



Minnesota Board of Water and Soil Resources.
Minutes.

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4/15/96



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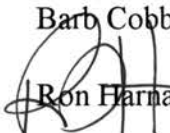
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DATE: April 15, 1996

TO: Jim Rossman
Dwain Otte
Kathy Roer
Ginny Imholte
Barb Cobb

FROM:  Ron Farnack, Executive Director

SUBJECT: **STRATEGIC PLANNING RETREAT**

I appreciate your willingness to participate on a panel with agency representatives as part of the Board's strategic planning initiative. The strategic plan of the BWSR is now five years old and it is time to assess the accomplishments of the current plan and to layout a plan of action for the next five years. The revised strategic plan will guide the Board's biennial budgets, program focus and priority, interagency coordination and cooperation, local government empowerment and guide organization, and institutional direction. The panel's perspectives, challenges, and expectations for the Board and member agencies will ensure that our mutual goals and outcomes for the management of Minnesota's water and soil resources are achieved effectively and efficiently and in a forum that "networks" our unique strengths. Your participation on the panel with our member agencies representatives will help set the framework key elements of the strategic plan.

In addition to other authorities, MS 103B.101 direct the BWSR to:

(1) coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, water management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;

(2) facilitate communication and coordination among state agencies in cooperation with the EQB, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible;

(3) coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009;

(4) develop information and education programs designed to increase awareness of the water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;

(5) provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;

(6) adopt an annual budget and work program that integrate the various function and responsibilities assigned to it by law; and

(7) report to the governor and the legislature each even-numbered year with assessment of board program and recommendation for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

Some of these initiatives have not been specifically reflected in the current strategic plan of the BWSR. The legislative direction for assessment of state and local government environmental and natural resources institutional structure should be reflected in the revised BWSR strategic plan. I would like you each to reflect on these considerations as part of the panel discussions.

We have contracted with a consultant to moderate the panel and facilitate the days discussions. Susen Fagrelus will be contacting each of you before the retreat to review context of the panel discussion. Attached is an outline of the agenda and some questions that Susen would like each of you to consider in preparation for the panel.

The Strategic Plan Retreat will be held at the Minnesota Valley National Wildlife Refuge, 3815 E. 80th Street, Bloomington (see attached map), phone 854-5900, beginning at 8:00 a.m. Coffee and pastry will be served at 7:30 a.m. Please join us.

If you have any questions or have special audio visual needs please call me (296-0878) or Mary Jo (297-4290).

Attachments: BWSR Strategic Plan, 1990
Retreat Agenda and Panel Review

p.s.

Agency Board Member Panelists

- * Peder Larson, Deputy Commissioner, PCA
- * Ron Nargang, Deputy Commissioner, DNR
- * Sharon Clark, Assistant Commissioner, MDA
- * Mike Moen, Assistant Commissioner, MDH



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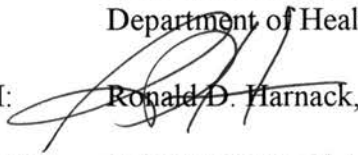
DATE: April 15, 1996

TO: Peder Larson, Deputy Commissioner
Pollution Control Agency

Ron Nargang, Deputy Commissioner
Department of Natural Resources

Sharon Clark, Assistant Commissioner
Department of Agriculture

Mike Moen, Assistant Commissioner
Department of Health

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: **STRATEGIC PLANNING - ROLES, RELATIONS & EXPECTATIONS**

I appreciate your willingness to participate on a panel as part of the Board of Water and Soil Resources (BWSR's) strategic planning initiative. The strategic plan of the BWSR is now five years old and it is our intent to assess the accomplishments of the current plan and to layout a plan of action for the next five years. The revised strategic plan will guide the activities of the Board's biennial budget, program focus and priority, interagency coordination and cooperation, local government empowerment and guide organization and institutional direction. The active participation of your agency as members of the BWSR is critical to the success of the strategic planning process. Your perspectives, challenges, and expectations as a member of this Board will ensure that our mutual goals and outcomes for management of Minnesota's water and soil resources are achieved effectively and efficiently and in a forum that "networks" our unique strengths. There will also be a county commissioner, watershed district, and soil and water conservation district, water management organization and citizen member of the Board participating as part of the panel discussion.

In addition to other authorities, MS 103B.101 directs the BWSR to:

(1) coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, water management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;

(2) facilitate communication and coordination among state agencies in cooperation with the EQB, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible;

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We have contracted with a consultant to moderate the panel and facilitate the days discussions. Susen Fagrelus will be contacting each of you before the retreat to review context of the panel discussion. Attached is an outline of the agenda and some questions that Susen would like each of you to consider in preparation for the panel.

I recognize that your individual schedules may not permit you to spend the entire day; however, I ask that you also consider having your water resources policy directors present to participate in the strategic planning discussion as well, and they can represent your agency if you cannot stay.

The Strategic Planning Retreat will be held at the Minnesota Valley National Wildlife Refuge, 3815 E. 80th Street, Bloomington (see attached map), phone 854-5900, beginning at 8:00 am. Coffee and pastry will be served at 7:30 a.m. Please join us.

If you have any questions or have special audio visual needs please call me (296-0878) or Mary Jo (297-4290).

Attachments: BWSR Strategic Plan, 1990
Retreat Agenda & Panel Review

p.s.

Board Panelists

* Jim Rossman, Olmsted County Commissioner

* Dwain Otte, Dakota SWCD Supervisor

* Kathy Roer, Citizen

* Ginny Imholte, Pelican River WD Manager

* Barb Cobb, Lower St. Croix River WMO Manager



Susen Fagrelus
& Associates

9236 St. Croix Trail N., Stillwater, MN 55082 612-430-9645 Ph./Fax

MEMO

April 12, 1996

TO: Ron Harnack
CC: Barbara Cobb
FROM: Susen Fagrelus *Susen*
RE: Information for Communication to Board Members and Panelists for Mailing

As a result of our meeting yesterday, here are a few items to incorporate into the mailing that will go out to the board next Tuesday, the 16th. Please change/adjust as you feel appropriate.

I. Agenda

Focus questions for the day: *Collectively, how can we best achieve our mutual water resource management objectives in Minnesota? What are the opportunities for BWSR to most effectively use its elements of board, staff and linkages to local units of government?*

Time	Topic
7:30-8:00	Continental Breakfast and Coffee
8:00-8:30	Welcome/Purpose/Introductions/Agenda/Expectations
8:30-11:45	Panel Perspectives from Agencies and Board: Citizens, Counties, SWCD, WMO, Watershed Districts, DNR,MDA, MDH, PCA. We will hear panel perspectives in a moderated discussion, followed by a break and group exercise to debrief what we've heard in a relevant way.
11:45-12:45	Box Lunch at MN Valley Wildlife Refuge
12:45-2:15	Improving Water Management Service Delivery: The whole system and BWSR's specific opportunities and roles.
2:30-4:00	Future Organizational Scenarios: Creating Win-Wins in An Unpredictable Climate
4:10-4:40	Looking Forward to BWSR's Strategic Planning Process: Creating a Framework
4:40-5:00	Wrap-up: Debrief this meeting. Learnings and any details related to 4/25 that may need to be addressed.

Note: If we could start in earnest before 8:30 it would be better. Just adjust the times if you find we can get into the building at 7:15 to set up. Then we'd instruct people to come by 7:45, begin at 8:00 and start the panel by 8:30 at the latest.

II. Meeting Outcomes:

1. Understand perspectives of board organizations and agencies regarding the water management delivery system in MN
2. Identify how the system as a whole can work better, and what BWSR's role(s) should be.
3. Identify several possible future organizational scenarios that meet future water management requirements in a win-win manner.
4. Develop a framework for the strategic planning process.

III. Panelist Questions

1. What do you see as BWSR's strengths?
2. What are the areas of existing and future collaboration among board organizations and agencies?
3. How would you assess the current "delivery system" for water management services (BWSR and other organizations as well)? What gaps or issues exist now that need to be addressed? What, in particular, would you recommend that BWSR highlight or change?
4. What is your perspective on how: a) Resource responsibilities related to water management in the state can be best organized? b) BWSR's elements of board, staff and links to local units of government can be best organized?

III. Communication Packet

- a. Cover letter from Ron and/or Barbara stating:
 - 1) What (retreat purpose)
 - 2) Where: location and MAP along with instructions as to where to park and the building entrance.
 - 3) Who: who is attending: panelists and board members. No other guests.
 - 4) When: April 24 and 25. Beginning and ending times with wording that gives the impression that we need to complete our work AND that we'll be as efficient as possible. That I will help facilitate 4/24.
 - 5) Dress: casual
 - 6) Pre-meeting call from Susen to a) introduce myself and b) review the agenda and outcomes c) review board members' expectations.
- b. Agenda for both days
- c. Enclosures
- d. Any details for lodging the group might need.

Anything else that comes to mind? I look forward to putting more detail to this design and creating the exercises next week. I'll fax you what I come up with. Please let me know the earliest time that we can physically get into the Refuge building and how the logistics of the catering will work out so that I can figure out the timing of events at the beginning of the day.

Ron, I will touch base with you on Monday about signing the contract.

**Suren Fagrelius**

3528 West 28th Street Minneapolis, Minnesota 55416 • (612) 925-9051 Phone/Fax

Fax Transmission Sheet

Date 4.12.96To: RON HARNACK & BARBARA COBBFax Number 297-5615* PLEASE FAX ON TO
BARBARA. TX *done*

Phone Number _____

Comments Here's what we talked about
yesterday. Feel free to give me a
call if you have questions / thoughts
This will be a fun day!

Suren

I anticipate being in my office on
Monday, and at The DNR's Bureau
of Real Estate Management on Tuesday the 16th,
should you need to reach me.

Peder Larson, Deputy Commissioner
Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155
296-7305

Ron Nargang, Deputy Commissioner
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155
296-2540

Sharon Clark, Assistant Commissioner
Department of Agriculture
90 W. Plato Boulevard
St. Paul, MN 55107
297-1551

Michael Moen, Assistant Commissioner
Department of Health
Metro Square Building
P.O. Box 64975
St. Paul, MN 55164-0975
623-5341

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
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ST. PAUL, MINNESOTA 55107

612-296-3767

BOARD MEMBERS

<u>Name and Address of Member</u>	<u>Appt. Designation</u>	<u>Term Expires</u>	<u>Telephone</u>
✓ Barbara Cobb, Chair, P.O. Box 302, Lakeland, 55043*	Watershed	06-30-96	612-436-8953
✓ Dwain Otte, 606 Zanmiller Drive West, Northfield, 55057	SWCD	01-01-96	507-645-4370
Ted Lovdahl, Jr., Route 1, Box 142, Effie, 56639	SWCD	01-06-97	218-743-3686
Tim Hvidsten, Route 1, Box 117, Stephen, 56757	SWCD	01-05-98	218-478-3503
✓ Ginny L. Imholte, 1145 Jackson Avenue, Detroit Lakes, 56501	Watershed	01-04-99	218-847-4433
Barbara Uppgaard, HC 83, Box 436, Pequot Lakes, 56472	Citizen	01-01-99	218-543-4355
Marvell J. Tripp, 1422 So. Shore Dr., Worthington, 56187	Watershed	01-05-98	507-376-6975
Darrell Bruggman, HCR 4, Box 38, McGregor, 55760	Co. Commr.	01-04-99	218-426-3330
✓ James Rossman, 7000 - 70th Street, Oronoco, 55960	Co. Commr.	01-05-98	507-282-2890
LeRoy Stensgaard, Box 118, Ruthton, 56170	Co. Commr.	01-06-97	507-658-3681
Glenn Annexstad, RFD 3, Box 35, St. Peter, 56082	Citizen	01-01-96	507-246-5207
✓ Kathleen Roer, 2232 Tamarack Drive, Long Lake, 55356	Citizen	01-06-97	612-475-0789

*If sending Barbara Cobb UPS or Overnight mail, please send to: 2170 Itasca Avenue South, St. Mary's Point, 55043.

In addition to the above members, five ex officio nonvoting members are provided by the Departments of Agriculture, Health, Natural Resources, the University of Minnesota, and the Pollution Control Agency.

Wayne Edgerton
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155
(612) 297-8341

Jim Anderson
U of M
Dept. of Soil, Water & Climate
439 Borlaug Hall
1991 Upper Buford Circle
St. Paul, MN 55108

Kim Benson-Johnson
Department of Health
Metro Square Bldg.
P.O. Box 64975
St. Paul, MN 55164-0975
(612) 215-0816

Wayne Anderson
Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155
(612) 296-7323

Paul Burns
Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107
(612) 296-1488

MINNESOTA VALLEY
NATIONAL WILDLIFE REFUGE



VISITOR AND EDUCATION CENTER LOCATION

Address: 3815 E. 80th Street, Bloomington, Minnesota 55425-1600

Telephone: (612) 854-5900; FAX: 725-3279

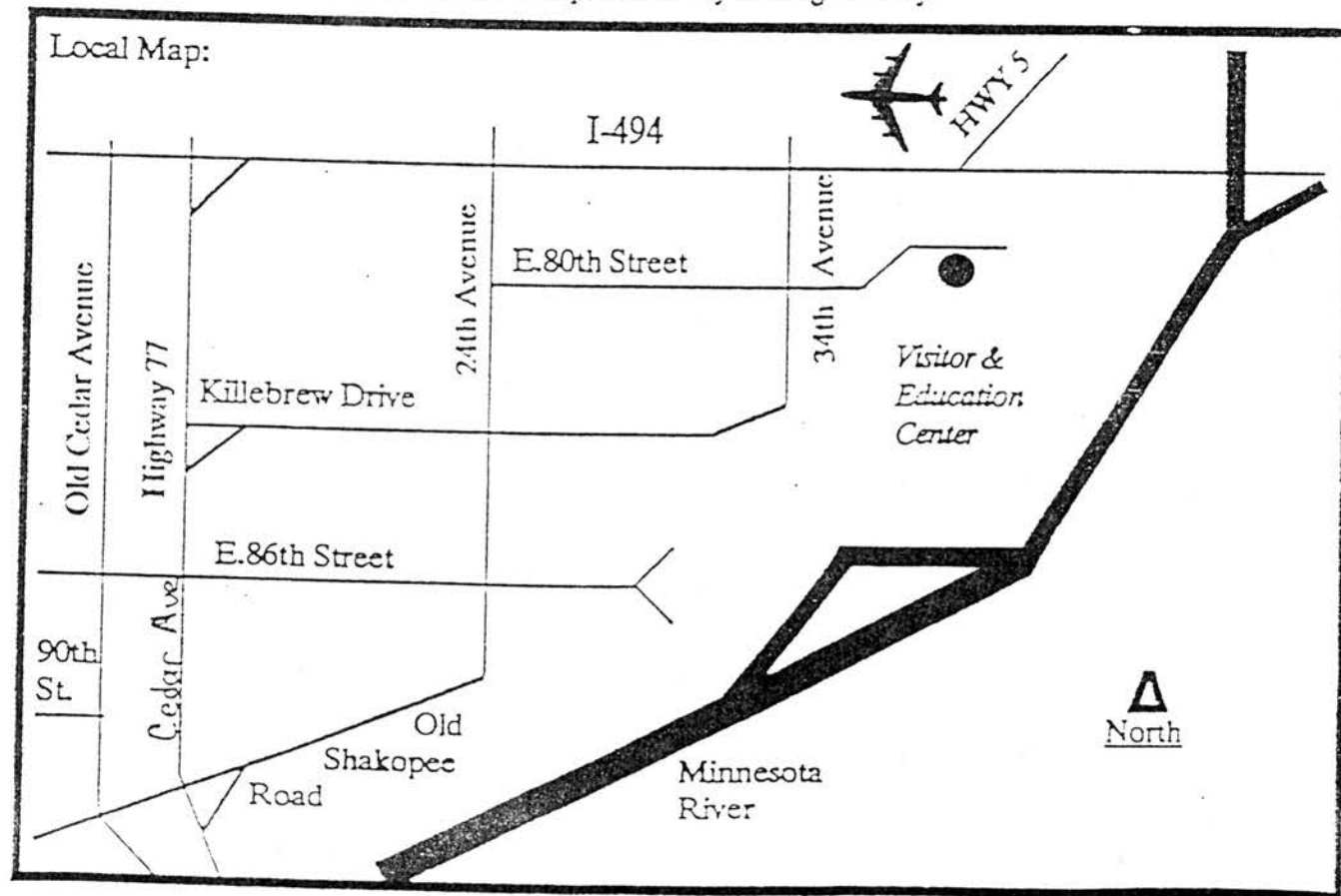
Directions: The Visitor and Education Center is located just south of I-494. Exit on 34th Avenue and go south toward the Holiday Inn Hotel. Turn east on East 80th Street and proceed to the refuge gate which is opposite the Airport Hilton Hotel entrance.

