



Minnesota Board of Water and Soil Resources.
Minutes.

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3/26/97



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DATE: March 18, 1997

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: March 26, 1997 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 26, 1997, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Consent Agenda

1. County Water Plan Approvals: The Comprehensive Local Water Plans of Murray and Lincoln Counties were presented and reviewed by the committee of the Board and are recommended for approval. **DECISION**

New Business

1. Wetland Conservation Act (WCA) Compensation Application: An application for compensation under WCA from Andrew Froehlich in Pine County resulting from a replacement plan application denial is before the Board. **DECISION**
2. WCA Appeal, Drum vs. Douglas Soil and Water Conservation District (SWCD): The Dispute Resolution Committee (DRC) has heard this appeal and recommends affirmation of the Douglas SWCD decision. **DECISION**
3. Ramsey-Washington-Metro Watershed District (RWMWD) Wetland Plan: The wetland plan has been incorporated as a major tool of the watershed plan. This "second generation" watershed plan will/does allow the RWMWD to focus on water quality management across the watershed. Management of the wetlands in the watershed is a vital aspect of the RWMWD's water quality program. This watershed is fully developed which emphasizes the need for sound wetland management. The RWMWD identified, inventoried, and assessed each of the wetlands in the watershed. Each wetland was then placed into one of four management categories. A Geographic Information System is used for tracking impacts, general planning, and project modeling of the wetland resources. **INFORMATION**

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If you have additional agenda items or require additional information, please feel free to give me a call. If bad weather conditions exist in your area, and you are unable to attend the meeting due to travel restrictions, please notify the board office by noon on Tuesday if possible. Travel safely, I look forward to seeing you on the 26th!

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MARCH 26, 1997**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approval of Minutes of February 26, 1997

Reports

- Chair - Barbara Cobb
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Kathleen Roer
- Education and Public Relations Committee - Barb Uppgaard
- Feedlot Advisory Committee - Jim Rossman
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Administrative Advisory Committee - Barbara Cobb
- Financial Oversight Committee - Ginny Imholte

Agency Reports

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

Consent Agenda

1. County Water Plan Approvals - Recommendation of Review Committee:
Murray and Lincoln - DECISION

New Business

1. Wetland Conservation Act (WCA) Compensation Application - Jim
Haertel - DECISION
2. WCA Appeal, Drum vs. Douglas Soil and Water Conservation District -
Kathy Roer - DECISION
3. Ramsey-Washington-Metro Watershed District Wetland Plan - Cliff
Aichinger - INFORMATION

Advisory Comments

- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Board Issues

1. Next Board Meeting, April 23, 1997
2. Invitation to Redwood Falls for June 24-25, 1997 BWSR meeting and tour
3. August 27-28, 1997 BWSR meeting and tour in Crookston

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MARCH 26, 1997**

AGENDA

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Minnesota Board of Water and Soil Resources
One West Water Street
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**MURRAY COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1996**

(FOR BOARD ACTION)

The Murray County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on August 22, 1990 and adopted by Murray County on September 4, 1990. Murray County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on November 22, 1996, at which time the final ninety day state review process began. The final review period ends February 20, 1997.

A written overview of the Plan Update was prepared by BWSR staff on December 18, 1996 for information and review.

On March 5, 1997 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Murray 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 Murray County Local Water Plan Update includes the new requirements. The implementation section is organized into three major goals. Objectives and prioritized actions outline efforts in achieving each goal. The goals are: **Improve Quality of Surface Water, Eliminate the Introduction of Contaminants to Ground Water, Effectively Monitor Surface and Ground Water, and Manage Surface and Groundwater Quantity.**

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; 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 Murray 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
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St. Paul, Minnesota 55107

LINCOLN COUNTY COMPREHENSIVE **(FOR BOARD ACTION)**
LOCAL WATER PLAN UPDATE - 1997

The Lincoln County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on August 22, 1990 and adopted by Lincoln County on September 4, 1990. Lincoln County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on November 8, 1996, at which time the final ninety day state review process began. The final review period ends on February 15, 1997.

A written overview of the Plan Update was prepared by BWSR staff on January 22, 1997 for information and review.

On March 5, 1997 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Lincoln 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, storm water management, high priority wetland preservation areas designation and watershed assessment.

The Lincoln 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 major goals. Objectives and prioritized actions outline efforts in achieving each goal. The goals are: **Increase the economic and recreational opportunities by improving the water quality of Lincoln County's lakes and streams, Insure adequate protection of our groundwater supplies and safe drinking water supplies for county residents, Improve surface water management to decrease flooding in Lincoln and adjacent counties.** Objectives include compile information regarding surface water quantity and quality; protect surface water quality from contamination caused by point and nonpoint source pollution; reduce the volume of sedimentation and nutrients reaching lakes, streams, rivers and wetlands; adopt a water quality ordinance to regulate installation and operation of individual sewage treatment systems, business septic systems, and installation and operation of feedlots; preserve existing wetlands and restore legally drained wetlands; evaluate the impact of stormwater runoff and determine the need for stormwater management controls in developing areas; protect ground water recharge areas giving special attention to the Lincoln-Pipestone Rural Water System; increase the understanding of ground water quality trends in the county; continue to work with local capability to repond to chemical spills; incorporate flood control benefits into future road and bridge replacements; restore small dams; assist with the construction of flood damage reduction reservoirs; re-establish drained wetlands in areas having flood damage reduction benefits. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

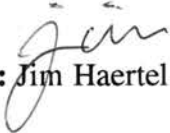
BWSR staff has reviewed the Lincoln County Comprehensive Local Water Plan Update 1997 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.



