwise destroy the wetland. Thirty eight Minnesota Counties are eligible for this program. Payments rates vary from $10 per acre for the wetland to $20 to $55 per acre for adjacent uplands. Upland payment rates are based on cropland capability classes and a percent of the documented corn yield. Upland acres are planted to permanent grass-legume cover

The Forestry Incentive Program encourages landowners to plant trees on suitable open lands or cutover areas and to perform timber stand improvement work for production of timber and other related forest resources. This a cost share program with private landowners.

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U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service is responsible for purchasing and managing wetland areas. They have two main acquisition programs funded from Duck Stamp sales that will assist counties in reaching CLWP goals. Purchases are made only from willing sellers.

In the first program, the USFWS can purchase land and manage it for waterfowl production. This property is posted with Waterfowl Production Area signs and is open to public hunting, wildlife observation, hiking, and other compatible uses.

The second program, the USFWS Easement Program, purchases only the surface water rights from land owners. The landowner retains all other property rights, but agrees not to drain, tile, or fill wetlands. He may hay, graze, or farm wetlands when they are dry from natural causes. Wetlands covered by easement provisions may also be eligible for other programs such as waterbank, CRP, and others.

Recently the Service has also been funded to restore small wetlands on CRP, RIM, or other privately owned property. The restoration is free to the land owner, and can be removed at the end of the contract period. If the land owner wishes, a permanent easement can be sold to USFWS.

The USFWS is working closely with private organizations such as Ducks Unlimited, and the Canadian Government, in The North American Waterfowl Management Plan. This plan if a far reaching attempt to restore prime waterfowl habitat and wetlands on the North American Continent. The plan provides a broad framework for waterfowl management by: 1) setting goals for duck, goose, and swan populations; 2) identifying habitat conservation needs in specific regions; and 3) recommending measures for resolving problems of international concern. Some funding may become available for projects supporting plan objectives.

Finely, the Service must support other agencies with wetland preservation responsibilities and authority by documenting and reporting potential violations to them (Minnesota Department of Natural Resources, Corps of Engineers, ASCS, and others.) The Service has been especially active as a consultant and monitor to insure proper implementation of swampbuster provisions in the 1985 Farm Bill Legislation.

U.S. Geological Survey

The U.S. Geological Survey provides technical services and assistance to local units of government to identify and resolve geological and hydrological problems. They assist in resource analyses, such as lake studies, and have been active in regional aquifer studies to determine irrigation potential.

U.S. Army Corp of Engineers

The Army Corp of Engineers has wide ranging powers relating to dredge and fill placement in navigable waters or wetlands; stream bank protection; flood control projects; and clearing and snagging for the purpose of flood control. Under Section 10 of the River and Harbor Act, a permit is needed from the COE before putting any structure or doing any other work in a navigable water, generally considered to be the larger rivers and their tributaries, of the U.S. Under

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Section 404 of the Clean Water Act, a permit is needed for all projects involving sidecasting dredged material from drainage projects or other filling activities. The COE has several kinds of review procedures, depending on the nature of the work to be done. Large projects, such as a new harbor or marina, or a large dredging project, require a full public interest review. A letter of Permission is used for minor, non-controversial projects in navigable waters, such as docks or small dredging projects. A Regional General Permit is a blanket-type authorization for activities that will have minimal environmental effect, such as navigation aids, fill for minor road crossings, and some bank stabilization projects. Generally, all projects that involve navigable waters or placement of dredge materials should be reviewed by the COE.

Under the Continuing Authorities (Small Projects) Program, there are several areas for assistance to local units of government for surface water problems. Section 14, the Emergency Streambank Protection Program, provides 25% cost share to local units of government to construct bank protection works to protect eligible highways, bridge approaches, public works, churches, hospitals, schools, and other non-profit public facilities endangered by flood-caused bank or shoreline erosion. The maximum Federal expenditure can not exceed $500,000. Section 205, Small Flood Control Projects, provides authority and a 25% cost share to construct small flood control projects. There is no restriction on the type of improvement that may be used; both structural (levees, channels or dams) and non-structural (floodproofing or floodplain evacuation) solutions are considered. Total Federal cost may not exceed $5,000,000. Section 208, Clearing and Snagging, provides authority, and 25% cost share to remove debris (trees and snags etc.) from streams and rivers in the interest of flood control. Projects may also include channel enlargement or straightening. Federal cost share may not exceed $500,00. In all Continuing Authority Programs, the projects must be economically justified (benefits exceeding cost), and the project must be sponsored by a local agency. Local cost share is required, including 5% in cash, but creative financing, with assistance from private organizations can reduce the local share.