Visitor Center Hours: Tuesday through Sunday 9:00 a.m. to 5:00 p.m.

Closed Monday

Office hours: 7:30 am to 4:00 pm Monday through Friday.

Local Map:



MINNESOTA



VALLEY

NATIONAL WILDLIFE REFUGE

VISITOR AND EDUCATION CENTER LOCATION

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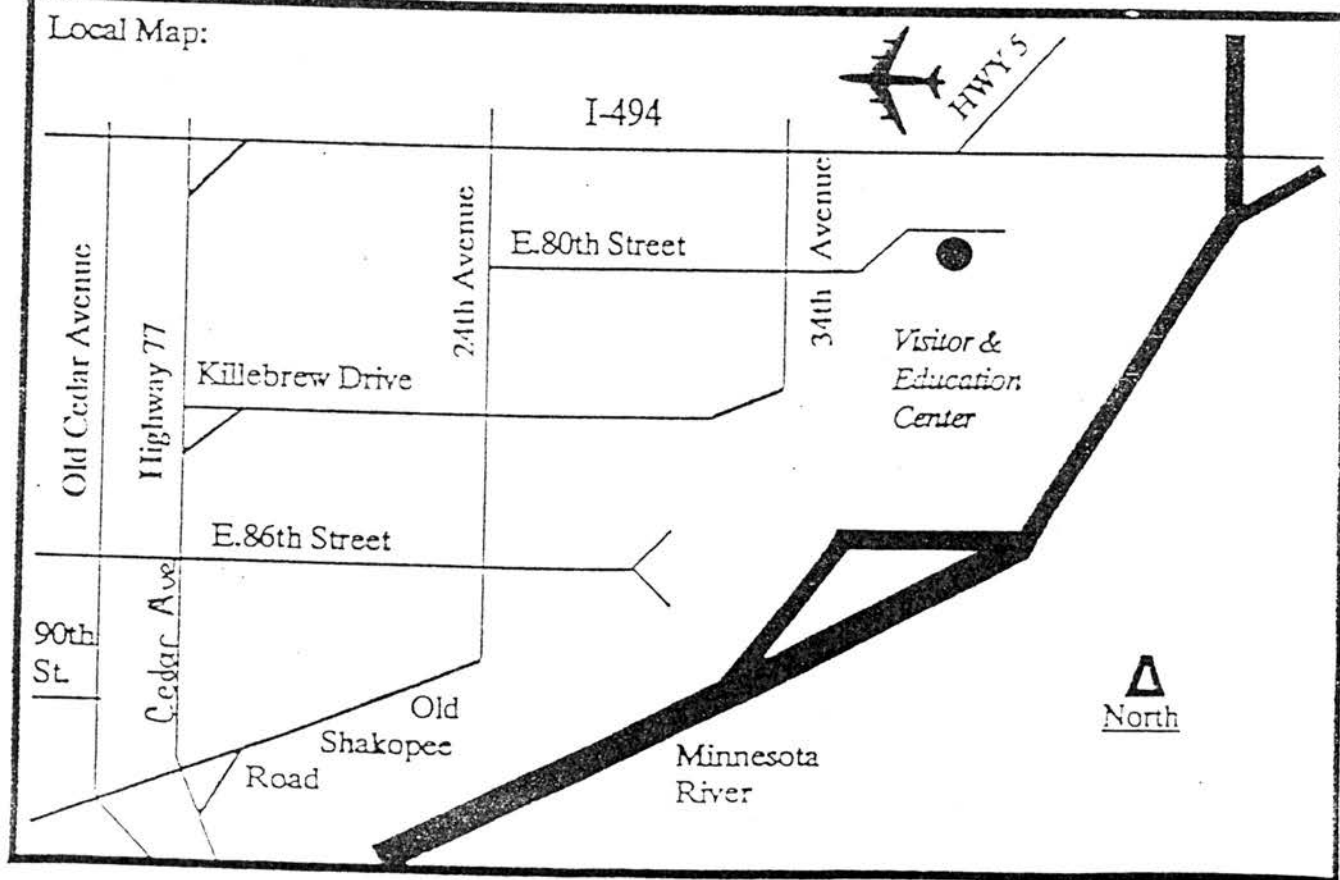
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Local Map:



BWSR BOARD RETREAT
Minnesota Valley Wildlife Refuge
April 24, 1996

MISSION: To provide leadership enabling local governments to properly manage water and soil resources and help all citizens be stewards of our irreplaceable natural resources.

FOCUS QUESTIONS: Collectively, how can we best achieve our mutual water/soil resource management objectives in MN? What are the opportunities for BWSR to most effectively use its elements of board, staff and linkages to local units of government?

Agenda

8:00-8:30	Continental Breakfast and Coffee
8:30-9:00	Welcome/Purpose/Introductions/Agenda/Expectations
9:00-11:45	Panel Perspectives from Agencies and Board: Citizens, Counties, SWCD, WMO, Watershed Districts, DNR, MDA, MDH, PCA. We will hear panel perspectives in a moderated discussion, followed by a break and group exercise to debrief what we've heard in a relevant way.
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12:45-2:15	Improving Water Management Service Delivery: The whole system and BWSR's specific opportunities and roles.
2:30-4:00	Future Organizational Scenarios: Creating Win-Wins in An Unpredictable Climate
4:10-4:40	Looking Forward to BWSR's Strategic Planning Process: Creating a Framework
4:40-5:00	Wrap-up: Debrief this meeting. Learnings and any details related to 4/25 that may need to be addressed.

Panel Notes

1. *What are the main trends impacting the water/soil resources delivery system as a whole? Now and in the future?*
2. *How would you assess the current delivery system? Areas of existing/future collaboration? Gaps? Issues? BWSR's role in particular?*
3. *How can resource responsibilities best be organized: what do the policy makers want/need? What are the agencies' perspectives on BWSR's relationships with local government?*
4. *What are BWSR's strengths?*

I. Agenda

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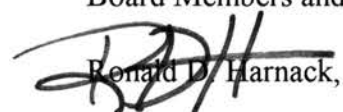
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DATE: April 16, 1996

TO: Board Members and Staff

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: BWSR Retreat and Meeting
April 24-25, 1996

The Board of Water and Soil Resources (BWSR) has scheduled a strategic planning retreat on Wednesday, April 24, and the BWSR meeting on Thursday, April 25, 1996.

Enclosed you will find two packets of information. The first informational packet contains the retreat agenda, and a copy of the BWSR's 1990 Strategic Plan. The second informational packet contains the BWSR meeting agenda and materials.

As you know, sleeping room reservations have been made, in your name, at the Hilton Hotel (directly across from the Minnesota Valley National Wildlife Refuge). If you have any questions pertaining to your sleeping room please call the hotel directly at 612-854-2100. If you have any questions or need additional clarification regarding the retreat and/or meeting arrangements please feel free to give me a call. I look forward to seeing you on the 24th!

RDH:mja
Enclosures

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4/25/96



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DATE: April 16, 1996

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

FROM: Ronald D. Harnack, Executive Director *RDH*

SUBJECT: April 25, 1996 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Thursday, April 25, 1996, beginning at 9:00 a.m. The meeting will be held at the Minnesota Valley National Wildlife Refuge, 3815 E. 80th Street, Bloomington (see attached map). Enter the building through the "Administration" entrance; the meeting room is on the second floor. The following is some background information regarding the agenda items:

CONSENT AGENDA

1. Comprehensive Local Water Plans: The Board is being asked to take action on the updated comprehensive local water plans of Big Stone, Chippewa, Lac Qui Parle, Swift, and Lake of the Woods Counties. The plans have all been through the water plan review committee process and are being recommended for approval. Included are short summaries of each of the five water plans. DECISION

NEW BUSINESS

1. Middle DesMoines Watershed District Name Change: The Middle DesMoines Watershed District filed a resolution with the Board requesting to change the legal name of the District to "Heron Lake Watershed District." The name change is being requested to help in establishing and identity of the District that is more in keeping with the primary receiving body of water from the district which is Heron Lake. DECISION
2. Yellow Medicine Watershed District Boundary Change Petition: The Board received a boundary change petition from the Yellow Medicine Watershed District; on April 10, a public hearing was held. Based on staff technical reports and testimony at the hearing, BWSR staff are recommending Board approval of the petitioned boundary change. DECISION
3. FY97 Challenge Grant: The current biennial budget provides approximately \$1million for the Challenge Grant Program. The purpose of the Challenge Grant Program is to provide grants to counties, watershed management organizations, and watershed

districts, to assist in accelerating the implementation of high priority actions in their comprehensive local water management plans. Also to be included as a component of this grant is an additional \$120,000 provided through recent legislative amendments to the Wetland Conservation Act. This component is earmarked to fund local wetland plans. In order to proceed with this grant program, the Board is requested to authorize staff to implement the FY97 Challenge Grant Program and policies according to the enclosed supporting material. DECISION

4. FY97 General Services Grant: The General Services Grant is an annual base grant allocated to SWCDs. The purpose of this grant is to supplement other SWCD revenues necessary for operations of the SWCD. According to BWSR policy, SWCDs are eligible to receive this grant if they have satisfactorily completed their annual and comprehensive plans, and annual reporting requirements. Legislative appropriation levels for this grant have historically remained nearly constant. The 1995 legislature increased the FY96 appropriation \$227,000 in FY96 and an additional \$228,000 for FY97. The FY96 appropriation increase was divided and allocated equally between the 91 SWCDs (\$2,495 each). This item is for discussion as to how the FY97 increase is to be allocated. DISCUSSION

5. Release from RIM Easement: The Board received a request from landowner, Victoria Hegg, to release .2 acres of land from her 10 year marginal land easement (which expires March 30, 1997) for the purpose of installing a driveway to a new home located adjacent to the existing easement. Ms. Hegg's request has been reviewed and approved by the local SWCD and the DNR Area Wildlife Manager as required by the RIM rules. BWSR staff recommend granting the release from the RIM easement. DECISION

6. Draft WCA Emergency Rule: The amendments to the WCA have been signed by the Governor and are in effect. A summary of the changes are included for your information. The amendments direct BWSR to adopt emergency rules that incorporate the law amendments within 60 days of enactment. Sixty days from April 12 is June 10. The requirements for notice and publication mean that the Board will need to act on the draft emergency rules at the April Board meeting. The staff and the Wetland Committee of the Board has met; the Wetland Heritage Advisory Committee (WHAC) will be meeting next Monday; interest groups or individuals will have an opportunity for input as part of the WHAC meeting on Monday; and staff is meeting with Association of Minnesota Counties (AMC) on Thursday this week. A draft emergency rule will be mailed under separate cover, by overnight delivery, on Friday of this week. Note the timeline memo dated April 4, 1996, from John Jaschke. If the Board does not take action this month a special meeting will need to be scheduled the first week of May. DISCUSSION & DECISION

If you have any additional items or require additional information, please feel free to give me a call. Travel safely, I look forward to seeing you on the 25th!

PRELIMINARY AGENDA

1. By Laws

New Business

1. Middle Des Moines Watershed District Name Change - Doug Thomas - DECISION
2. Yellow Medicine Watershed District Boundary Change Petition - Rosie Nomelant, local citizen - DECISION
3. FY97 Challenge Grant - Wayne Zellmer - DECISION
4. FY97 General Services Grant - Wayne Zellmer - DISCUSSION
5. Release from RIM Easement - Tim Fredbo - DECISION
6. Draft WCA Emergency Rule - DECISION

Advisory Comments

- Bill Hunt, NRCS
- Jim Schafer, MASWCD
- Ray Bohn, MAWD
- Rick Reimer, MACDE
- Franklin Denn, MAT

Board Issues

1. Next Board Meeting and Tour, May 21-22, Fairmont

Noon**Adjourn****1:00 p.m.**

Southern Region Local Water Plan Review Committee
- McLeod County Water Plan

**BOARD OF WATER AND SOIL RESOURCES
MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE
3815 EAST 80TH STREET
BLOOMINGTON, MINNESOTA
APRIL 25, 1996**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approval of Minutes of February 28, 1996

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

Agency Reports

- 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

Prairie Pothole Joint Venture - Bill Hartwig, Regional Director,
USF&WS

Consent Agenda

1. Local Water Plan Approvals - Recommendations of Review Committee
Big Stone, Chippewa, Lac Qui Parle, Swift, and
Lake of the Woods Counties

Old Business

1. By Laws
2. East Ottertail SWCD 1995 Cost-Share Allocation

New Business

1. Middle Des Moines Watershed District Name Change - Doug Thomas - DECISION
2. Yellow Medicine Watershed District Boundary Change Petition - Rosie Nomelant, local citizen - DECISION
3. FY97 Challenge Grant - Wayne Zellmer - DECISION
4. FY97 General Services Grant - Wayne Zellmer - DISCUSSION
5. Release from RIM Easement - Tim Fredbo - DECISION
6. Draft WCA Emergency Rule - DECISION

Advisory Comments

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- Jim Schafer, MASWCD
- Ray Bohn, MAWD
- Rick Reimer, MACDE
- Franklin Denn, MAT

Board Issues

1. Next Board Meeting and Tour, May 21-22, Fairmont

Noon**Adjourn****1:00 p.m.**

Southern Region Local Water Plan Review Committee
- McLeod County Water Plan

April 15, 1996

- - Mail - -

April 12, 1996 3:38pm MAIL IS -
FROM: RONALD HARNACK Private
TO: All Higgins Mail Users
SUBJECT: LEGISLATIVE WRAP-UP CONTINUED
COPY: RONALD HARNACK

WETLAND CONSERVATION ACT: The bill has been signed by the Governor and the law is effective!!! You have all seen the summary of the amendments as provided by Greg and John on share. I feel that the amendments are a good compromise and represents continued commitment to the protection of wetlands. In fact, the increases in RIM will enhance the net gain prospects of the law.

Appreciation to key folks in bringing about the final compromise: AMC staff, Jim Mulder & Dave Wirens, Dick Florhaug, Beltrami Commissioner, Bob Peterson, Waseca Commissioner; Lance Ness, Fish & Wildlife Alliance; Joan Archer, Mn Builders; Don Arnosti, Audobon; Kent Lokkesmoe, DNR; Tanja Kosicky, Gov's office.

A very special appreciation to John and Greg for their participation with legislators and their staff, revisors office, interest groups, and development of informational materials to explain the issues under consideration. My personal THANKS!!!!