MEMORANDUM

March 11, 1997

TO: Board Members

FR:  Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: WCA Compensation Application
Andrew Froehlich, Pine County

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The board has their first WCA application for compensation under Minnesota Rules Chapter 8420.0270 before them for a decision. The rule basically allows a landowner to be compensated once a replacement plan application has been denied, our appeal process has been completed, and a complete compensation application has been submitted. The program is similar to PWP with a permanent easement resulting, although the payment rate is higher than PWP. **If all these steps are fully completed and the board does not award compensation within 90 days of receipt of the application, the wetland may be filled as proposed without replacement.**

In this situation we have a 2.1 acre parcel of land that is almost entirely Type 6 wetland bordering a lake. A good faith replacement plan application was submitted and subsequently denied by the LGU due, among other reasons, to the high value of this shoreland wetland. Upon appeal, a settlement was reached since the landowner recognized the value of the wetland and agreed to seek compensation instead of pursuing the appeal.

A complete compensation application has been submitted and all requirements have been satisfied. The application was reviewed by Easement Program staff. Compensation would be \$16,650.00 for the permanent easement.

The Dispute Resolution Committee considered this matter at their March 6, 1997, meeting and unanimously recommend approval of this application.

If you have any questions or wish to discuss, please contact me.

c: Seltzer, Harnack, Birkholz, Larson, Thomas, Jaschke, Nelson

Minnesota Board Of Water And Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

Ralph S. Drum,

BWSR File No. 96-6

Appellant,

vs.

ORDER

Douglas Soil and Water Conservation District,

Respondent.

This is an appeal by Ralph S. Drum (Drum) from an exemption/no-loss determination made by the Douglas Soil and Water Conservation District (DSWCD). DSWCD is the local government unit for the Wetland Conservation Act of 1991 (WCA). By Decision dated October 9, 1996, DSWCD approved a permanent outlet for the wetland on Drum's property at 1376.6 feet, but refused to approve a lower outlet as requested by Drum. DSWCD found that there would be a net loss of wetlands if the outlet elevation were lowered below 1376.6 feet and that there was no exemption under WCA that would allow a lower outlet.

On March 6, 1997, the Dispute Resolution Committee (DRC) of the Minnesota Board of Water and Soil Resources (BWSR) heard oral arguments. DRC members Annexstad, Lovdahl, and Roer (chair) were in attendance. William G. Peterson, Esq., William Peterson & Associates, LTD., 8400 Lyndale Avenue South, Bloomington, Minnesota 55420, appeared on behalf of Drum. Daniel C. Lee, Esq., Douglas County Attorney's Office, Douglas County Courthouse, 305 Eighth Avenue West, Alexandria, Minnesota 56308, appeared on behalf of DSWCD.

The attorneys for the parties agreed that the record on which DSWCD based its decision consists of the following: Exhibits 1-5 and A-N identified on a sheet entitled "Table of Contents"; a survey report prepared for Drum by Russell E. Kastelle, dated October 26, 1993, marked Exhibit 6;

transcripts of DSWCD proceedings on August 29, 1996, September 9, 1996, and October 9, 1996; and the Findings of Fact and Decision of DSWCD dated October 9, 1996. The parties agreed that the following would not be considered part of the record and would be stricken from the briefs to which they are attached: e-mail dated January 30, 1997 attached to Drum's Brief dated January 31, 1997; certificates attached to DSWCD Brief dated February 18, 1997.

Following oral arguments on the merits, the DRC unanimously adopted a resolution recommending that DSWCD be affirmed.

At a meeting of BWSR on March 26, 1997, BWSR unanimously adopted a resolution to accept the recommendation of the DRC and authorize the chair of BWSR to issue this Order.

Based on the entire record of this proceeding, BWSR makes the following

ORDER

1. The October 9, 1996, Decision of the Douglas Soil and Water Conservation District with regard to a wetland on the property of Ralph S. Drum in Douglas County, Minnesota is affirmed.
2. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: March ____, 1997

Minnesota Board of Water and Soil Resources

By: _____
Its Chair

MEMORANDUM

Pursuant to Minn. R. 8420.0250, subp. 3 (1995), *amended by* 20 Minn. Reg. 2629 (June 10, 1996), our standard of review is as follows:

The board will affirm the local government unit's decision if the local government unit's findings of fact are not clearly erroneous; if the local government unit correctly applied the law to the facts, including this chapter; and if the local government unit made no procedural errors prejudicial to a party.

We find that this standard is satisfied and therefore affirm the Decision of DSWCD.

Drum argues that DSWCD lacks jurisdiction over the portion of the wetland that Drum desires to drain. Drum cites the definition of wetlands in Minn. Stat. § 103G.005, subd. 19 (1996). This definition expressly excludes "public waters wetlands as defined in subd. 15(a)." Drum further cites Minn. Stat. § 103G.005, subd. 15(a) (1996) which provides that "Public waters wetlands" means all Types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) ... that are 10 or more acres in size in unincorporated areas." Drum argues that the wetland on his property is a Type 4 wetland of more than 10 acres in size and therefore that it falls within the exclusion from the definition of "wetlands" in Minn. Stat. § 103G.005, subd. 19 (1996).

We reject Drum's jurisdictional argument. The intent of the legislature in adopting WCA was to provide protection for all wetlands that are not protected by the DNR under the public waters inventory. The public waters wetlands regulated by DNR are identified on the public waters inventory maps prepared by the Commissioner of Natural Resources under Laws 1979, ch. 199. See Minn. Stat. § 103G.201 (1996). The wetland on Drum's property is not designated on the DNR's public waters inventory maps, and the record makes it clear that the DNR will not exercise jurisdiction. See Exhibit 3. BWSR rules specify that WCA regulates all wetlands except those "designated on the public waters inventory maps." Minn. R. 8420.0110,

subp. 52(C) (1995), *amended by* 20 Minn. Reg. 2629 (June 10, 1996). See also Minn. R. 8420.0105 (1995), *amended by* 20 Minn. Reg. 2629 (June 10, 1996). In fulfillment of legislative intent, and in compliance with our own rules, we find that DSWCD has jurisdiction over the entire wetland on Drum's property. To adopt Drum's theory would be to leave the wetland on Drum's property without regulatory protection under either the DNR's public waters program or WCA.