The Flood Plain Management Services Program, within funding limitations, provides technical assistance and guidance on flood plain and flood issues including: assistance in interpreting flood data; development of data on frequency, extent, and depth of flood events; dissemination of information on non-structural methods of reducing flooding; assistance in developing flood evacuation plans; and posting signs at various places in the flood plain indicating the elevation of the 100 year flood elevation.

Water resources activities by the COE are initiated by local interests, approved by the Administration, authorized by Congress, funded by Federal and non-Federal sources, and constructed by the Corps under the Civil Works Program.

When local interests feel a need exists for improved navigation, flood protection, or other water resources development, they may petition their representatives in Congress (Technical assistance and some small projects can be accomplished without Congressional authorization under the Continuing Authorities Program). Once Congress is petitioned, a congressional

committee resolution or an Act of Congress may then authorize the Corps of Engineers to investigate the program and submit a report. The report contains the necessary engineering, economic, and environmental investigations which include consideration of the full range of alternative solutions to the problem.

Public meetings are held to determine the views of local interests on the extent and type of improvements desired, as well as the need for the improvement. The desires of local interests and the views of Federal, State, and other agencies receive full consideration during the planning process.

Considerations that enter into recommendations for project authorization to Congress include determinations that benefits will exceed costs, and that needs of the people concerned, makes the wisest possible use of the natural resources involved, and adequately protects the environment.

A report, along with a final environmental statement, is then submitted to higher authority for review and recommendations. After review and coordination with all interested Federal agencies and Governors of affected States, the Chief of Engineers forwards the report, with the environmental statement, to the Secretary of the Army, who obtains the views of the Office of Management and Budget before transmitting the report and environmental statement to Congress.

Budget recommendations are based on evidence of support by the State and by the ability and willingness of non-Federal sponsers to provide their share of the project cost. If Congress includes the project in an authorization bill, enactment of the bill constitutes authorization for the project. Once a project is authorized, further studies may be required to reaffirm the basic plan presented to congress.

Appropriation of the money to build a particular project is usually included in the annual Energy and Water Development Appropriation bill, which must be approved by both Houses of the Congress and the President.

National Park Service

Through the Land and Water Conservation Fund, the NPS will provide 50% cost share grants to local units of government to fund projects for the development of public outdoor recreation. The fund is administered through the DNR, and high priority is given to protecting wetlands. There is intense competition for this funding.

Farmers Home Administration (FmHA)

Perpetual conservation easements are offered on land in the FmHA Inventory with existing or drained wetlands, floodplains, or endangered species habitat.

FmHA clients facing insolvency can have part of their debt restructured for the value of wetlands or floodplain easements. 50 Year conservation easements are offered to willing borrowers. This program was to be implemented in the fall of 1988.

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PRIVATE NATIONAL ORGANIZATIONS

Ducks Unlimited

Ducks Unlimited will provide 2 to 1 matching aid to reestablish state habitat (MARSH Program) on state owned or controlled land, and will provide grants to construct wetland restoration or enhancement projects. Western Minnesota is a priority area for these projects. Funding is from DU contributions. These programs have great potential when combined with other funding sources such as COE, DNR, USFWS, or Watershed Districts, and may be used in conjunction with other wetland restoration, water retention, or flood control projects.

Agricultural Commodity Organizations

All major commodity groups, such as the Corn Growers, Wheat Growers, Soybean Growers and other associations provide information and technical services to individuals and organizations. These groups provide support for political initiatives, and will provide educational information to school and 4-H groups.