BONDING:

RIM RESERVE\WPP: \$11.5 million includes \$3M to accelerate wetland restorations and the protection of wetlands at high risk to drainage by maintenance and repair or otherwise exempt and at risk within assessment areas of public drainage systems. This is not to open up the eligibility of existing wetlands for WPP, but to focus on wetlands that are going to be or at risk to being drained by proposed actions. This puts about \$8M in the pot of wetlands.

WCA ROADS: \$3M was appropriated for the restoration of wetlands to mitigate existing road activities. Half to be spent in the metro area.

AREA 11: \$250T for road retention projects. Direction that consideration be given to increasing the local match so that the \$ can achieve more. This related to the conflict between the BWSR program and the DNR program having different match limitations.

SUPPLEMENTAL:

MN RIVER JPA: \$125,000 with a \$75,000 match as a grant to the JPA. Jeff will work Steve Hanson of the JPA and coordinate input from PCA, DNR, AGR in finalization of a workplan for board approval.

WCA LAND VALUE: \$15,000 contract with Steve Taff for a assessment of the WCA on land values.

RIM RESERVE POLICY: Provided greater flexibility in wetland restorations eligibility and for establishment of native prairie including forbs as part of the conservation plan for the site. Commitment to use seedlings on some portion of sites to enhance the prairie species diversity.

WATERSHED DISTRICT POLICY: Provided additional tools for wd's to address water

MAIL LISTING FOR RONALD HARNACK

April 15, 1996

=====

quality initiatives and drainage issues in a urbanizing area; provided for establishment of watershed sub areas for assessing benefits and fees for stormwater management when provided for in the water plan of the wd.

GIFT: Did not make the last days politicing. We had asked the author to hold the bill as a vehicle to deal with the wd policy if the tax bill died and as a last minute optional vehicle for the wca if all else failed. Unfortunately that strategy coupled with the house adjourning quickly put the gift bill on ice for this session.

I appreciate the efforts of staff stepping forward to take of the day to day issues to keep the organization going. The responcees to legislative inquiries were prompt and I got positive responcees from legislators. THANKS!!!!!!!!!!

MINNESOTA



VALLEY

NATIONAL WILDLIFE REFUGE

VISITOR AND EDUCATION CENTER LOCATION

Address: 3815 E. 80th Street, Bloomington, Minnesota 55425-1600

Telephone: (612) 854-5900; FAX: 725-3279

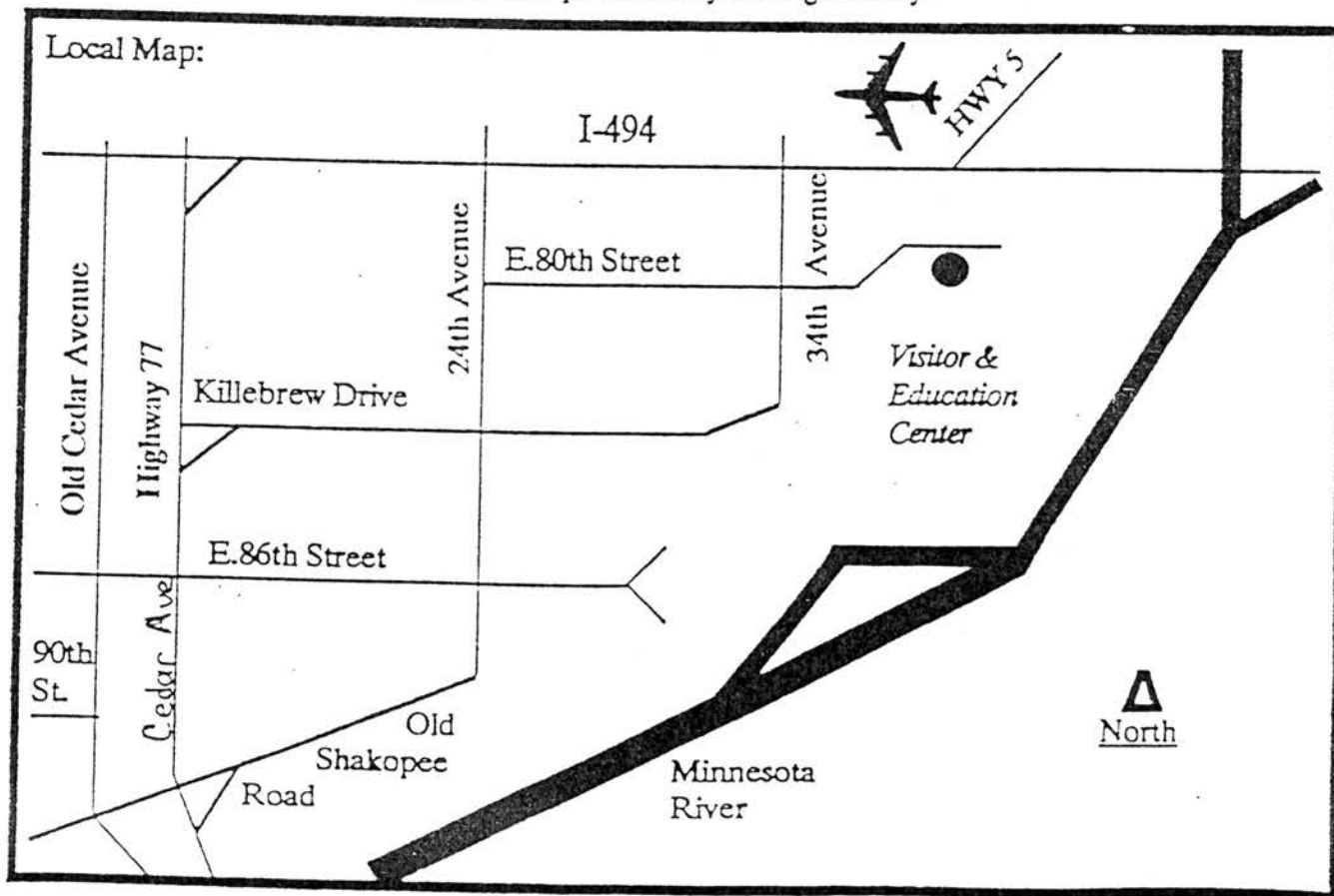
Directions: The Visitor and Education Center is located just south of I-494. Exit on 34th Avenue and go south toward the Holiday Inn Hotel. Turn east on East 80th Street and proceed to the refuge gate which is opposite the Airport Hilton Hotel entrance.

Visitor Center Hours: Tuesday through Sunday 9:00 a.m. to 5:00 p.m.

Closed Monday

Office hours: 7:30 am to 4:00 pm Monday through Friday.

Local Map:



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

**BIG STONE COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1996**

(FOR BOARD ACTION)

The Big Stone County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on December 18, 1991 and adopted by Big Stone County on January 21, 1992. Big Stone County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on November 3, 1995, at which time the final ninety day state review process began. The final review period ends February 1, 1996.

A written overview of the Plan Update was prepared by BWSR staff on December 18, 1995 for information and review.

On February 8, 1996 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Big Stone County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, stormwater management, high priority wetland preservation areas designation and watershed assessment.

The Big Stone County Local Water Plan Update includes the new requirements. It also incorporates new information in the assessments section of the Plan and organizes the implementation section into three initiative areas concentrating on goals, objectives and prioritized actions identified during the public input process. The initiative areas are **Surface Water, Groundwater and Land Resources**. Objectives include protection, management and increased monitoring of surface water and groundwater resources; maximize use of surface water; identify geologically sensitive groundwater areas; continue to identify point and nonpoint pollution sources; improve the solid waste stream; and protection of highly erodible lands and critical areas from wind and water erosion. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

BWSR staff has reviewed the Big Stone County Comprehensive Local Water Plan Update 1995 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

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

**CHIPPEWA COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1996**

(FOR BOARD ACTION)

The Chippewa County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on December 18, 1991 and adopted by Chippewa County on December 18, 1991. Chippewa County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on November 3, 1995, at which time the final ninety day state review process began. The final review period ends February 1, 1996.

A written overview of the Plan Update was prepared by BWSR staff on December 18, 1995 for information and review.

On February 8, 1996 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Chippewa County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, stormwater management, high priority wetland preservation areas designation and watershed assessment.

The Chippewa County Local Water Plan Update includes the new requirements. It also incorporates new information in the assessments section of the Plan and organizes the implementation section into three initiative areas concentrating on goals, objectives and prioritized actions identified during the public input process. The initiative areas are **Surface Water, Groundwater and Land Resources**. Objectives include protection, management and increased monitoring of surface water and groundwater resources; identify geologically sensitive groundwater areas; continue to identify point and nonpoint pollution sources; maintain a GIS data base; and protection of highly erodible lands and critical areas from wind and water erosion. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

BWSR staff has reviewed the Chippewa County Comprehensive Local Water Plan Update 1995 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

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

**LAC QUI PARLE COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1996**

(FOR BOARD ACTION)

The Lac qui Parle County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on December 18, 1991 and adopted by Lac qui Parle County in January 1992. Lac qui Parle County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on November 3, 1995, at which time the final ninety day state review process began. The final review period ends February 1, 1996.

A written overview of the Plan Update was prepared by BWSR staff on December 18, 1995 for information and review.

On February 8, 1996 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Lac qui Parle County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, stormwater management, high priority wetland preservation areas designation and watershed assessment.

The Lac qui Parle County Local Water Plan Update includes the new requirements. It also incorporates new information in the assessments section of the Plan and organizes the implementation section into three initiative areas concentrating on goals, objectives and prioritized actions identified during the public input process. The initiative areas are **Surface Water, Groundwater and Land Resources**. Objectives include protection, management and increased monitoring of surface water and groundwater resources; identify geologically sensitive groundwater areas; continue to identify point and nonpoint pollution sources; encourage land use practices that enhance high quality recharge; reduce wind and water erosion; control disposal of solid and hazardous waste; and develop a multi-agency data base. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

BWSR staff has reviewed the Lac qui Parle County Comprehensive Local Water Plan Update 1995 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

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

**SWIFT COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1996**

(FOR BOARD ACTION)

The Swift County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on October 23, 1991 and adopted by Swift County on December 3, 1991. Swift County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on November 21, 1995, at which time the final ninety day state review process began. The final review period ends February 18, 1996.

A written overview of the Plan Update was prepared by BWSR staff on December 18, 1995 for information and review.

On February 8, 1996 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Swift County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, stormwater management, high priority wetland preservation areas designation and watershed assessment.

The Swift County Local Water Plan Update includes the new requirements. It also incorporates new information in the assessments section of the Plan and organizes the implementation section into three initiative areas concentrating on goals, objectives and prioritized actions identified during the public input process. The initiative areas are **Surface Water, Groundwater and Land Resources**. Objectives include protection, management and increased monitoring of surface water and groundwater resources; identify geologically sensitive groundwater areas; continue to identify point and nonpoint pollution sources; protect groundwater resources from contamination and over pumping; control disposal of solid and hazardous waste; and protect highly erodible land and critical areas from wind and water erosion. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

BWSR staff has reviewed the Swift County Comprehensive Local Water Plan Update 1995 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

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

LAKE OF THE WOODS COUNTY

COMPREHENSIVE LOCAL WATER PLAN

(FOR BOARD ACTION)

The Lake of the Woods County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on December 16, 1992 and adopted by the Lake of the Woods County on December 31, 1992. Lake of the Woods County submitted a Plan update (Plan Update), required in the Plan, to the BWSR on December 11, 1996, at which time the final ninety-day state review process began. The final review period ended March 9, 1996.

A written overview of the Plan Update was prepared by BWSR staff on February 28, 1996 for information and review.

On March 15, 1996, the BWSR Water Plan Review Committee met with representatives of Lake of the Woods County and BWSR staff to review and discuss the Plan Update.

In addition to water planning requirements established under the Local Water Planning Statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, stormwater management, high priority wetland preservation areas designation, and watershed assessment.

The Lake of the Woods County Water Plan Update includes the new requirements and does a particularly good job of making individual watershed assessments. Due to the varying degree of activities in the individual watersheds, the county developed individual watershed goals. With the use of an issues\watershed prioritization matrix, the county identified the highest priority issues within a watershed as well as identifying the highest priority watershed. The initiatives that surfaced through this process were ones that addressed **Enhancement of Surface water, Groundwater Monitoring, and Data management**. Major objectives include doing inventories of feedlots, on-site sewage treatment systems, abandoned wells and erosion prone areas; a geological

investigation; develop strong GIS capabilities within the county; prepare a wetland management plan; surface and groundwater monitoring activities; and educational activities on water quality issues. The Extension Service, Soil and Water Conservation District, and the Planning and Zoning office will be the major implementors of the plan.

BWSR staff has reviewed the Lake of the Woods County Water Plan Update and finds that all requirements of the law and rule have been satisfied under MS 103B and MCAR 9300.

DRAFT

DRAFT 4/96

**BOARD OF WATER AND SOIL RESOURCES
BYLAWS**

ARTICLE I. Introduction

1. Purpose
The Board of Water and soil Resources (BWSR) desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner. These Bylaws are established for that purpose.
2. Application of Bylaws
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.
3. Compliance with Applicable Law
It is the specific intent of the BWSR to perform all of its responsibilities and conduct all of its hearings and meetings in accordance with all applicable federal law and state statutes and regulations.

ARTICLE II Membership, Officers and Duties

1. Membership
The Board of Water and Soil Resources shall be composed of 12 voting members appointed by the Governor according to MN Statute 103B.101 and 4 ~~ex officio~~ nonvoting members.

(5) ?

Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual "action" thus represents the Board as a whole.

Members missing three consecutive meetings will be subject to an explanatory review by the Executive Committee.

2. Offices Designated
The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor. The Vice-Chair shall be elected to a two-year term from the regular membership of the BWSR. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, a salaried officer, who is the administrative and general manager of the BWSR. All additional staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

1. Supervise the affairs of the Board and communicate such affairs to all board members.
2. Preside at all Board meetings.
3. Appoint subcommittees as may be necessary and shall be ex-officio member of all committees.
4. May vote on all issues.
5. May schedule special meetings.

b) Vice Chair

The Vice-Chair shall have the following responsibilities:

1. Perform those duties delegated by the Chair.
2. Act as Chair in the event of the Chair's illness, disability, absence from meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

1. To see that all resolutions, rules, regulations and orders of the Board are carried out.
2. To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board.
3. To communicate and interact with the Governor's office, state agencies and local government special districts and to participate in relevant meetings as well as provide such meeting knowledge to Board.
4. To keep the Board fully advised as to its financial condition and to prepare and submit an annual Board budget.
5. To represent the Board's determined/ruled policy positions only.
6. To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
7. To set the original agenda for the Board, arrange for publication of meeting notices and handle all other administrative affairs.
8. To sign documents as designated by the Board
9. To participate in an annual Personnel Review as directed by the Chair.

- *** d) Executive Committee
The Chair, Vice-Chair and up to three chair-appointed members shall constitute the Executive Committee (Administrative Advisory Comm.) They will act as advisors to the chair only and all actions of the committee shall be subject to ratification by the full Board.
- 4. Vacancies of Officers
 - a) Chair: In the absence of the Chair, the Vice Chair shall preside.
 - b) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an individual to fill the remaining term time.
 - *** c) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

ARTICLE III Meetings and Hearings

- 1. Notice
Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with all statutory notification requirements. Notice shall be posted at the BWSR main office and reasonable effort shall be made to inform BWSR clientele by mail or message. Board meetings will be scheduled according to the current Board policy.
- 2. Exclusions
Workshops and other meetings whose sole purpose is for general information and/or educational purposes and definitely not for transaction or any public business shall be excluded from these bylaws.
- 3. Open Meetings and Records
*** All meetings of the BWSR shall be open to the public. The votes of the members shall be recorded by voice vote or by roll call vote if so called. The minutes shall be available to the public during all normal business hours at the BWSR central office. Minutes of the BWSR Board meetings shall be permanently preserved.
- 4. Hearing Records
All information submitted to BWSR for hearing purposes becomes the property of the BWSR.