With jurisdiction established, the question then becomes whether Drum's proposed activity may be conducted without loss of wetlands or, alternatively, whether his proposed activity falls within an exemption to WCA. DSWCD found that there would be a loss of wetlands if the outlet elevation were lowered below 1376.6 feet. Based upon the record as a whole, we must affirm DSWCD because its finding is not clearly erroneous and DSWCD correctly applied the law to the facts.

Minn. R. 8420.0122, subp. 5 (1995), *amended by* 20 Minn. Reg. 2629 (June 10, 1996) exempts activities "in a wetland created solely as a result of ... actions by public or private entities that were taken for a purpose other than creating the wetland." Drum asserts that the elevation of the wetland was raised by the construction of a township road in 1972. However, DSWCD found that Drum did not meet his burden of proof that the wetland was enlarged solely due to the construction of the road in 1972. Again, based upon the record as a whole, we must affirm DSWCD because its finding is not clearly erroneous and DSWCD correctly applied the law to the facts.

Minn. R. 8420.0122, subp. 2(D) (1995), *amended by* 20 Minn. Reg. 2629 (June 10, 1996) provides an exemption for repairs to private drainage systems that result in the draining of wetlands that have been in existence for less than 25 years. Drum argues, apparently for the first time on appeal, that he is entitled to the exemption for the repair of private drainage systems. Suffice it to say that Drum's proposed activity is not the repair of an existing private drainage system and that, on this basis alone, the exemption does not apply.

Finally, we note that the permitted outlet of 1376.6 feet provides a 3-foot separation between the footings for Drum's house and the permitted outlet elevation. The evidence in the record suggests that, with the addition of tile around Drum's house, lowering the outlet to the permitted level should help to address the water problem reported by Drum.



RDH

Interagency Environmental Initiative Lakeshed Cost-Share

Initiative Description:

This environmental cluster initiative will reduce sediment and nutrient loading into Minnesota lakes through the application of priority land treatment practices. The initiative proposes an increase in cost-share funds available to landowners in locally designated priority lakesheds.

Background:

Nothing says "Minnesota" more than lakes. In 1994, Minnesota tourism was estimated to be a \$6.9 billion business. In addition, lakes provide substantial local and state tax revenue. For example, sport fishing alone raises an estimated \$77 million in state income and sales tax annually.

Despite this, the quality of many Minnesota lakes is deteriorating, according to the Minnesota Lakes Association. Seventy-two of Minnesota's eighty-seven counties identify lake water quality as an important issue in their local water plans.

A recent biennial survey of local resource managers conducted by the MPCA indicates that 81 percent of surveyed lakes are impaired by land use practices in their contributing watersheds. The need for the application of conservation practices in lake watersheds is recommended in virtually all MPCA Lake Assessment Program reports.

Protecting our water quality through modest state funding to assist in repairing known critical

impact sites will improve the sustainability of not only the tourism industry, but also the livestock, crop production, and timber industries. This could be accomplished with no new administrative costs through the state Cost-Share Program, carried out through local soil and water conservation districts (SWCDs), in partnership with landowners, since 1977. This proposal intends to use additional funds for this program to accelerate the treatment of critical impact sites in order to protect lake water quality.

Installation of riparian buffer strips, animal waste management systems, stormwater basins, shoreland stabilization, and grass waterways in targeted lake watersheds will reduce sediment and nutrient loading to Minnesota lakes. With the exception of animal waste systems, the great majority of conservation practices cost less than \$10,000. This program will provide landowners with up to 75 percent of the cost of a project. BWSR proposes that up to 20 percent of the allocation be used for the technical assistance necessary to survey and design the projects (consistent with current cost-share program rules).

Lakeshed cost-share, in combination with local water planning, can effectively and efficiently address the need for conservation practices to protect our lakes.

Benefits:

BWSR has provided erosion and sediment control cost-share financial incentives to landowners, through SWCDs, since 1977. The current \$1.6 million level of funding, which has not changed since 1977, has lost 62 percent of its purchasing power due to inflation. In 1993 the legislature created a new \$500,000 annual cost-share allocation targeted specifically to improve water quality in the Minnesota River. In similar fashion, lakeshed cost-share will target implementation of conservation practices to Minnesota's lake resources.

Lakeshed Cost-Share will:

- Assist in local efforts to protect the quality of water in Minnesota lakes.
- Leverage significant sources of volunteer time and funding through landowners and organizations such lake associations, conservation organizations, and sporting clubs.
- Take advantage of investments in environmental education and rely on a voluntary approach, rather than polarizing the issue with a regulatory approach.
- Continue the state's contribution to the state-local partnership promoted by the Comprehensive Local Water Planning Act of 1995.
- Decrease the delivery of sediments, nutrients, and other pollutants to Minnesota lakes.

Specific Components:

- Provide grants to SWCDs to cost-share up to 75 percent of the cost of eligible erosion, sediment, and water quality improvement practices with landowners.
- Funds will be directed to priority lakes and watersheds identified in local water plans.
- Priority will be given to lakes for which studies indicate a positive relationship

between watershed treatment and water quality goals.

- BWSR will coordinate assistance with the other environmental agencies and their programs.

Cost:

\$225,000 annually for cost-share grants.

Supporters:

Minnesota Lakes Association
Minnesota Association of Soil and Water
Conservation Districts

Minnesota Board of Water and Soil Resources
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612/296-3767

- Minnesota Pollution Control Agency
- Board of Water and Soil Resources
- Minnesota Dept. of Natural Resources

Interagency Environmental Initiative **Community Technical Assistance and Education**

Introduction

The purpose of this interagency initiative is to help local communities participate more effectively in management of the environment and natural resources. Funding is requested for field personnel, whose expertise and knowledge will be made available to local officials and citizens involved in water-quality and natural resource projects and programs. Grant money to encourage local involvement is also requested.

Three environmental agencies have recognized a need for additional resources devoted to community assistance: the Minnesota Pollution Control Agency, the Board of Water and Soil Resources, and the Department of Natural Resources. This initiative is part of an overall shift of agency resources to promote decentralized management and decision making.

Proposal for positions and seed funds

The MPCA, BWSR and DNR are requesting a total of \$2,100,000 for the 1998-1999 biennium for community technical assistance. This request will be used to fund two distinct components -- positions and seed funding.

Positions

Our local-level partners throughout the state who are involved with local water planning, watershed protection projects, and basin-wide landscape and water-quality enhancement efforts need information

and technical support from these agencies. Agency regional and field staff, who live in these communities and are closer to customers, can most effectively work with local alliances to help develop strategies for environmental improvement. Therefore:

- The MPCA is requesting \$470,000 for four positions for the 1998-1999 biennium for regional staff in the MPCA's Brainerd, Detroit Lakes, Marshall and Duluth Regional Offices. These staff will provide technical assistance, information and support to communities working on local and basin-wide efforts to protect and improve water quality. They will serve as the main point of contact for MPCA water-quality issues and will help focus the community involvement that is critical to the success of river-basin management.
- The BWSR is requesting \$400,000 for three positions for the 1998-1999 biennium. The positions are for two educational specialists and an intern to work with local governments and the public on education and communication efforts. The educational specialists will cover different regions of the state: one in southern Minnesota and another in the metropolitan area, focusing on issues unique to the various watersheds of the state. (The BWSR currently has an education specialist serving northern Minnesota.)
- The DNR is requesting \$580,000 for 5.4 positions for the 1998-1999 biennium. Some of these positions will go to the Twin Cities metropolitan

area to focus on protecting the remaining 14 trout streams in the metro through community-based management. Other positions, for landscape and watershed technical assistance, will contribute to knowledge and resolution of the complex water management/use issues in the Red River watershed (these will coordinate with the MPCA-requested Red River position). A third group of positions will be devoted to improving communications and coordination of efforts in the southern and northeastern regions of the state.

Seed funding

Initiating community-based environmental projects at the local level often requires an investment by cooperating partners. Our experiences in the Minnesota River basin and in ecosystem management projects point to the need for resources to focus and catalyze efforts. Without the use of seed money provided by the Legislature, it would have been difficult to get many now-successful efforts off the ground.

Therefore, the MPCA is requesting \$400,000 and the DNR is requesting \$250,000 for the 1998-1999 biennium to fund grants that will be used as seed money for local watershed alliances and community initiatives.

These grants, which will leverage funds from other agencies or organizations, will provide the MPCA and DNR with a way to help support locally driven initiatives. The MPCA will use its grants to support communities in a variety of activities such as

formation of community groups, watershed education projects, or training tailored to specific customers. The DNR request will provide matching grants to communities for pilot greenway projects and additional research on guidelines for establishing and managing greenways. The initiative also provides grants for regional partners to empower locally driven, ecosystem-based initiatives needing seed money and technical assistance.

This interagency proposal will help produce effective local environmental management. Problems are more approachable at the local level, and custom solutions are more feasible. The seed funds for watershed alliance grants and community-based environmental initiatives will help the agencies work together with communities to establish shared goals and focus on environmental results.

For further information

For more information on the Interagency Community Technical Assistance proposal, contact:

MPCA: Gaylen Reetz, (612) 296-8856 or toll-free (800) 657-3864

BWSR: Ron Harnack, (612) 296-0032 or Doug Thomas, (612) 297-5617

DNR: Brad Moore, DNR, (612) 296-4944.

• Minnesota Pollution Control Agency

• Minnesota Department of Agriculture

Interagency Feedlot Management Initiative

Introduction

Public and private concerns over feedlot issues, such as odors, manure management, disposal of dead animals, and possible pathogen transmission, have been sharply increasing in recent years.

This interagency initiative is a cooperative effort between the Minnesota Department of Agriculture (MDA) and the Minnesota Pollution Control Agency (MPCA) to address these issues with consideration for both economics and the environment. This initiative was developed in response to emerging issues that have been raised through the Feedlot and Manure Management Advisory Committee and other interaction with the public. It provides for \$580,000 over the biennium to MDA to address issues within feedlot management and \$300,000 over the biennium to MPCA to address feedlot hydrogen sulfide emissions.

The MDA Initiative

D-321

The governor recommends \$580,000 for the biennium from the general fund to provide information to researchers, agricultural professionals and producers on managing manure in an environmentally responsible and scientifically based manner. This initiative is a two year initiative which includes 0.5 FTE and \$530,000 of pass-thru dollars to the University of Minnesota.

The livestock industry must address several challenges if it is to remain profitable and environmentally sustainable while maintaining its economic and social importance for Minnesota. The livestock industry, in particular, is important to Minnesota's economy. Livestock farm cash

receipts totaled about \$3.7 billion in 1994 or about 53 percent of total farm cash receipts. Livestock production continues to be the most important form of value-added activity in Minnesota agriculture. The livestock and related industries are responsible for approximately 285,000 jobs which is over 10 percent of all employment in the state.

Many of the major issues that the industry faces have to do with the management of production by-products. Producers of livestock, their neighbors, the processing industry, and the general public have substantial concerns over these issues. The concerns include:

- environmental (air quality) and aesthetic concerns over odor-dispersion from feedlots;
- the lack of facilities or technologies to safely dispose of dead animals;
- lack of scientific information on the effectiveness of odor suppression;
- management technologies needed to evaluate potential pathogen survival or transmission, given new methods and technologies of production;
- the development and evaluation of models to predict the effectiveness of management practices designed to control water-quality impacts of runoff from fields where manure has been applied.

This initiative focuses on addressing these challenges in order to strengthen the livestock sector and protect the environment and encourages investments by producers and processors.