The BWSR shall be required to maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.

5. Quorum
A majority of the Board is a quorum.

6. Voting
Each voting member shall have one(1) vote in the transaction of business of the Board. In order to vote, the member must be in attendance at the meeting or, in consideration of predetermined vote knowledge, has submitted a vote to the Board chair and recorded in writing the specific issue for which the vote is offered. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member and will always be so recorded when written votes are submitted.

7. Meeting Arrangements
The BWSR shall normally meet the fourth Wednesday of the months so designated by Board policy at 9:00AM until agenda business is complete

A majority of BWSR members shall select a meeting location which shall be convenient and suitable for the members, staff and general public.

8. Order of Business
The following shall be the order of business of BWSR Board meetings:

- a) Approval of agenda
- b) Approval of minutes of previous meeting
- c) Chair's, Executive Director's and Committee Reports
- d) Advisory Member Comments
- e) Old Business
- f) New Business
- g) Board issues and information
- h) Guest Comments (at the discretion of the Chair)
- i) Adjournment

9. Parliamentary Procedure
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies and these bylaws state otherwise.

The Chair shall make all parliamentary rulings. The Executive Director or meeting designee shall serve as the parliamentarian advisor to BWSR

10. Agenda Application

All matters for agenda consideration with pertinent information included shall be submitted to the Executive Director. Placement of agenda items on the agenda will be at the discretion of the Chair and the Executive Director.

The proposed agenda must have the approval of the Chair.

11. Adoption, Amendments

Adoption

These Bylaws shall become effective immediately after approved by a majority vote of the Board.

Amendments

These Bylaws may be amended by a ^{2/3} majority vote of the members. All proposed amendments shall be presented in writing. The board shall review the proposed changes at least one meeting prior to adoption.

Middle Des Moines Watershed District Name Change (FOR DECISION)

On November 15, 1995 the Middle Des Moines Watershed District filed a resolution with the Board requesting to change the legal name of the District to "Heron lake Watershed District". The name change is being requested to help in establishing and identity of the District that is more in keeping with the primary receiving body of water from the district which is Heron Lake. In fact the Des Moines River is not even located within the District. The BWSR filed a legal notice of the proposed change in the legal papers of the District on January 22, 1996. The notice stated that any person objecting to the change could submit a request for hearing. As of March 1, 1996 no requests for hearing were received. Staff recommend approval of the requested name change and will be presenting a Findings of Fact , Conclusion, and Order to Board for its consideration.

Yellow medicine Watershed District Boundary Change Petition (FOR DISCUSSION & ACTION)

On May 3, 1995 the Yellow Medicine Watershed served the BWSR with a boundary change petition received from Orville and Helen Schultz, Norman Township, Yellow Medicine County. The purpose of the boundary change was to remove 120 acres from the Lac Qui Parle - Yellow Bank Watershed District to the Yellow Medicine Watershed District. After review of the proposed boundary change and the 1987 watershed delineations done as part of the SCS/COE 639 Study, BWSR staff noted that there were additional lands in the same area of the Schultz property, that were not located in the correct watershed district. Based on the review of the boundary BWSR staff on May 3, 1995 requested the yellow Medicine Watershed District to undertake a comprehensive approach to the correcting the discrepancy between the legal and hydrologic boundary in Norman and Wergland Townships in Yellow Medicine County.

On February 20, 1996 the Yellow Medicine Watershed District submitted a new boundary change petition to BWSR. This petition requests that 1,560 acres of land be transferred from the Lac Qui Parle-Yellow Bank Watershed District to the yellow Medicine Watershed District and that 240 acres be transferred from the Yellow Medicine Watershed District to the Lac Qui Parle-Yellow Bank Watershed District which. On March 20, 1996 BWSR published notice of a public hearing on this matter to be held on April 10, 1996 in Canby, Minnesota.

The hearing was presided over by LeRoy Stensgaard, and Marv Tripp, BWSR board members, Dave Sill, Darrel Applegrain, and Doug Thomas, BWSR staff, were present to assist with the hearing. 33 individuals signed in at the hearing. 7 individuals signed in to give verbal comments. There were no formal requests to modify the boundary as proposed. Instead landowners expressed concerns over how the Yellow Medicine Watershed District has operated its permit program in the area and that they felt this would be an open license for upstream landowners to push the water down onto them faster than it does now. Based on staff technical report, updated contour mapping from the SCS/COE 639 Study, and testimony at the hearing BWSR staff are recommending board approval of the petitioned boundary change. Staff and the Board members who presided over the hearing will present a Findings of Fact, Conclusion, and Order for discussion and action.

TO : Board Members

FROM : Wayne Zellmer, Grants Coordinator

SUBJECT : **FY 97 CHALLENGE GRANT PROGRAM**

BACKGROUND

The Board received authorization to award local water planning challenge grants back in 1989 when the legislature created this program as part of the Groundwater Protection Act. In 1990, the BWSR promulgated and adopted rules that govern this grant program.

The purpose of the Challenge Grant Program is to provide grants to counties, watershed management organizations, and watershed districts, to assist in accelerating the implementation of high priority actions in their comprehensive local water management plans.

ISSUE

The current biennial budget is providing approximately \$1 million for the Challenge Grant Program. Also, recent legislative amendments to the Wetland Conservation Act provided an additional \$120,000 earmarked to fund local wetland plans. In order to proceed with this grant program, the Board needs to authorize staff to announce the program, accept applications, and, based on an inter-agency review committee recommendation, develop a list of projects for funding.

Staff is also requesting that the Board adopt the following policies for the FY 97 Challenge Grant Program:

A) Applications for funding diagnostic-type surface and ground water quality studies and for individual septic system upgrades are ineligible.

Reasoning

The MPCA funds diagnostic studies of this nature through the Clean Water Partnership Program. BWSR cannot provide the same level of staff support that MPCA does, which is necessary to insure quality projects upon their completion. Funding sources are available to finance individual septic system upgrades such as the state revolving fund.

B) Grant maximums will be \$40,000 for individual LGUs and \$100,000 for multi-LGU applicants.

Reasoning

It is necessary to set grant maximums to provide for a reasonable distribution of funds to LGUs.

C) Funding priority will be determined by score only. An evaluation category will be added to the existing challenge grant scoring criteria adopted by the BWSR in 1990 for watershed based projects.

Reasoning

Local water plans should determine local funding priorities.

D) The BWSR will withhold payment of grant if applicant has any overdue or unsatisfactory previous Challenge Grant reports.

Reasoning

Grant agreements specifically requires annual reports. This policy will leverage completion of this reporting requirement.

E) The \$120,000 appropriation earmarked to fund local wetland plans will have a \$15,000 limit per applicant.

Reasoning

Allows funding of a reasonable number of grants and the amount is consistent with previously awarded planning grants.

RECOMMENDATION

The Board authorize staff to implement the FY 97 Challenge Grant Program with the above (A-E) policies. The proposed timeline for FY 97 Challenge Grant implementation is on the reverse.

H:97CHALLE

April 1, 1996

**PROPOSED TIMELINE
FY 97 CHALLENGE GRANT**

- March 8 G - Team Meeting - Team to meet and recommend policies/criteria on the following:
- * Review application materials, scoring and ranking criteria; recommend changes, modifications, etc.
 - * Develop policy on eligibility regarding counties which have not submitted reports on previous grants and counties which do not have state approved locally adopted plans.
 - * Priority funding categories?
- April 1 M - Team review, approve/modify G - Team recommendations.
- April 25 BWSR Meeting - Update Board on Challenge Grant Program; move on any policies/criteria approved by M - Team; request authorization of FY 97 Challenge Grant Program.
- May 1 Applications sent to all local water planners, watershed districts, and WMOs.
- May 9 Publish Notice in State Register. (min. 60 day application period).
- June 13 Water plan technical representative meeting - update tech. reps. on Challenge Grant and current activities.
- June 18 Invitation to agency heads, groups, and associations inviting participation on the Challenge Grant review committee, and announcement of first meeting date.
- July 12 Application deadline.
- July 16 Kickoff Meeting for reviewers.
- Sept. 5 Reviewer Wrap-up Meeting - will result in a committee funding recommendation.
- Sept. 16 Info submitted for Board Meeting packet mailing.
- Sept. 25 BWSR Meeting - request approval of Challenge Grant and authorization of staff to execute grant agreements.
- Oct. Challenge Grant agreements sent.

PEG ADELMAN

April 25, 1996

TO : Board Members

FROM : Wayne Zellmer

SUBJECT : FY 97 GENERAL SERVICES GRANTS

BACKGROUND

The General Services Grant is an annual base grant allocated to SWCDs. The purpose of this grant is to supplement other SWCD revenues necessary for operations of the SWCD. According to BWSR policy, SWCDs are eligible to receive this grant if they have satisfactorily completed their annual and comprehensive plans, and annual reporting requirements. Legislative appropriation levels for this grant have historically remained nearly constant. Prior to FY 96 these grants ranged from approximately \$9,000 to \$10,200, with the average grant at about \$9,300. The range can be attributed to the allocation formula which reflected the potential amount of DNR shoreland permitting activity performed by the SWCD.

ISSUE

SWCD funding levels collectively, are generally regarded as being insufficient to perform needed functions. Consequently, a 1995 effort involving MASWCD, AMC, and BWSR, sought to increase this legislative appropriation \$30,000 per SWCD (\$2,730,000). A \$227,000 FY 96 increase was achieved with an additional \$228,000 increase for FY 97. The FY 96 appropriation increase was divided and allocated equally between the 91 SWCDs (\$2,495 each).

DISCUSSION

The FY 97 General Services Grant is scheduled to be allocated in July, 1996. Several allocation options have been presented for the Board's consideration. Among these are:

A) Divide the \$228,000 evenly between the 91 SWCDs - \$2,505 each.

Many SWCDs have relatively large budgets. Concern has been expressed if another \$2,505 will have an impact in these districts. On the other hand, is \$2,505 enough to help out SWCDs which are struggling to make ends meet? During the 1995 legislative effort many SWCDs and counties were given the impression that this increase would be equally divided.

B) Run a competitive statewide/targeted application program for the \$228,000.

A competitive grant would allocate the funds to where they are requested (and presumed needed). BWSR would set parameters of grant and could target needs such as administrative or technical assistance.

C) Allocate evenly (\$20,727) or competitively between the 11 SRF technical assistance joint powers boards.

Although this option may pose to conflict with the legislative intent of this grant, SWCDs comprise the joint powers boards (jpb). The jpb could set their own priorities for the use of this grant.

D) Allocate 1/2 (\$114,000) evenly between the 91 SWCDs - \$1,250 each; and run a competitive grant with the other half (\$114,000).

This is a combination of options A and B.

Obviously there are many combinations/variations of the above options. Please see the accompanying correspondence from Joe Fitzgerald and D'Wayne DeZiel. The Board will be requested to approve the allocation procedure at their May, 1996 Meeting.

WZ

Ron

STEARNS COUNTY SOIL AND WATER
CONSERVATION DISTRICT

Marketplace of Waite Park
110 2nd Street South, Suite 128
Waite Park, MN 56387
Telephone (612) 251-6718
Fax (612) 251-9171



MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

March 20, 1996

James Schafer
President, MASWCD
Route 2, Box 126
Hector, MN 55342

RECEIVED
MAR 22 1996

Dear Mr. Schafer:

I am writing about a statement made at the MASWCD Board of Directors meeting held on February 27, 1996. The statement referred to the increase in general services (refer to page 4 of the minutes):

"Also, some SWCDs budgets are so large that the \$2,505 does not really impact the largest SWCDs on conservation issues. This money could supplement SWCDs with a greater need."

When I read this message, I thought this was a welfare statement. You can sit on your rear pockets and do nothing about your financial circumstance and have the "larger" Districts take care of you. Stearns may be considered one of the "large" SWCDs, but this doesn't mean the State of Minnesota has any less obligation to support us financially as we strive to address soil and water resource needs in our individual District. So-called "large" Districts can also face budget constraints. It took a lot of hard work, energy, and creative planning with our County Commissioners to develop and maintain our budget. We don't have a budget surplus. Our funding needs are as high as any SWCD because of the program we've worked so hard to build.

I really take exception to this way of thinking and the extremely negative connotations associated with it.

In my opinion, state grants should be made in proportion to county allocations, similar to what is being done with the NACD and MASWCD dues structure.

Stearns County SWCD is strongly opposed to any attempt to allocate more state grants to supplement districts with small county participation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Fitzgerald".

Joe Fitzgerald
Executive Director

cc: D'Wayne DeZiel, MASWCD Executive Director

Ron Harnack, BWSR Executive Director

Barbara Cobb, BWSR, Chair

Vern Wilker, MASWCD Director

Carl Annalora, MASWCD Director

Robert Pigeon, MASWCD Director

Richard Zupp, MASWCD Director

Ray Phelps, MASWCD Director

Owen Knutson, MASWCD Director

Brita Sailer, MASWCD Director

Dorothy Waltz, MASWCD Director



MASWCD

Minnesota Association of Soil and Water Conservation Districts

790 Cleveland Avenue South, Suite 216, St. Paul, MN 55116 612-690-9028

OFFICERS

President

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Hector, MN 55342
1-612-833-2083

Vice President

VERN WILKER
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Secretary-Treasurer

RICHARD ZUPP
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1-507-825-3024

Executive Director

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ROBERT PIGEON
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Granston, MN 55030
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Area 6

RAYMOND PHELPS
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Maplewood, MN 56065
1-507-524-3481

Area 7

OWEN KNUTSON
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Pine Island, MN 55963
1-507-356-8781

IMMEDIATE

PAST PRESIDENT

ALLAN OEHLKE
Route 2, Box 118
Grand Meadow, MN 55936
1-507-734-3439

AUXILIARY PRESIDENT

MARILYN SCHAFER
Route 2, Box 126
Hector, MN 55342
1-612-833-2083

March 28, 1996

Barbara Cobb, Chair

BWSR

One West Water St.

St. Paul, MN 55107

Dear Barbara,

The MASWCD Board of Directors at their regular meeting on March 18, 1996 reviewed BWSRs proposal to distribute fiscal 1997 General Service Grants. They voted for equal distribution as the only fair distribution of 1997 general service grants. Many districts responded with comments that general service grants should be equally distributed regardless of district budget.

The Board of Directors wishes to thank the Board of Water and Soil Resources for the opportunity to provide their opinion regarding distribution of General Service Grants to Districts.

Sincerely,

James Schaffer
James Schaffer
President

cc: Board of Directors
Greg Larson

March 26, 1996

TO: Water and Soil Resources Board Members

FR: Tim Fredbo, Easement Program Manager 

RE: Acreage Release, Easement 61-41-86-1, Victoria Hegg

Background:

On September 22, 1995 I received a letter from Victoria Hegg requesting release of .2 acres of land from the above referenced easement in Pope County. A copy of her letter is enclosed as Attachment 1. The purpose of the request is to provide an access lane or driveway to the new home she plans on building on the property. Our conservation easement on the site is a 10 year marginal land easement which expires on March 30, 1997. After receiving Ms. Hegg's letter I contacted her and told her how she should proceed with her request as required by RIM statute and rule. I have recently received the information required for your consideration to alter this easement as stipulated in Sec. 8400.3610 of the RIM Rules. The rules require the local SWCD Board and DNR Area Wildlife Manager to consider the landowner's request to alter an easement.