Initiative Outcomes

The initiative will result in the following four outcomes:

- Quantification of the odor issue; a scientific data base on odor by type and size of operation will be developed.
- Research data and demonstrations of technologies for composting of dead animals and the use of biofilters as odor suppressants.
- An evaluation of tile inlet technologies e.g., buffer strips, slotted pipes, French drain systems, through laboratory modeling to quantify effectiveness, cost and maintenance problems.
- Conduct an extensive literature review and limited testing to determine pathogen survival and transmission in manure by using various management approaches for the collection, storage or use of manure.

The MPCA Initiative

D-39

The MPCA's feedlot regulations have focused almost exclusively on protecting water quality until recently. Clearly new strategies will be needed to address the emerging issues of odor and hydrogen sulfide.

Because odors have been considered a land-use issue best handled through zoning, little attention had been paid to odors during the feedlot permit review process. This began to change in 1993 as the trend toward larger swine facilities accelerated. During the discussion of the Environmental Assessment Worksheets for certain large hog facilities, significant attention was paid to the odor issue.

Recent air quality testing by Renville County, the MPCA, and concerned citizens have shown that levels of hydrogen sulfide in the vicinity of some larger hog farms, as well as certain industrial facilities with high strength organic wastes, are likely exceeding state ambient standards. It is not known how many facilities have this problem. The Minnesota Department of Health has stated that the levels measured at some facilities are a human health concern, though not an emergency. This was

an unexpected problem at livestock facilities. Therefore, resources are needed to address the issue.

Data thus far indicate that hydrogen sulfide is the key compound of concern at swine facilities. The data also seem to indicate that higher hydrogen sulfide levels are found at swine facilities than at cattle or poultry facilities, and that there may be greater problems at outdoor lagoons and earthen basins than at facilities with pits under barns. Because hydrogen sulfide was an unexpected problem at livestock facilities, some additional resources are needed to address the issue.

This initiative will fund two positions at the MPCA. One position will assist in monitoring and analysis of hydrogen sulfide emissions data. The other position would provide air-quality compliance assistance to agricultural producers. The initiative will also fund additional equipment for monitoring and provide \$30,000 to Minnesota Extension Services (MES) for research for the 1998-99 biennium. The MPCA plans to use this funding coupled with \$50,000 in the subsequent biennium to provide technical assistance through MES.

With a better understanding of the nature and scope of feedlot air-quality problems, feedlot program staff can more effectively review permit applications for proposed feedlots. The result will be better design and management of these facilities and fewer air-quality problems from them.

This effort will result in a better understanding of the nature and scope of hydrogen sulfide and the other air contaminants related to animal agriculture. It will also result in compliance assistance for both industrial facilities and agricultural producers in their efforts to meet hydrogen sulfide standards.

For further information

For information on the MDA and MPCA Interagency feedlot initiative contact:

Paul Burns at MDA (612) 296-1488

Dave Nelson at MPCA (612) 296-9274

• Minnesota Pollution Control Agency

• Board of Water and Soil Resources

Interagency Environmental Initiative

Individual Sewage Treatment System (ISTS) Program

Introduction

A new state law governing individual sewage treatment systems (ISTS, commonly called "septic systems") became effective on May 10, 1994. The new law aims at correcting the serious water pollution and health problems associated with septic systems which are not treating sewage adequately.

The MPCA, in partnership with local units of government (counties, cities or townships) and ISTS businesses, administers the ISTS program in the state. The law (M.S. 115.55-.56) includes five major provisions: minimum ISTS design standards; "triggers" for inspection and upgrade; professional licensing; administrative procedures for local units of government; and disclosure of ISTS status prior to property transfer.

The new ISTS program has had a successful startup and is generally well regarded. However, as could be expected, the transition to a new, statewide ISTS law has meant dramatic changes for many people over a short period of time. MPCA staff, stakeholders, and legislators have been meeting to discuss and resolve start-up problems. The MPCA and BWSR are now bringing a legislative budget initiative and an associated ISTS policy initiative forward to improve the ISTS program. The initiative provides \$400,000 for the ISTS program to make needed adjustments to the existing program. This fact sheet explains the interagency budget initiative.

Problem/issues

The MPCA has been working with an ISTS Advisory Committee and other program partners to identify needed changes to the ISTS program. Through a series of six meetings hosted by the advisory committee, the MPCA has facilitated a discussion of possible ISTS program changes with several hundred interested individuals and groups.

This ISTS program review produced a series of recommendations for improving the ISTS program. These suggestions involve program adjustments rather than any major change in the program's direction. Recommended improvements include:

- increased flexibility for inspectors and local units of government
- modified inspection and upgrade "triggers"
- outreach and education to alleviate confusion
- expanded training
- coordinated ISTS research
- encouraging development and use of new technology
- increased ISTS funding for homeowners and local government administration.

These improvements necessitate changes in law, rule or administrative procedures. The MPCA will be working with the 1997 Legislature and through the upcoming ISTS rulemaking process to make these improvements over the next several years.



Solution: 1997 Environmental Cluster ISTS Budget Initiative

The MPCA is seeking policy changes to the ISTS program in a separate bill. To fund program improvements, the environmental cluster agencies are recommending that \$400,000 per biennium be directed to ISTS program partners as follows:

- **Financial Assistance for Local Units of Government (LUGs) — \$172,000/biennium.**

Approximately \$172,000 is proposed for the start-up and development of county ISTS programs through the Board of Water and Soil Resources' (BWSR) existing Natural Resources Block Grant Program. The initiative would provide approximately 17-24 LUGs with assistance each biennium for locally designed ISTS research, ISTS inventories, ISTS training tailored for special local circumstances, and homeowner outreach and education at the local level. Grants will require a one-to-one local match. BWSR will administer the funding program; MPCA working with BWSR and other program partners will develop the criteria for grant awards to county partners.

- **Enhanced ISTS Training —**

\$120,000/biennium. Approximately \$120,000 is proposed for a contract with the University of Minnesota to develop additional advanced training for ISTS professionals and local officials. The additional training is in high demand, and will be more site-specific and locally designed in order to recognize regional differences. Training also will be aimed at assisting ISTS professionals in developing the knowledge and experience they need to make judgments about existing ISTS and ground-water protection.

- **Regional MPCA staff — \$108,000/biennium.**

Approximately \$108,000 is proposed for one MPCA regional staff person to assist local units of government with ISTS program start-up and

development. This position is anticipated to be located in the MPCA's Brainerd or Detroit Lakes Regional Office.

Anticipated results

The Legislature's goal of more adequately treating sewage generated by individual homes and businesses will be better met if the existing ISTS program can be implemented with and through supportive and well-trained local partners.

This ISTS budget initiative will result in better working relationships with two critical ISTS partners: local government and ISTS professionals. The funding will result in more information, assistance, training, and research support for local government. And ISTS professionals will be better positioned as partners with skills, knowledge, and sound research on available technologies and on protecting ground water and public health. Ultimately, Minnesota's homeowners will be better served by these more qualified local partners.

The recommended ISTS program improvements and this budget initiative offer significant long-term benefits. The quality of Minnesota's water resources will be enhanced if sewage generated from individual homes and businesses is more adequately treated. Consumers and the general public will be better protected and more informed. Finally, improved relationships with these local partners will bring solutions their pollution problems within easier reach.

For further information

For more information on this ISTS budget initiative call Susan Schmidt, MPCA, at (612) 297-7573 or toll-free at (800) 657-3864; or Doug Thomas, BWSR, at (612) 297-5617.

- Minnesota Pollution Control Agency
- Minnesota Dept. of Agriculture
- Board of Water and Soil Resources
- Minnesota Dept. of Natural Resources
- Minnesota Dept. of Health
- Metropolitan Council

Interagency Water Monitoring Initiative

There is a great need in Minnesota for better monitoring of the quality of our water resources. The state agencies shown above are cooperating on a legislative initiative for coordinated, comprehensive water monitoring. This fact sheet, prepared by the Minnesota Pollution Control Agency and reviewed by an interagency committee, describes the initiative.

Introduction

Good water monitoring provides the foundation for protecting Minnesota's invaluable water resources. Done well, water monitoring provides us with the basic information needed to identify, evaluate, and then solve our water resource problems. Carefully thought-out and implemented, the data provided by water monitoring acts as an essential guide, allowing us to make considered decisions as to the most effective direction for our actions. In a time of limited financial resources, it is an essential tool for ensuring that available dollars are targeted where they will do the most good.

The 1992 Minnesota Water Monitoring Plan, an interagency effort coordinated by the Minnesota Environmental Quality Board, reaffirmed the vital role of good water monitoring. The plan examined then-current efforts and appropriate roles of the different agencies, identified needed improvements, and set out a framework for building a strong, coordinated, and comprehensive program for monitoring the state's waters.

This 1997 interagency initiative builds on that plan. Since 1992, state agencies have made significant improvements in *what* they monitor. Likewise, we have changed *how* we monitor, in order to make monitoring more cost-effective and provide

more useable results to state and local decision-makers.

However, the state still needs better water monitoring. Existing monitoring efforts provide valid water-quality assessments of only 4 percent of Minnesota's river miles and 15 percent of the state's lakes. Similarly, only a small portion of the state's ground-water resources have been adequately examined to characterize conditions and actual or potential problems.

The state agencies involved in water monitoring, along with the Metropolitan Council and the University of Minnesota, met through much of 1996 to examine progress in revamping the state's monitoring efforts and to identify and prioritize the most critical remaining needs.

The individual elements of this initiative (following) were identified by the agencies as high-priority actions needed to fill the gaps in Minnesota's water-monitoring efforts. They will not do so completely, nor will they provide all the answers to Minnesota's resource questions. But they represent important steps toward an integrated and comprehensive water monitoring program.

The individual elements include cooperative efforts involving two or more agencies, and all involve coordination of state and local monitoring efforts. The results will provide a more complete picture of Minnesota's waters -- a picture that helps ensure that our dollars are spent wisely, leading to state and local water-management programs that are cost-effective and directly accountable to the public they serve.

Elements of the initiative

Surface-water monitoring

- ◆ **Integrated Condition Monitoring for Rivers, Streams, and Wetlands.** (MPCA: 3 FTEs and \$240,000 per year; MDNR: 1.5 FTEs and \$100,000 per year.) Integrated monitoring uses the combined tools of biology, chemistry, hydrology, and habitat assessment to provide a more comprehensive and more cost-effective assessment of water quality than can be gotten through traditional water chemistry monitoring alone. It uses recently developed techniques to set "bio-criteria" that measure the health of the aquatic ecosystem directly. And by monitoring at statistically selected sites, it can provide a statistically valid overall picture of state water quality that has not been available before. Funding would be used to build on work begun by the MPCA and MDNR in 1995 and 1996, a highly successful cooperative effort designed to meet the needs of both agencies. The use of integrated monitoring and the development of bio-criteria would be expanded to the whole state, providing needed information on water-quality conditions, trends, and problems to be used by state and local decision-makers involved in stream and wetland management.
- ◆ **Improved Lake-Quality Monitoring.** (MPCA: 1 FTE and \$90,000 per year.) The MPCA's lake monitoring program is used to look at overall trends in the quality of the state's thousands of lakes and provide the scientific information needed to successfully protect them. Funding would replace diminishing federal moneys as well as modestly expand existing efforts. In particular, it would help meet the increased demand for the services of the Lake Assessment Program, a cooperative effort with local groups to characterize a given lake's condition and provide a solid basis for local preservation and restoration activities.
- ◆ **Volunteer Monitoring.** (MPCA: 1 FTE and \$97,500 per year.) The Citizen Lake-Monitoring Program has volunteers collecting basic water clarity measurements on more than 650 lakes across the state, and has been extremely successful in providing needed trend information. Equally important, it has involved Minnesota citizens directly in the process of protecting their own local water resources. Funding would initiate and test the practicability of a similar program for the state's streams and rivers, using simple and easily performed measurements of water quality by student and interested citizen groups.
- ◆ **Interagency Fish Contaminant Monitoring.** (MPCA: 1 FTE and \$80,000 per year.) The existing fish contaminant program, a cooperative effort of the MDNR, MDH, and MPCA, works well for the limited purpose of providing site-specific data for the Minnesota Fish Consumption Advisory. Funding would build on and coordinate already existing monitoring programs of the MPCA and MDNR, adding chemical analyses of fish tissue, water, and food chains as well as performing GIS characterizations of watersheds, in order to examine both trends and mechanisms in the bioaccumulation of heavy metals and organic compounds, such as mercury, PCB, and dioxin, in fish.
- ◆ **Investigation of High-Priority Specific Sites or Issues.** (MPCA: \$50,000 per year.) The MPCA does such studies to set specific permit limits or investigate site-specific nonpoint-source problems, or to examine the magnitude and dynamics of emerging environmental issues. The studies are individually designed, not always foreseen, and sometimes require seasonal conditions not met in every year. They also often rely on pulling staff from other efforts. Funding would provide limited stable resources to address such special needs as they arise, allowing the Agency to provide decision-makers with information on new issues and offer timely assistance to local partners to investigate the most pressing problems.
- ◆ **Mercury and PCB Inputs to the Minnesota River.** (Metropolitan Council: \$212,500 in FY 1998 and \$137,500 in FY 1999.) Fish consumption advisories based on mercury and