Summary of Information Provided To Support Request:

Ms. Hegg supplied an aerial photo, soils map, and current plat map of the property. The plat map (included as Attachment 2) shows the proposed driveway and house location. Even though Ms. Hegg owns parcel "A", she may want to sell this parcel in the future so she does not want to come across it with a driveway. The proposed driveway comes off the dedicated access lane. All of the cropland in parcel A and B is currently under the RIM easement. The topography on this site is very steep with slopes ranging from 18 to 35 percent according to the soil survey map.

The Pope SWCD considered Ms. Hegg's request at their October 17, 1995 meeting. Her request to release .2 acres from her easement was approved by the SWCD Board. A copy of their meeting minutes is included as Attachment 3.

Kevin Kotts, DNR Area Wildlife Manager, has also provided a letter in support of the proposed .2 acre release. His letter is included as Attachment 4.

Findings:

Pete Waller, Board Conservationist from the Brainerd BWSR office, has inspected this site as a result of Ms. Hegg's request. Pete has assured me that the proposed driveway location, given the current building site and plat layout, is the only viable option due to the steep slopes in the general area where access is possible.

The land surrounding the RIM parcels has not been cropped for quite some time just because it is so steep and not readily farmable. A driveway on these steep slopes would not be practical either.

The Hegg's were paid \$305 per acre for the 10 year easement. If the .2 acres were released it would represent a \$61 loss to the state on an easement which expires in 1997.

Staff Recommendation:

Accept the landowners proposal to release .2 acres from the easement area. Replacing these .2 acres elsewhere on parcel A or B is not an option since no cropland remains.

Attachment 1

RECEIVED
SEP 22 1995

Victoria Hegg
P.O. Box 122
Starbuck, Minnesota 56381
(612) 239-4736 Home
(612) 634-3655 Office

September 20, 1995

Tim Fredbo
Minnesota Board of Water and Soil Resources
One West Water Street Suite 200
St. Paul, Minnesota 55107

Re: Request for Alteration, Release, or Termination of R.I.M. Easement
61-41-86-1 Due to Expire May, 1997

Dear Mr. Fredbo:

As soon as the frost is out of the ground in this coming year, 1996, I would like to build a home. The home itself is not going to be built on property set aside in the R.I.M. program, but I will need a driveway, which cuts through a portion of the land in R.I.M.

Therefore, I'm requesting an alternation, release or termination for that portion which will give me access to my future home. I believe the area will be approximately 2/10 of an acre and shown on the enclosed survey.

One of the requirements to alter, release or terminate a portion of the R.I.M. easement, is a letter from the landowner justifying the change for the public good.

Taxes come to mind. Since a homestead is taxed at a higher rate, I will be adding revenue to Pope County by way of property taxes.

On a more personal note, I realize most, if not all of you reading this letter have done all you can to insure there is sufficient land to provide a home to wildlife and protect land from over-use.

I have chosen this homesite for the same reasons. I have no intention of grazing animals or developing any other area other than the immediate homesite.

I have enclosed 2 aerial photos; a soil survey map; the cropping history is noted on the enlarged aerial photo; and a copy of the survey indicating the area needed for the driveway with a rough idea where the R.I.M. easements are located.

Should you need any further information, I can be reached at (612) 634-3655 during the day.

Thank you for your consideration.

Sincerely,
Victoria Hegg

39°59'E
6.30'

Attorneys
2

1315.50'

S 89°52'32"W
1315.50'

3/4" PIPE

1319.90'

N 89°3
1319.5

N 1/4 COR.

NE COR.
SEC. 26

RIM
8.9

VICTORIA
Hegg

PARCEL
"A"
22.88 Ac±

PARCEL
"B"
32.16 Ac±

NW 1/4 NW 1/4

NE 1/4 N

NW 1/4

W 1/2 NE 1/4

POINT "A"

DRIVEWAY
NEEDED

House

Bob Hegg

PARCEL
"C"
28.25 Ac± RIM
6.1

Barry Hegg

PARCEL
"D"
35.42 Ac±

1" = 400'



IRON MONUMENT

IN PIPE WITH CAP STAMPED
"RLS 13145"

S 00°04'35"E

216

1315.39'

S 89°07'28"W

S. LINE E 1/2 NE 1/4

1315.39'

E 1/4 COR.

S. LINE SW 1/4 NW 1/4

970.70'

S 89°38'00"W

1321.02'

25'

MINUTES
POPE SOIL & WATER CONSERVATION DISTRICT
24 FIRST AV SE
GLENWOOD MN 56334
SUPERVISORS' MONTHLY BOARD MEETING
TUESDAY, OCTOBER 17, 1995
7:30 PM

PRESENT

SUPERVISORS

D GARY REENTS, CHAIR
RICK DAVIDSON, TREAS
MARK FREDERICKSON, PR
AUDREY AMUNDSON, SEC
IVER AAL, POPE CO COMM

EMPLOYEES

PETE GILBERTSON, TREE MGN
MIKI SANVIG, DIST COOR
KIM KRUEGER, DIST TECH

ABSENT: Craig Bower, Dist Cons, and Carl Carlson, Vice-Chair

Meeting was called to order by, Amundson, at 7:38 pm.

Motion by, Davidson, seconded by, Frederickson, to approve the agenda, and add items: including the Convention.

Affirmative: Davidson, Amundson, Frederickson

Opposed: none

Motion carried

Motion by, Frederickson, seconded by, Davidson, to approve the minutes as typed and presented.

Affirmative: Davidson, Amundson, Frederickson

Opposed: none

Motion carried

Gary Reents, and Iver Aal came into the meeting at 8:20 pm.

Aaron Buesing, newly hired State Revolving Fund (SRF) engineer, spoke as our guest. Aaron gave his education and employment history. Aaron's most recent employment was with the Army Corp of Engineers. He has been with SRF about 5 1/2 weeks to date. He and the technician are getting settled in and learning the computer program(s). They have been involved in a project with Chippewa County -this is the first project in this program. He spoke on prioritizing projects. Aaron brought to this meeting some additional information, which was photocopied for our files. Aaron said to call him with any additional questions.

Motion by, Davidson, seconded by, Amundson, to approve the bills as presented to the Supervisors.

Affirmative: Reents, Davidson, Amundson, Frederickson

Opposed: none

Motion carried

RC&D report written by Carl Carlson, read by Miki Sanvig.

District Technician report prepared and read by Kim Krueger. Kim also reminded the District Board that we will need a replacement for Wayne Knutson, as Wayne served on the SRF committee; Rick Davidson will think about this position.

NRCS report attached.

R.D. DDK AA CMC MF

District Coordinator, Miki Sanvig, went over the financial picture, and explained in further detail the unencumbered fund balance, and how important it is that we keep a monthly eye on it. Other reports, cost-share and monthly activities were also reviewed.

Tree program manager, Pete Gilbertson, went over his programs.

RIM Easement #61-41-86-1, Vicki Hegg, request to release .2 acres discussion. Ms Hegg wishes to build by this easement, and will need a drive-way. This is a 10 year agreement, and so, it will be over in 1997. Motion by Frederickson, second by Amundson, to approve the initial request of this to the State.

Affirmative: Reents, Davidson, Amundson, Frederickson

Opposed: none

Motion carried

Motion by Amundson, second by Davidson, to approve the following cost-share agreements.

4-96 Greg Stoen, Storm Water Control 638 - 3 units.

\$3791 @ 75% CS = \$2843.25

5-96 Mark Herickhoff, Storm Water Control 638, 1 unit.

\$3376.00 @ 75% CS = \$2532.00

Affirmative: Reents, Davidson, Amundson, Frederickson

Opposed: none

Motion carried

Motion by Davidson, seconded by Amundson, to approve a DNR water permit for the Lake Emily Improvement Association, permit no. 96-1076, Protected water is Lake Emily, in Pope County, hydrologist is Julie Aadland. Kim Krueger's comments were: providing the water level is not increased such that it will cause shoreline erosion, he sees no problem with this application.

Affirmative: Reents, Davidson, Amundson, Frederickson

Opposed: none

Motion carried

Handouts: MASWCD Resolutions, needed back to Miki by Nov 5; letter in support of leaving NRCS as it stands, not having it join with CFSA, and Block grant information.

Miki Sanvig explained to the board their request for information on Pete's position to salary.

With no other business, this meeting was adjourned at 10:30 pm, by Gary Reents, Chair.



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

PHONE NO.

FILE NO.

1110 N. Lakeshore Drive
Glenwood, MN 56334
February 26, 1996

Mr. Kim Kruger
Pope County SWCD
24 1st Ave. SE
Glenwood, MN 56334

Dear Mr. Kruger;

I am writing to approve the removal of approximately 0.2 acres of land from an existing RIM easement in Pope county. This land is needed for an access road to a building site. This request has been made by Vicki Hegg through your office.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Kotts".

Kevin Kotts, DNR Area Wildlife Manager

M E M O R A N D U M



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

April 4, 1996

TO: BWSR Wetland Team
BWSR Wetland Subcommittee

FR: John Jaschke, BWSR *JA*
(612)297-3432

RE: WCA Rule Development: Draft Timeline

Yesterday, Greg, Jim and I laid out the timeline for 60 day WCA Emergency Rule development -- per M.S. 14.386 and the new WCA bill. (Ron was out, and Matt Seltzer has not yet reviewed it, hence the timeline is still a draft.) The new statute will be effective the day after the Governor signs the bill -- which is expected late next week. Assuming an April 9th signature, the bill would become effective on April 10th. Thus the rule development schedule in reverse is as follows:

Draft WCA Emergency Rule Development Timeline

Monday, June 10	Effective date of revised rule (upon <i>State Register</i> publication).
Friday, May 24	Rule to <i>State Register</i> for publication (1 week prior to publication).
Friday, May 10	Rule to Office of Administrative Hearings (1 week to approve).
Friday, May 3	Rule to Revisor of Statutes for certification (1 week to certify).
Thursday, April 25	BWSR Board meeting - draft rule approval at MN Valley Wildlife Refuge.
Monday, April 22	Wetland Heritage Advisory Committee public hearing on proposed rule at Room 10, State Office Building.
Tuesday, April 16	Mail draft rule to interested parties announcing the WHAC meeting.
Tuesday, April 16	BWSR field staff meeting in St. Cloud to review WCA changes.
Friday, April 12	BWSR Wetland Team/Subcommittee/LGU staff meeting to review rough draft of revised rule.

c: Ron Harnack
Greg Larson
Jim Birkholz
BWSR Field Staff
Land and Water Section
Matt Seltzer, AG
Tanja Kozicky, Gov. Carlson's Office
BWSR Board Members
Interagency Wetlands Group
Wetland Heritage Advisory Committee

Summary of 1996 Wetland Conservation Act (WCA) Changes



Public Roads

Provides that the Board of Water and Soil Resources (BWSR) will replace wetlands drained or filled from the repair, reconstruction or rehabilitation for *existing* local government public roads to meet safety and design standards. Wetland impacts from *new* road projects in greater than 80 percent areas may be mitigated by purchasing credits from a subsidized state wetland bank. Road authorities in other areas may purchase credits at cost. Metro area replacement is required for metro area wetland impacts.

Exemptions

The exemptions are reformatted for easier interpretation. Expansion of exemptions are:

- Agricultural land defined more broadly to apply ag exemptions to all farming areas.
- Repair and updating of existing individual sewage treatment systems.
- Spoil deposition up to 0.5 acre for wildlife habitat improvement projects.
- **Drainage exemption:** Exempts impacts to all wetlands except types 3, 4 and 5 that have existed for more than 25 years as part of a public ditch maintenance or repair project. Exempts draining of type 1, and type 2 and 6 wetlands less than 5 acres within the assessment area if the public ditch system has been actively maintained, inspected or assessed in the 20 years prior to 1/1/92. Allows spoil disposal into wetlands along the side of the ditch. Provides a mechanism and financial incentive for landowners to protect wetlands along a ditch system. Exempts wetlands impacts to private drainage systems as long as wetlands are not drained that have existed for more than 25 years. Funds a pilot drainage inventory and training for ditch authorities.
- The **deminimis exemption** (the amount not regulated) is expanded from 400 square feet outside of the shoreland wetland protection zone to:
 - In a greater than 80 percent area, 10,000 square feet of wetland type 1, 2, 6 or 7 (except for white cedar and tamarack wetlands);
 - In a 50 to 80 percent area, 5,000 square feet of wetland type 1, 2, 6 or 7 (except for white cedar and tamarack wetlands);
 - In a less than 50 percent area, 2,000 square feet of wetland types 1, 2 or 6.
 - For wetland types not listed above, a 400 square foot deminimis applies outside the shoreland areas.
 - A 400 square foot deminimis applies within shoreland areas.
 - A 5% cumulative cap applies to this exemption depending on the size and ownership of the wetland.

Local Control, Regionalization and Flexibility

Local units of government may develop a Comprehensive Wetland Protection and Management Plan as an alternative to the state rule.

→ Greater than 80 percent areas gain the following flexibility from doing a plan:

- Replacement credit may be allowed for any project that increases the public value of a wetland, including activities in adjacent uplands;
- The ag exemptions for types 1,2,6 may be expanded to non-ag land;
- The application of sequencing may be varied; and
- Wetland impacts may be replaced anywhere within the plan area.

→ 50 to 80 percent areas gain the following flexibility from doing a plan:

- The replacement ratio is reduced from a minimum of 2:1 to 1:1;
- The application of sequencing may be varied; and
- Wetland impacts may be replaced anywhere within the plan area.

→ less than 50 percent areas gain the following flexibility from doing a plan:

- The application of sequencing may be varied; and
- Wetland impacts may be replaced anywhere within the plan area.

→ wetland functional assessments are the basis for public value determinations.

→ Unless the board objects, the plan is deemed approved 60 days after the local government submits it the board.

→ The local government must adopt the plan as an ordinance.

Process Streamlining

- Project notification is streamlined and the time for local government decisions is shortened from 30 to 10 days.
- Provides for on-site sequencing.
- Appeals to BWSR are by petition with a filing fee. The local government may also require a bond.
- A toll-free number to obtain information on minimizing wetland impacts is established.

Local Government Liability Prevention

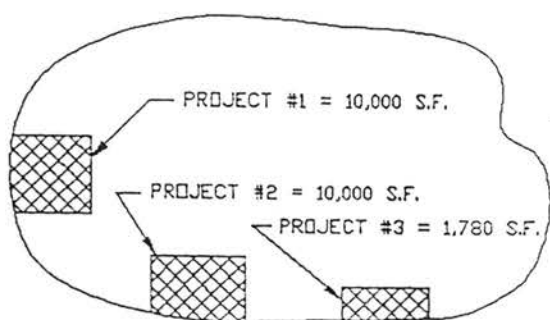
The state will assume liability for costs of claims against a local government unit incurred as a result of proper implementation of the WCA.