PCB currently exist throughout the Minnesota River basin; nonpoint sources, associated with sediment, are thought to contribute the bulk of the pollutants. Funding would allow the Council to establish monitoring sites on the river as well as on first-order tributaries to characterize sources and loadings.

- ◆ **Metro Area Watershed Outlet Monitoring.** (Metropolitan Council: \$212,500 in FY 1998 and \$137,500 in FY 1999.) State law requires the Council to "adopt a water resources plan that includes management objectives and target pollution loads for watersheds in the metropolitan area." Funding would allow the Council to establish automated monitoring sites in a dozen metro area watersheds to assess current conditions, set target loadings, and measure progress.
- ◆ **Urban Nonpoint-Source BMP Effectiveness Monitoring.** (Metropolitan Council: \$75,000 per year.) Nationally and locally, many "best management practices" (BMPs) are being developed and used to control nonpoint-source pollution; the Metropolitan Council's Twin Cities Water Quality Initiative includes the application of numerous such BMPs in metro area projects. Funding would allow the Council to conduct the monitoring necessary to assess the site-specific applicability of certain of these measures as well as evaluate their cost-effectiveness.
- ◆ **Agricultural Chemicals.** (MDA: 2 FTEs and \$170,000 per year.) The MDA monitors surface water to determine the effectiveness of its pesticide and nutrient management plans. Adequate evaluation, however, is being prevented by a shortage of the necessary monitoring stations. The Department currently uses samples collected by other state agencies and also has a small number of automatic, continuous monitoring stations. Funding would allow the installation of needed additional such stations, measuring both precipitation and water chemistry in targeted small watersheds.
- ◆ **Surface Water Gaging.** (MDNR: 1 FTE and \$100,000 per year.) The MDNR monitors levels

of over 700 lakes with the help of citizen volunteers and local government partners, and financially supports nearly half of the 96 US Geological Survey stream gages in Minnesota. Lake-level and stream-flow data is essential for water- and land-use planning and decision making. Funding would provide for gaging of additional priority lakes and watersheds, better analysis and dissemination of surface-water information, and equipment replacement for the Minnesota Flood Forecast & Warning System initiative being proposed to the Federal Emergency Management Agency.

Ground-water monitoring

- ◆ **Trend Monitoring for Ground-Water Quality.** (MPCA: \$105,000 in FY 1998 and \$80,000 in FY 1999.) The MPCA's Ground-Water Monitoring and Assessment Program as redesigned under LCMR funding, provides statewide data on baseline conditions and trends for ground-water quality. Funding would meet deficiencies identified by the technical community and improve the program's ability to assess how ground-water quality is changing over time and help target agency activities. Additional monitoring wells would be added in areas where the use of existing drinking water wells alone has been shown to be inadequate for trend analysis, and detailed geologic and flow information would be gathered and mapped in study areas where sufficient information does not exist.
- ◆ **Ground-Water Availability.** (MDNR: 5 FTEs and \$400,000 per year.) The MDNR cannot meet current demands from municipal utilities and water planners for information on ground-water availability and sensitivity to pollution. Funding would allow the Department to 1) install additional needed observation wells, 2) accelerate completion of ground-water sensitivity maps, 3) estimate trends in ground-water use and better address the issue of sustainability, 4) characterize aquifer recharge, and 5) document ground-water/surface-water

relationships where necessary to protect specialized habitats.

- ◆ **Agricultural Chemicals.** (MDA: .5 FTE and \$50,000 per year.) The MDA monitors ground water to determine the effectiveness of its pesticide and nutrient management plans. Adequate evaluation, however, is being prevented by a shortage of the necessary well monitoring stations. Funding would allow the Department to install additional such wells in hydrogeologically sensitive areas.
- ◆ **Training Local Health Agencies to Interpret Well-Water Quality Data.** (MDH: 2 FTEs and \$100,000 per year.) Funding would be used by the MDH for a pilot project with county health departments that builds on local testing programs for nitrate and coliform levels in private wells. The project would store and interpret data from the testing as well as allow local follow-up site investigations, providing information needed to address drinking water contamination at the township level.