MN WETLAND CONSERVATION ACT DEMINIMIS EXEMPTION (SENATE A54 AMENDMENT)

EXAMPLE:

- * GREATER THAN 80% AREA
- * TYPE 1,2,6,7 (EXCLUDING WHITE CEDAR & TAMARACK) WETLANDS
- * OUTSIDE OF SHORELAND WETLAND PROTECTION ZONE

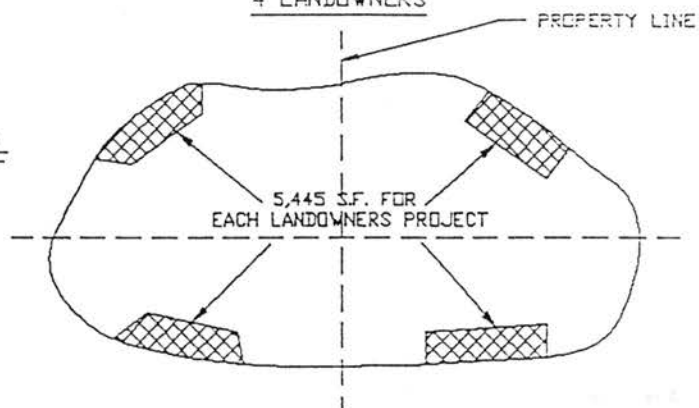
1 LANDOWNER



5% OF 10 ACRES = 21,780 S.F.
DEMINIMIS AMOUNT = 10,000 S.F.

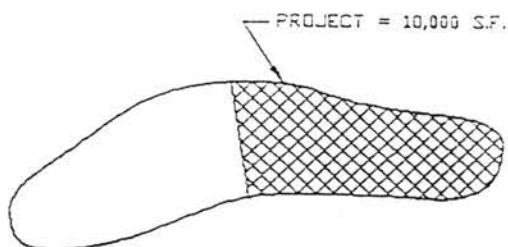
10 ACRE
WETLAND

4 LANDOWNERS



5% OF $\frac{10 \text{ ACRES}}{4}$ = 5,445 S.F.
DEMINIMIS AMOUNT = 5,445 S.F. EACH

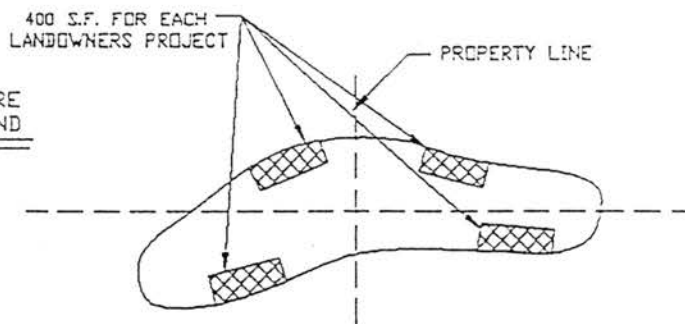
1 LANDOWNER



5% OF 0.5 ACRES = 1,089 S.F.
DEMINIMIS AMOUNT = 10,000 S.F.

0.5 ACRE
WETLAND

4 LANDOWNERS



5% OF $\frac{0.5 \text{ ACRES}}{4}$ = 272 S.F.
DEMINIMIS AMOUNT = 400 S.F. EACH

NOT TO SCALE

Assessment of
1996 Amendments to the
Minnesota Wetland Conservation Act



The 1996 changes to the Wetland Conservation Act will make the law more workable for all areas of the state, particularly those areas with a high percentage of wetlands remaining, while maintaining a high level of resource protection.

Specifically, the 1996 amendments offer the following:

- * The changes give local governments and citizens the opportunity to approach wetland protection as a part of a comprehensive water management strategy. To accomplish this, the bill provides for the integration of wetland protection measures with the local water planning process and local zoning ordinances.
- * Rather than focusing strictly on the acreage amount of wetlands drained or filled in a given situation, the changes provide for the functional assessment of wetlands. This means that wetlands will be replaced based upon the amount of actual benefits they provide, as well as their size. This will help ensure the preservation of the public values of the state's wetland and water resources.
- * Recognizing the importance of Minnesota's lakes and rivers to our quality of life, and the role wetlands play in preserving the quality of our surface waters, the amendments emphasize stringent wetland protection standards within shoreland areas.
- * The amendments streamline the approval process for landowners proposing projects that impact wetlands by enabling local governments to act in a reasonable time frame, including allowing on-site determinations for small projects. In addition, the bill offers opportunities to provide landowners with "one-stop-shopping" for project information and decisions via a toll-free phone number and local government program integration.
- * Recognizing the need for safe roads and wetland protection, the bill establishes a dedicated state fund for restoring wetlands impacted by local road authorities. This program will generate successful wetland replacement sights in a cost-effective and efficient manner.
- * The level of benefits wetlands provide often depends in part upon the adjacent land use. By providing additional incentives to include vegetative buffers and water quality treatment systems in these areas, the amendments will enhance the water quality and wildlife habitat benefits of wetlands.
- * The changes provide for a strong state participation and oversight role in the development, implementation and enforcement of local government comprehensive wetland protection and management plans. This state presence is intended to ensure that the law is consistently and fairly administered.

- * By enhancing the notification and administrative appeals process, the amendments provide an avenue for concerned citizens to participate in the environmental review process to help ensure that the public maintains an active voice in the management of their resources, while at the same allowing project sponsors to get timely decisions on their proposals.
- * The amendments provide for additional incentives to local governments and landowners to preserve high priority wetlands by modifying a tax exemption program and funding an easement program to protect wetlands at risk. Under these programs, landowners who maintain wetlands (rather than draining or filling them) will have access to some financial compensation for the value of their land.
- * The amendments strike a balance between honoring pre-existing landowner rights and assuring protection of established wetlands by modifying the drainage exemption to allow some ditching activities, but also to allow landowners who want to preserve wetlands adjacent to a ditch to protect them and receive some financial compensation. To ensure proper application of this exemption, funding for a pilot drainage inventory and training for drainage authorities is authorized.
- * A very small percentage of Minnesota wetlands are rare and sensitive calcareous fens. These unusual wetlands contain many plants that cannot exist elsewhere. In addition, calcareous fens are highly susceptible to disturbance and are nearly impossible to restore once lost. The amendments reaffirm the state's commitment to protecting calcareous fens.
- * One of the most successful means of protecting wetlands in the past has been through providing landowner incentives to restore drained or altered wetlands or to preserve existing wetlands. The bill builds upon those successes by providing incentives to retain restored wetlands that are eligible for drainage.

Detailed Assessment of
1996 Amendments to the
Minnesota Wetland Conservation Act



Provides relief beyond the existing law for:

GREATER THAN 80 PERCENT AREAS

Deminimis.

- Exempts 10,000 square feet of wetland types 1, 2, 6, and 7 (except for white cedar and tamarack wetlands) regardless of the size of the project, outside of *shoreland wetland protection zones* defined as 1000 feet from a lake and 300 feet from a river or stream.
- the local government may increase the deminimis amount to 1000 square feet in greater than 80 percent areas in the shoreland wetland protection zone in areas beyond the building setback if the wetland is isolated and is determined to have no surficial connection to the public water.

* Public Roads.

- The BWSR will replace wetlands drained or filled from the repair, rehabilitation or reconstruction to meet safety or design standards for *existing* local government public roads.
- allows cash banking for *new* road projects at a subsidized rate requiring a payment of only twice the land value of the impacted wetland, meaning road authorities would pay about 10% of actual cost.

* Replacement. Allows replacement credit for revegetation of farmed wetlands, the installation of upland buffer areas and water quality treatment ponds adjacent to wetlands, and preservation of wetlands restored under expiring conservation easements. (In all counties, not just those with more than 80 percent of wetlands remaining.)

* Wetland Planning: may classify wetlands based on a functional assessment, and then:

- o varying the application of sequencing standards;
- o varying wetland replacement standards; and
 - replace wetlands at less than a 1 acre for 1 acre ratio, provided there is no net loss of public values within the plan area;
 - allow additional replacement credit for any project that increases the public value of wetlands including those activities on adjacent uplands;
 - replace wetlands anywhere in the plan area
- o varying ag exemption standards by applying the type 1 and type 2/6 exemptions to non-ag land.

* streamlines notification and approval process.

* Sequencing: Provides for on-site determination for small projects. (In all counties, not just the greater than 80 percent areas.)

* Wildlife Habitat Improvement. Exempts deposition of up to one-half acre of spoil resulting from excavation within a wetland for wildlife habitat improvement purposes. (In all counties, not just the greater than 80 percent areas.)

Provides relief beyond the existing law for:

AGRICULTURAL ACTIVITIES

- * Agricultural land is defined more broadly as land used for horticultural, row, close grown, pasture, hayland crops, growing nursery stocks, animal feedlots, drainage systems; and associated buildings -- thus expanding application of the ag exemptions.
- * Exempts type 6 wetlands less than 2 acres, on ag land.
- * Exempts type 1, type 2 and type 6 parts of larger wetlands on ag land (with an approved conservation plan) to allow for efficient farming operations.
- * Drainage exemption: Exempts impacts to all wetlands except types 3, 4 and 5 that have existed for more than 25 years as part of a public ditch maintenance or repair project. Exempts draining of type 1, and type 2 and 6 wetlands less than 5 acres within the assessment area if the public ditch system has been actively maintained, inspected or assessed in the 20 years prior to 1/1/92. Allows spoil disposal into wetlands along the side of the ditch. Provides a mechanism and financial incentive for landowners to protect wetlands along a ditch system. Exempts wetlands impacts to private drainage systems as long as wetlands are not drained that have existed for more than 25 years. Funds a pilot drainage inventory and training for ditch authorities.
- * Allows replacement credit for vegetative restoration of farmed wetlands.
- * Allows replacement credit for maintaining wetlands restored under an expiring conservation agreement.

Provides relief beyond the existing law for:

SMALL LANDOWNERS & DEVELOPERS

- * streamlines notification and approval process and provides for on-site sequencing.
- * exemptions are categorized for easier interpretation.
- * exempts "accidental" wetlands for private landowners.
- * exempts repair and updating of existing individual sewage treatment systems as necessary to comply with local, state and federal regulations.
- * Exempts impacts to all wetlands that have existed for less than 25 years as part of a private ditch maintenance or repair project.
- * The de minimis exemption (the amount not regulated) is expanded from 400 square feet outside of the shoreland wetland protection zone to:
 - In a greater than 80 percent area, 10,000 square feet of wetland type 1, 2, 6 or 7 (except for white cedar and tamarack wetlands);
 - In a 50 to 80 percent area, 5,000 square feet of wetland type 1, 2, 6 or 7 (except for white cedar and tamarack wetlands);
 - In a less than 50 percent area, 2,000 square feet of wetland types 1, 2 or 6.
 - A 400 square foot de minimis applies within the shoreland wetland protection zone and outside the shoreland wetland protection zone for wetland types not listed above.
 - The exemption has a cumulative cap set at either the de minimis amount, 5 percent of the wetland owned, or 400 square feet.
 - Persons proposing to conduct a de minimis activity must contact the BWSR at a toll-free number to obtain information on ways to minimize wetland impacts.
- * Allows replacement credit for:
 1. the installation of upland buffer areas; and
 2. the installation of water quality treatment ponds adjacent to wetlands; and
 3. for vegetative restoration of farmed wetlands; and
 4. for maintaining wetlands restored under an expiring conservation agreement.
- * **Wildlife Habitat Improvement:** exempts deposition of up to one-half acre of spoil resulting from excavation within a wetland for wildlife habitat improvement purposes.
- * A pumping rate and schedule for the Lincoln-Pipestone rural water district is established that will provide and adequate water supply and protection for rare wetlands (calcareous fens) in the area of the Burr Well Field.

Provides relief beyond the existing law for:

LOCAL GOVERNMENT CONTROL, REGIONALIZATION & FLEXIBILITY

Allows local governments to adopt local comprehensive wetland protection and management plans which, after a review and approval process by the board of water and soil resources, provide an alternative to the rules governing the act. The plans offer the following specific relief from the rules *beyond* that provided by changes elsewhere as noted above:

→ Greater than 80 percent areas gain the following flexibility from doing a plan:

- Replacement credit may be allowed for any project that increases the public value of a wetland, including activities in adjacent uplands;
- The ag exemptions for types 1,2,6 may be expanded to non-ag land;
- The application of sequencing may be varied; and
- Individual impacts may be replaced anywhere within the plan area.

→ 50 to 80 percent areas gain the following flexibility from doing a plan:

- The replacement ratio is reduced from a minimum of 2:1 to 1:1;
- The application of sequencing may be varied; and
- Individual impacts may be replaced anywhere within the plan area.

→ less than 50 percent areas gain the following flexibility from doing a plan:

- The application of sequencing may be varied; and
- Individual impacts may be replaced anywhere within the plan area.

→ wetland functional assessments must be used as the basis for public value determinations.

→ A process is provided concerning the resolution of disputes, and unless the board objects, the plan is deemed approved 60 days after the local government submits it to the board.

→ The local government must adopt the plan as an ordinance.

→ state agencies will participate in the planning process, and may only comment on issues outside of their authority if they participate in the planning process from the outset. The BWSR must consider the involvement of a state agency when reviewing their comments.

* Counties are given the option of participating in the Wetland Preservation Areas program which provides a property tax exemption to landowners owning wetlands in High Priority Areas as identified in local water plans. The state reimburses the county for the lost tax revenue.

Provides relief beyond the existing law for:

LOCAL GOVERNMENT LIABILITY PREVENTION

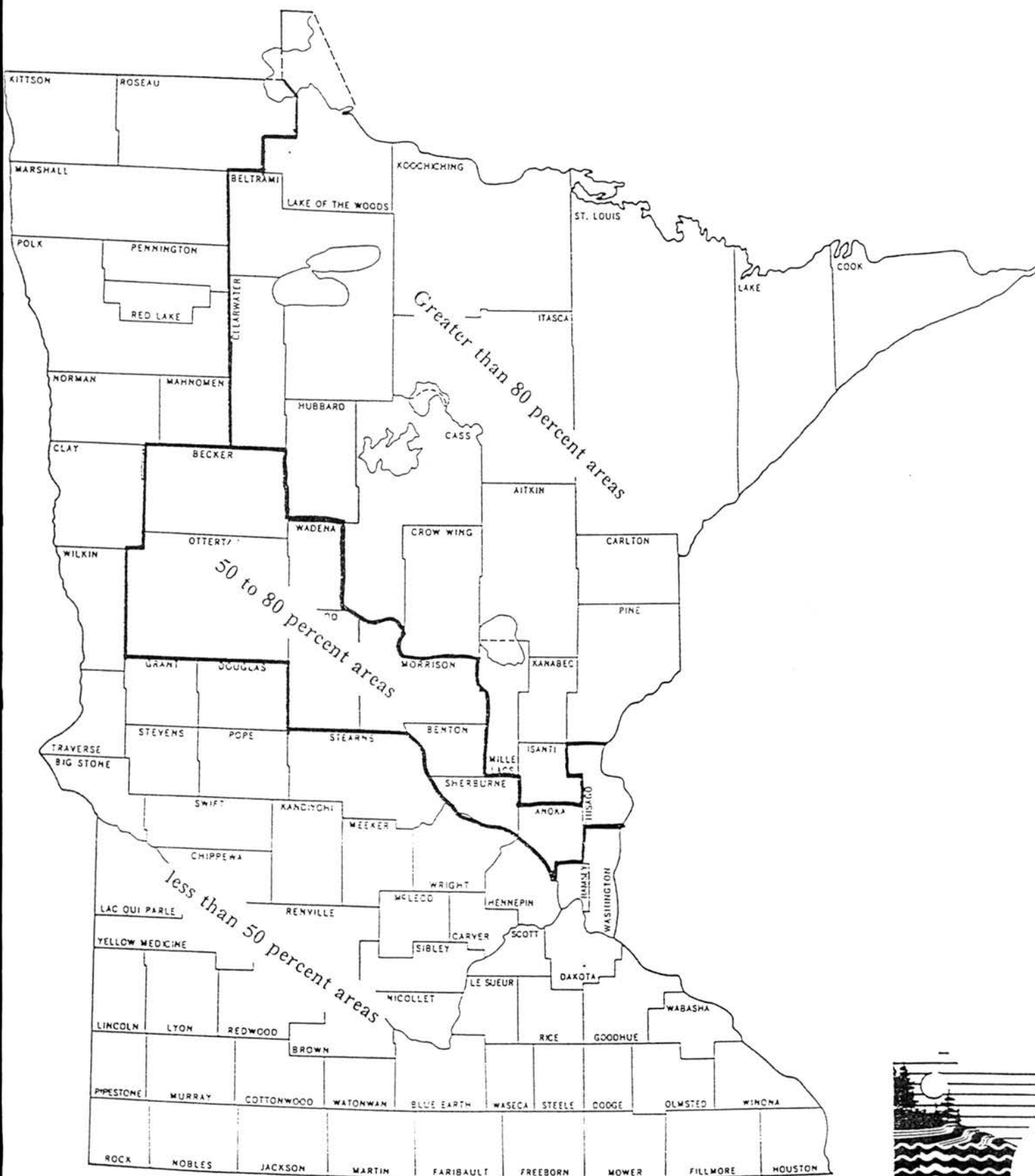
Requires the state to pay claims against, and assist in the defense of, the local government if they are properly implementing the law and a court awards a takings or damages claim against the local government.

Provides relief beyond the existing law for:

PUBLIC ROADS

- * eliminates the requirement for a replacement plan as the Board of Water and Soil Resources (BWSR) will replace wetlands drained or filled from existing local government public road projects conducted to repair, reconstruct or rehabilitate for safety or design purposes.
- * allows greater than 80 percent areas to utilize a subsidized cash banking system for new public road projects at a reduced rate requiring a payment of only twice the land value of the impacted wetland (approx. 10 percent of actual cost). Road authorities in other areas may purchase credits at cost.
- * reduces notification process, provides for on-site sequencing
- * Allows replacement credit for:
 1. the installation of upland buffer areas; and
 2. water quality treatment ponds adjacent to wetlands; and
 3. for vegetative restoration of farmed wetlands; and
 4. for maintaining wetlands restored under an expiring conservation agreement.
- * requires metro road wetland impacts to be replaced in the same county or in the seven county metro area.
- * allows account holders or project sponsors for wetland banking credits to sell or use them as they could prior to the WCA amendment changes.

Minnesota Wetland Conservation Act: Wetland Areas





1996 AMENDMENTS TO THE MN Wetland Conservation Act DRAINAGE EXEMPTION

- (i) maintenance and repair activities on public drainage systems which drain wetland types 1, 2, 6, 7, 8 that have existed for any length of time;
 - (ii) maintenance and repair activities on public drainage systems which drain wetland types 3, 4, and 5 that have been in existence for less than 25 years;
 - (iii) maintenance and repair which fills wetlands located within the right-of-way acreage of the ditch or within a one rod width on either side of the ditch, whichever is greater, and the filling is limited to the side casting of spoil materials resulting from the maintenance and the spoil deposition area is stabilized to prevent erosion;
 - (iv) drainage of wetlands that have formed in the bottom of ditches, were created solely as a result of beaver dam construction, or were created accidentally;
 - (v) draining or filling wetlands that were planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was in set-aside or CRP in *six of the last ten years* prior to January 1, 1991;
 - (vi) drainage of type 1 wetlands on agricultural land;
 - (vii) drainage of type 2 and type 6 wetlands less than two acres on ag land (may be expanded to parts of larger wetlands if part of a conservation plan);
 - (viii) Exempts draining of type 1, and type 2 and 6 wetlands less than 5 acres within the assessment area for conversion to agricultural or rural land if the public drainage system was actively maintained, inspected or assessed in the 20 years before 1/1/92.
 - (ix) maintenance and repair activities on **private** drainage systems which drain wetland Types 1 - 8 that have been in existence for less than 25 years.
-

Boldface = Changes expanding the exemption from current law

(See graphical depictions of this exemption on the reverse side of this sheet.)

Date	3/21/96	# of pages	1
To	Barb Cobb		
From	Ron Harnack		
Co./Dept.	Co. BWSR		
Phone #	Phone # 296-0878		
Fax #	Fax # 297-5615		

- April Board mtg
- Fax copy to Barb C.

PPJV AWARD CATEGORIES AND CRITERIA

Fax #	MN BWSR
	297-5615
NSN 7540-01-317-7368	5099-101

AL	# of pages	1
From	Barb Pardo	

STEWARDSHIP AWARD (MALLARD):

Presented to a landowner (steward) in the PPJV who has made an outstanding contribution toward restoring, creating, or enhancing wildlife habitat in support of the goals of the PPJV and the NAWMP. (Presented to one landowner (steward) in each PPJV state: Minnesota, Iowa, Montana, North Dakota and South Dakota).

Activities in the last year that indicate good stewardship of own lands, and also indicate interest in involving neighbors, youth, communities, friends in order to promote good conservation practices.

PROFESSIONAL AWARD (RUDDY DUCK):

Presented to a wildlife professional that has made an outstanding contribution toward furthering the goals of the PPJV and the NAWMP. (One individual recognized for the entire PPJV).

Activities (above and beyond the everyday job) in the last year that benefit the PPJV and wildlife/waterfowl resources; creative and innovative solutions and ideas; ability to work with partners and achieve potentially long-term results.

GROUP OR ORGANIZATION AWARD (PINTAIL):

BWSR to receive

Presented to a group or organization in the PPJV that has made an outstanding contribution toward restoring, creating, or enhancing wildlife habitat in support of the goals of the PPJV and the NAWMP. (One organization recognized for the entire PPJV).

Activities in the last year that advance and benefit the PPJV and prairie resources; creativity and innovation; use of partnerships to achieve potentially long-term results; community leadership in conservation activities.

Ron,
 THIS IS THE AWARD
 WE ARE RECEIVING
 AT OUR APRIL 25th Bd.
 MTG. AN MN Valley
 Wildlife Refuge.
 Jim

5/22/96



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

DATE: May 13, 1996

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: May 21 BWSR Tour and May 22 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 22, 1996 beginning at 9:00 a.m. in the Amber Room at the Holiday Inn in Fairmont, Junction I-90 and Highway 15 (see attached map). 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, May 20 and Tuesday, May 21, at the Holiday Inn in Fairmont. The sleeping rooms 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 Holiday Inn directly at 507-238-4771.

A tour of the Blue Earth River Basin area has been scheduled for Tuesday, May 21, 1996. Attached is an itinerary of the tour. Please be comfortable, dress casual. The day will begin with coffee in the lobby of the Holiday Inn at 9:30 a.m.; a coach bus will promptly depart from the Holiday Inn at 10:00 a.m. Lunch will be provided along the way; the coach bus will return to the Holiday Inn about 4:45 p.m. A pork chop dinner will be served at Sylvania Park at 6:00 p.m.; the coach bus will take you to the park, departing from the Holiday Inn at 5:45 p.m. The coach bus will take you back to the Holiday Inn after dinner, about 8:00 p.m.

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.

An equal opportunity employer

Printed on recycled paper

SUMMARY OF MAY BOARD MEETING

Consent Agenda

1. Comprehensive Local Water Plans: The Board is being asked to take action on the comprehensive local water plans of Cass, McLeod, and Wilkin Counties. The plans have all been through the water plan review committee process and are being recommended for approval. Included are short summaries of each water plan. DECISION
2. Douglas County Water Plan Extension: Douglas County had previously requested and had been granted a water plan extension of twelve months. In May of this year, the water plan coordinator resigned her position which has for all practical purposes, stopped the water plan update process. At this time, Douglas County is requesting that their original extension be extended to the full two years allowable, which would make the new effective date for their plan December 31, 1997. Pete Waller, BWSR Board Conservationist, has reviewed the request and is recommending its approval. A resolution authorizing the extension of the Douglas County water plan will be presented to the Board for consideration at the May meeting.

Old Business

1. WCA Non-Adopting/Rescinding Counties, Status, Deadline and Action: At the December 20, 1995 meeting, the Board set a deadline of 60 days after the end of the legislative session or after enactment of changes to the WCA for counties that had not adopted or had rescinded the WCA to acknowledge their responsibilities in order to become eligible for WCA Natural Resources Block Grant (NRBG) funds. Some counties have readopted (see attached list) and others are expected to once they have seen the emergency rule. If counties do not adopt by June 10th, a decision needs to be made whether or not non-implementing counties will be eligible for the "new deal" for public roads which requires BWSR to replace wetland impacts caused by local government projects on existing roads and requires BWSR to sell credits to local government road authorities for impacts resulting from construction of new roads (see attached statute language). DECISION
2. Ratify Final Approval of WCA Emergency Rule: The WCA Emergency Rule was sent to the Office of Administrative Hearings for legal review on May 8th (see attached timeline). Their review must be completed within two weeks. The Board needs to make a decision to forward the rule to publication (in the June 10th State Register). Changes to approve subsequent to the April 25th decisions (on the RD2704 dated 4/24/96 are: (i) any necessitated to comply with the legal review and, (ii) any errata that have been identified since. Board members have been mailed copies of the Revisor of Statutes certified version of the emergency rule. DECISION
3. Response to East Otter Tail SWCD Counter Proposal for Return of Cost-Share Funds: A report will be given at the meeting regarding the next step. Please refer to the draft letter enclosed.

New Business

1. Presentation of Redwood Cottonwood Rivers Control Area (RCRCA) by LeRoy Stensgaard, chair, and Bob Finley, executive director, explaining the work activities of RCRCA. INFORMATION AND DISCUSSION
2. Presentation of the Blue Earth River Basin Initiative (BERBI) by Linda Meschke, coordinator, explaining the work activities of BERBI. INFORMATION AND DISCUSSION
3. Review of BWSR's Strategic Plan: We will review the current BWSR Strategic Plan and do some brainstorming of what future issues should be addressed. The Strategic Plan will be completed by September. DISCUSSION

If you have any questions or need additional information, please feel free to give me a call. Travel safely, I look forward to seeing you on the 21st!

RDH:mja
Enclosures

**BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
JCT. I-90 & HWY. 15
FAIRMONT, MINNESOTA
MAY 22, 1996**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approval of Minutes of April 25, 1996

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 - Barbara Cobb
- Wetlands Committee - Darrell Bruggman
- Administrative Advisory Committee - Barbara Cobb

Agency Reports

- Kim Benson-Johnson, Department of Health
- Wayne Edgerton, Department of Natural Resources
- Paul Burns, Department of Agriculture
- Jim Anderson, Minnesota Extension Service
- Marge Kelly, Pollution Control Agency

Observations from Tour

Consent Agenda

1. Local Water Plan Approvals - Recommendations of Review Committee
 McLeod, Cass, Wilkin Counties
2. Douglas County Water Plan Extension

Old Business

1. WCA Non-Adopting/Rescinding Counties - DECISION
2. Ratify Final Approval of WCA Emergency Rule - DECISION
3. Response to East Otter Tail SWCD Counter Proposal for Return of Cost-Share Funds - DECISION

New Business

1. Presentation of Work Activities of Redwood Cottonwood Rivers Control Area (RCRCA) - LeRoy Stensgaard, Chair, and Bob Finley, Executive Director - INFORMATION AND DISCUSSION
2. Presentation of Work Activities of Blue Earth River Basin Initiative (BERBI) - Linda Meschke - INFORMATION AND DISCUSSION
3. Review BWSR Strategic Plan - DISCUSSION

Advisory Comments

- Bill Hunt, NRCS
- Jim Schafer, MASWCD
- Ray Bohn, MAWD
- Rick Reimer, MACDE
- Franklin Denn, MAT

Board Issues

1. Next Board Meeting, June 26, 1996, St. Paul

Noon

Adjourn

1:00 p.m.

Strategic Plan Sub-Committee Meeting

**BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
JCT. I-90 & HWY. 15
FAIRMONT, MINNESOTA
MAY 22, 1996**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approval of Minutes of April 25, 1996

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3. Review BWSR Strategic Plan - DISCUSSION

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- Jim Schafer, MASWCD
- Ray Bohn, MAWD
- Rick Reimer, MACDE
- Franklin Denn, MAT

Board Issues

1. Next Board Meeting, June 26, 1996, St. Paul

Noon

Adjourn

1:00 p.m.

Strategic Plan Sub-Committee Meeting

**BWSR BOARD MEETING TOUR
BLUE EARTH RIVER BASIN
MAY 21, 1996**

SCHEDULE

The tour begins and ends at the Fairmont Holiday Inn [Junction of I-90 and Highway 15]

9:30 Coffee

10:00 Bus leaves Holiday Inn for the first site

10:45 Arrive at Site 1 [South of Blue Earth]

River Bottom Wetlands	Streambank erosion-flashy river system
Cropland Wetlands	Upland soil movement
CWP Monitoring site	RIM

11:30 Leave Site 1

11:50 Arrive at Site 2 [Wayside rest at Blue Earth]

Mainstem Streambank Erosion
100 year floodplain wetlands

12:30 Lunch

1:00 Leave Site 2

1:15 Arrive at Site 3 [Cyphers Farm]

Polluting Feedlot	Cost-Share	Water Impoundment Structure
SRF	Erosion Control Structure	

2:00 Leave Site 3

2:45 Arrive at Site 4 [Tom Feeny's]

Tile Intake Buffer
Water Storage/ Accelerated Stream Flow

3:30 Leave Site 4

3:45 Arrive Site 5

Manure Management

4:30 Leave Site 5

4:45 Arrive Back at Holiday Inn

6:00 SLR Project- Sylvania Park Bandshell

Pork Chop Supper at Sylvania Park in Fairmont

HOLIDAY INN, FAIRMONT

ROOMING LIST FOR MAY 20-21, 1996

DIRECT BILLING FOR THE FOLLOWING SLEEPING ROOMS:

MONDAY, MAY 20, 1996

Barb Cobb
Jim Rossman
Dwain Otte
Ted Lovdahl
Tim Hvidsten
Ginny Imholte
Barb Uppgaard
Marvell Tripp
Darrell Bruggman
LeRoy Stensgaard
Glenn Annexstad
Kathy Roer

TUESDAY, MAY 21, 1996

Ron Harnack
Jim Birkholz
Al Kean
Jeff Nielsen/Chris Hughes-double

Barb Cobb
Jim Rossman
Dwain Otte
Ted Lovdahl
Tim Hvidsten
Ginny Imholte
Barb Uppgaard
Marvell Tripp
Darrell Bruggman
LeRoy Stensgaard
Glenn Annexstad
Kathy Roer

h:may.list

FAIRMONT

"CITY OF LAKES"



Exit #10

05/13/1996 10:53 5072389371

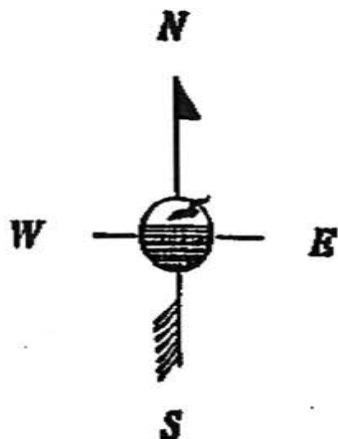


Holiday Inn



HOLLIN-FMT

PAGE 02



OVERVIEW OF THE CASS COUNTY WATER PLAN UPDATE

BACKGROUND

Cass County's original Comprehensive Local Water Plan was developed as part of the 8 county Mississippi Headwaters Board project in 1989 and 1990. Since plan adoption, implementation of the plan has been under the direction The Cass County Environmental Services Office, with John Sumption now serving as the Local Water Plan Coordinator. The county utilized a citizen task force to assist in development of the update. The plan update lists 17 individuals who participated in the revision and review of the plan. The updated plan includes the required additions and does a good job of addressing the major water management issues in Cass County.

COUNTY DESCRIPTION

Cass County is located in the lake-rich region of north central Minnesota. This large county contains 517 lakes which cover 15.5% of its total surface area. The county seat is Walker, which is located on the shores of Leech Lake, one of Minnesota's most important sport fisheries. Cass County is currently undergoing a major change in population dynamics. Data shows that the population of persons 65 and older has increased by 73% from 1960 to 1990. Data from 1970 to 1990 suggests that there is a growth corridor from Pine River to Walker and from Hackensack to Longville. The task force has focused on the growth needs of this area to protect the water resources of the county.

Cass County's surface water resources include the 517 lakes mentioned above, many of which are interconnected by 6 major river systems. These include the Pine, Leech, Willow, Gull, Boy, and Crow Wing rivers which all ultimately drain into the Mississippi River. According to Anderson and Craig (1984), Cass County has 91.4% of it's pre-settlement wetlands remaining which covers 372,000 acres or 18.2% of the total land area of the county.

One of the major initiatives of the Cass County Water Plan Update focuses on aquatic habitat and water quality protection. This focus recognizes the huge importance of the sport and commercial fishery which is a primary component of the county's economy. Increasing lakeshore development has contributed to the loss of fish habitat in recent decades. The county has made significant progress in addressing this issue by hiring an Environmental Services Enforcement Officer, and identifying other strategies that will protect critical water resources in the county.

STAFF REVIEW

Cass County has completed the mandatory additions to their Comprehensive Local Water Plan. State agencies have provided comments on the update. BWSR staff are not aware of any significant review issues at this time.

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

MCLEOD COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

McLeod County has a Comprehensive Local Water Plan (Plan) which was approved by the Minnesota Board of Water and Soil Resources (BWSR) on December 18, 1991. McLeod County submitted a Plan Update to the BWSR on November 30, 1995, at which time the final, ninety day state agency review process began.

On December 27, 1995, a written overview of the McLeod County Plan Update was presented to the BWSR Board for their information and review.

On April 25, 1996, the BWSR Board Water Plan Review Committee met in St. Paul with BWSR staff and representatives from McLeod County to review and discuss the Plan Update.

Attached is a copy of the Executive Summary section of the McLeod County Plan Update which describes what activities were accomplished in the past four years and what the strategies will be for the upcoming five years.

In addition to the water planning requirements established under Minnesota Statutes 110B (now 103B), counties updating their Plan are also required to include: objectives for wellhead protection, sensitive groundwater areas and stormwater management; high priority wetland preservation areas designation; a watershed priorities assessment; an executive summary.

BWSR staff has reviewed the McLeod County Plan Update and find that all relevant requirements of law and rule have been fulfilled and is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300.

MAY 09 1996

OVERVIEW OF THE WILKIN COUNTY WATER PLAN UPDATE

BACKGROUND

Wilkin County's original Comprehensive Local Water Plan was developed as part of the Northwest Minnesota Project, a 15 county group that received assistance from the International Coalition for Land and Water Stewardship in the Red River Basin. Wilkin County also received assistance in developing their original plan from Dr. James Van Alstine, University of Minnesota, Morris. Since plan adoption, implementation of the plan has been under the direction of Bruce Poppel of the Wilkin County Environmental Resources Management Office.

The county utilized an eleven member citizen task force to develop the update. The updated plan includes the required additions and does a good job of addressing the major water management issues in Wilkin County.

COUNTY DESCRIPTION

Wilkin County is located in extreme west central Minnesota, separated on its western border from North Dakota by the Red River of the North. The county seat is Breckenridge, which is located on the Red River, approximately 220 miles northwest of St. Paul. The primary industry in Wilkin County is agriculture, due to the rich Red River Valley soils that are generally regarded as some of the best farmland in the world. Primary crops are sugar beets, wheat, and other small grains. Several major agricultural product processing plants are located in Breckenridge or across the river in Wahpeton, North Dakota.

Wilkin County's surface water resources include the Red River of the North, Ottertail River, Bois de Sioux River, and Rabbit River, several meandering streams and 7 state protected wetlands. Wilkin County does not contain any significant lake resources within its borders. According to Anderson and Craig (1984), Wilkin County has only 0.2% of its pre-settlement wetlands remaining.

Major water management issues in Wilkin County include flooding, groundwater protection, streambank erosion, and wind-borne sedimentation. The flat topography, excessive drainage, and natural complications of the north-flowing Red River combine to make flooding a major problem in Wilkin County. The county has made significant progress in addressing groundwater protection and erosion control through water plan implementation over the last 5 years.

STAFF REVIEW

Wilkin County has completed the mandatory additions to their Comprehensive Local Water Plan. State agencies have provided comments on the update. BWSR staff are not aware of any significant review issues at this time.

**Wetland Conservation Act (WCA)
County/LGU Status
May 13, 1996**

Non-implementing Counties

Never acknowledged responsibilities

Beltrami
Koochiching
Lake
Marshall
Pennington

Rescissions (effective date)

Big Stone (11/1/95, changed to 12/31/95)
Chippewa (4/1/96)
Clay (11/15/95) **** readopted ****
Clearwater (11/15/95)
Cottonwood (4/1/96) **** readopted ****
Itasca (11/1/95)
Kandiyohi (4/1/96)
Kittson (12/1/95, changed to 6/1/96)
Lac Qui Parle (11/1/95)
Lake of the Woods (11/1/95)
Polk (4/1/96)
Pope (8/23/95, changed to 11/1/95)
Red Lake (6/1/96)
Roseau (11/1/95)
Stevens (9/5/95) **** readopted ****
Swift (3/1/96)
Traverse (11/1/95)

1 the wetland has stabilized.

2 (k) This section and sections 103G.223 to 103G.2242,
3 103G.2364, and 103G.2365 apply to the state and its departments
4 and agencies.

5 (l) For projects involving draining or filling of wetlands
6 associated with a new public transportation project in a greater
7 than 80 percent area, public transportation authorities, other
8 than the state department of transportation, may purchase
9 credits from the state wetland bank established with proceeds
10 from Laws 1994, chapter 643, section 26, subdivision 3,
11 paragraph (c). Wetland banking credits may be purchased at the
12 least of the following, but in no case shall the purchase price
13 be less than \$400 per acre: (1) the cost to the state to
14 establish the credits; (2) the average estimated market value of
15 agricultural land in the township where the road project is
16 located, as determined by the commissioner of revenue; or (3)
17 the average value of the land in the immediate vicinity of the
18 road project as determined by the county assessor. Public
19 transportation authorities in a less than 80 percent area may
20 purchase credits from the state at the cost to the state to
21 establish credits.

22 (m) A replacement plan for wetlands is not required for
23 individual projects that result in the filling or draining of
24 wetlands for the repair, rehabilitation, reconstruction, or
25 replacement of a currently serviceable existing state, city,
26 county, or town public road necessary, as determined by the
27 public transportation authority, to meet state or federal design
28 or safety standards or requirements, excluding new roads or
29 roads expanded solely for additional traffic capacity lanes.
30 This paragraph only applies to authorities for public
31 transportation projects that:

32 (1) minimize the amount of wetland filling or draining
33 associated with the project and consider mitigating important
34 site-specific wetland functions on-site; and

35 (2) submit annual reports by January 15 to the board and
36 members of the public requesting a copy that indicate the

1 or county may be appealed to the board's committee for dispute
2 resolution. Replacement of wetlands may be accomplished under
3 the rules for wetland banking as provided for under section
4 103G.2242.

5 (f) Except as provided in paragraph (g), for a wetland
6 located on nonagricultural land, replacement must be in the
7 ratio of two acres of replaced wetland for each acre of drained
8 or filled wetland.

9 (g) For a wetland located on agricultural land or in
10 ~~counties-or-watersheds-in-which~~ a greater than 80 percent or
11 ~~more-of-the-presettlement-wetland-acreage-exists~~ area,
12 replacement must be in the ratio of one acre of replaced wetland
13 for each acre of drained or filled wetland.

14 (h) Wetlands that are restored or created as a result of an
15 approved replacement plan are subject to the provisions of this
16 section for any subsequent drainage or filling.

17 (i) Except in ~~counties-or-watersheds-where~~ a greater than
18 ~~80 percent or-more-of-the-presettlement-wetlands-are-intact~~
19 area, only wetlands that have been restored from previously
20 drained or filled wetlands, wetlands created by excavation in
21 nonwetlands, wetlands created by dikes or dams along public or
22 private drainage ditches, or wetlands created by dikes or dams
23 associated with the restoration of previously drained or filled
24 wetlands may be used in a statewide banking program established
25 in rules adopted under section 103G.2242, subdivision 1.
26 Modification or conversion of nondegraded naturally occurring
27 wetlands from one type to another are not eligible for
28 enrollment in a statewide wetlands bank.

29 (j) The technical evaluation panel established under
30 section 103G.2242, subdivision 2, shall ensure that sufficient
31 time has occurred for the wetland to develop wetland
32 characteristics of soils, vegetation, and hydrology before
33 recommending that the wetland be deposited in the statewide
34 wetland bank. If the technical evaluation panel has reason to
35 believe that the wetland characteristics may change
36 substantially, the panel shall postpone its recommendation until

1 location, amount, and type of wetlands that have been filled or
2 drained during the previous year and a projection of the
3 location, amount, and type of wetlands to be filled or drained
4 during the upcoming year.

5 The technical evaluation panel shall review minimization
6 and delineation decisions made by the public transportation
7 authority and provide recommendations regarding on-site
8 mitigation if requested to do so by the local government unit, a
9 contiguous landowner, or a member of the technical evaluation
10 panel.

11 Except for state public transportation projects, for which
12 the state department of transportation is responsible, the board
13 must replace the wetlands drained or filled by public
14 transportation projects on existing roads in critical rural and
15 urban watersheds.

16 Public transportation authorities at their discretion may
17 deviate from federal and state design standards on existing road
18 projects when practical and reasonable to avoid wetland filling
19 or draining, provided that public safety is not unreasonably
20 compromised. The local road authority and its officers and
21 employees are exempt from liability for any tort claim for
22 injury to persons or property arising from travel on the highway
23 and related to the deviation from the design standards for
24 construction or reconstruction under this paragraph. This
25 paragraph does not preclude an action for damages arising from
26 negligence in construction or maintenance on a highway.

27 (n) If a landowner seeks approval of a replacement plan
28 after the proposed project has already impacted the wetland, the
29 local government unit may require the landowner to replace the
30 impacted wetland at a ratio not to exceed twice the replacement
31 ratio otherwise required.

32 (o) A local government unit may request the board to
33 reclassify a county or watershed on the basis of its percentage
34 of presettlement wetlands remaining. After receipt of
35 satisfactory documentation from the local government, the board
36 shall change the classification of a county or watershed. If

1 requested by the local government unit, the board must assist in
 2 developing the documentation. Within 30 days of its action to
 3 approve a change of wetland classifications, the board shall
 4 publish a notice of the change in the Environmental Quality
 5 Board Monitor.

6 (p) One hundred citizens who reside within the jurisdiction
 7 of the local government unit may request the local government
 8 unit to reclassify a county or watershed on the basis of its
 9 percentage of presettlement wetlands remaining. In support of
 10 their petition, the citizens shall provide satisfactory
 11 documentation to the local government unit. The local
 12 government unit shall consider the petition and forward the
 13 request to the board under paragraph (o) or provide a reason why
 14 the petition is denied.

15 Subd. 2. [ROAD CREDIT FUNDING.] At least 50 percent of
 16 money appropriated for road repair wetland replacement credit
 17 under this section must be used for wetland restoration in the
 18 seven county metropolitan area.

19 The board shall give priority to restoration projects that
 20 will:

21 (1) intensify land use that leads to more compact
 22 development or redevelopment;

23 (2) encourage public infrastructure investments which
 24 connect urban neighborhoods and suburban communities, attract
 25 private sector investment in commercial or residential
 26 properties adjacent to the public improvement; or

27 (3) complement projects receiving funding under section
 28 473.253.

29 Sec. 25. Minnesota Statutes 1994, section 103G.2241, is
 30 amended to read:

31 103G.2241 [EXEMPTIONS.]

32 (a)-Subject-to-the-conditions-in-paragraph-(b)-a
 33 replacement-plan-for-wetlands-is-not-required-for-

34 (1)-activities-in-a-wetland-that-was-planted-with-annually
 35 seeded-crops,-was-in-a-crop-rotation-seeding-of-pasture-grasses
 36 or-legumes,-or-was-required-to-be-set-aside-to-receive-price

WCA 1996 Statute Changes & Emergency Rule Timeline

60 day WCA Emergency Rule development -- per M.S. 14.386 and the new WCA bill (Chapter 462). The new statute was effective the day after Governor Carlson signed the bill. The bill was signed on April 11th, and became effective on April 12th. Thus the rule development schedule in reverse is as follows:

WCA Emergency Rule Development Timeline

Monday, June 10	Effective date of revised rule (upon <i>State Register</i> publication).
Friday, May 31	Rule to <i>State Register</i> for publication (1 week prior to publication, Jane Schmidley, Acting Editor @ 296-4273).
Wednesday, May 22	BWSR Board meeting - rule approval and order to publish (Fairmont).
Friday, May 10	Rule to House & Senate Environment/Natural Resources Committees.
Wednesday, May 9	Rule to Office of Administrative Hearings (2 weeks to approve).
Friday, April 26	Rule to Revisor of Statutes for certification (1 week to certify).
Thursday, April 25	BWSR Board meeting - draft rule approval at MN Valley Wildlife Refuge.
Monday, April 22	Wetland Heritage Advisory Committee public hearing on proposed rule at Room 10, State Office Building.
Thursday, April 18	Mail draft rule to interested parties announcing the WHAC meeting.
Tuesday, April 16	BWSR field staff meeting in St. Cloud to review WCA changes.
Friday, April 12	BWSR Wetland Team/Subcommittee/LGU staff meeting to review rough draft of revised rule.

DRAFT

OLD BUSINESS #3

DRAFT

May __, 1996

Waldemar B. Senyk
Otter Tail County Attorney
Otter Tail County Courthouse
121 Junius Avenue
Fergus Falls, MN 56537

Re: BWSR/East Otter Tail SWCD

Dear Mr. Senyk:

Thank you for your letter of April 24, 1996. As you know, the Minnesota Board of Water and Soil Resources proposed a repayment schedule for the state's cost-share funds in its letter of March 18, 1996. The state's proposal called for the payment of the full amount over seven years under a schedule laid out in the letter of March 18, 1996.

Your letter of April 24, 1996, contained a counter proposal, which called basically for a payment by your client to BWSR of one-half of the restitution amount recovered from Jeanette Minten.

My client finds your counter proposal to be unacceptable. After due consideration, BWSR has decided that it would be most appropriate to turn this matter over to the Attorney General's Collections Division for appropriate resolution.

Our office will be in touch with you through our Collections Division in the near future.

Very truly yours,

MATTHEW B. SELTZER
Assistant Attorney General

(612) 296-0692

cc: Jim Birkholz
Ron Harnack
Ron Shelito

AG:28931 v1