Monitoring coordination and information management

- ◆ **Local Government Annual Reporting System (LARS).** (BWSR: 1 FTE and \$90,000 per year.) It has been very difficult to assess overall environmental improvements resulting from local water resource efforts. Funding would be used by BWSR, in cooperation with the MPCA, MDA, and the federal Natural Resources Conservation Service, to put in place the LARS data base, providing a consistent format for local governments to track and report on water and land management activities. This would allow systematic estimation of pollutant reductions and cost-effectiveness for an array of BMPs, and make the resulting information readily available to state policy makers.
- ◆ **Local Monitoring Cooperatives for Agricultural Chemicals.** (MDA: .5 FTE and \$30,000 per year.) Local groups are essential partners in the monitoring process, but are often

hampered by a lack of knowledge of pesticide and nutrient monitoring technologies. Funding would allow the MDA both to develop a guidebook to assist in setting up local programs and to provide staffing to coordinate state and local efforts, giving a framework for local involvement in the implementation of agricultural chemical management plans tailored to local needs.

- ◆ **Well Records Database Enhancement.** (MDH: 1 FTE and \$120,000 per year.) Funding would be used by the MDH to computerize historical well log data from various sources and consolidate the information in a single, accessible and non-duplicative database.
- ◆ **Monitoring Coordination and Data Management.** (MPCA: 2 FTEs and \$100,000 per year.) The collecting of water-monitoring samples is only one of the steps in providing meaningful water resource information. This funding would be used by the MPCA to provide staff necessary for the rest of the steps. It would help to ensure that monitoring is carefully planned and is coordinated with other state and local efforts and that data is collected and stored in a way that will make it easily useable by decision-makers as well as the general public.

For more information (all are 612 area code):

MPCA: Peggy Adelman (296-7369) or Sylvia McCollor (296-7249)
 MDNR: Kent Lokkesmoe (296-4810) or Lee Pfannmuller (296-0783)
 MDA: Greg Buzicky (296-5639) or Larry Palmer (296-1161)
 MDH: Pat Bloomgren (215-0731) or Bruce Olsen (215-0796)
 BWSR: Ron Hamack (296-0878) or Doug Thomas (297-5617)
 Met Council: Kent Johnson (602-8117) or Eunice Groschen (291-6419)

4/23/97



DATE: April 14, 1997

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

FROM: Ronald D. Karnack, Executive Director

SUBJECT: April 23, 1997 BWSR Meeting

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
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Fax (218) 723-4794

3217 Bemidji Avenue N.
Bemidji, MN 56601
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217 S. 7th Street
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Southern Region:

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The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 23, 1997, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Consent Agenda

1. Extension of the Clay County Water Plan: Clay County has requested an additional six month extension of their water plan. The request is based on the desire of the County to have active participation from the advisory committee and citizens in the review and refinement of the water plan goals, objectives, and action items. Recent flooding in the County has hindered this effort. BWSR staff have reviewed this request pursuant to Board guidelines and have recommended its approval. **DECISION**

New Business

1. Revised Priority Review Schedule: The Priority Review Schedule sets the due dates for submission of second generation watershed management plans in the metropolitan area. The present schedule was adopted by the Board in October, 1995. The schedule needs revising due to significant changes in the way water management will be done in Carver and Scott Counties. **DECISION**
2. Six Cities Water Management Organization (SCWMO) Watershed Management Plan: The SCWMO is located in the southern part of Anoka County adjacent to the Mississippi River and covers approximately 21 square miles; including the cities of Blaine, Columbia Heights, Coon Rapids, Fridley, Hilltop, and Spring Lake Park. The SCWMO has established six subwatersheds for implementation of the plan. Issues and opportunities for each of the subwatersheds have been assessed and a capital improvements program developed. The SCWMO has provided a table of implementation priorities including funding sources and responsible units of government for implementation. This table, along with the supporting data of detailed activities, purposes and goals of each of the identified projects provides precise information for everyone in the watershed. **DECISION**

BWSR Members, Advisors, and Staff

April 14, 1997

Page Two

3. Cass County Comprehensive Wetland Protection and Management Plan Update - Cass County is nearing completion of the development of their wetland plan. John Sumption will provide an overview of the process and a description of the methods used to assess the wetlands in all of Cass County. INFORMATION
4. Conservation Easement Program, Six Month Status Report: Tim Fredbo will give a work program status report for the Reinvest in Minnesota (RIM) Reserve and Permanent Wetland Preserves (PWP) conservation easement programs. We have just recently completed compiling the results of our 1996 sign-up. INFORMATION

If you have additional agenda items or require additional information, please feel free to give me a call. If bad weather conditions exist in your area, and you are unable to attend the meeting due to travel restrictions, please notify the board office by noon on Tuesday if possible. Travel safely, I look forward to seeing you on the 23rd!

RDH:mja
Enclosures

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
APRIL 23, 1997**

PRELIMINARY AGENDA

9:00 a.m.

Call Meeting to Order

Recognition of Outgoing Members

- Barbara Cobb, Chair
- Ted Lovdahl, Jr.
- LeRoy Stensgaard

Introductions of New Board Members

- Kathleen Roer, Chair
- Jim Dahlvang
- Allan Oehlke

Adopt Agenda

Approval of Minutes of March 26, 1997

Reports

- Chair - Barb Cobb
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Kathleen Roer
- Education and Public Relations Committee - Barb Uppgaard
- Feedlot Advisory Committee - Jim Rossman
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Administrative Advisory Committee - Barb Cobb
- Financial Oversight Committee - Ginny Imholte

Agency Reports

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

Consent Agenda

1. Extension of the Clay County Water Plan - DECISION

New Business

1. Revised Priority Review Schedule - Jim Haertel -DECISION
2. Six Cities Water Management Organization Watershed Management Plan - Bruce Sandstrom - DECISION
3. Cass County Comprehensive Wetland Protection and Management Plan Update - John Sumption - INFORMATION
4. Conservation Easement Program, Six Month Status Report - Tim Fredbo - INFORMATION

Advisory Comments

- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Board Issues

1. Next Board Meeting, May 28, 1997
2. Local Water Planning Conference, June 8-10, 1997, Two Harbors
3. June 24-25, 1997, BWSR Meeting and Tour, Redwood Falls
4. August 27-28, 1997, BWSR Meeting and Tour, Crookston

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
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2. Six Cities Water Management Organization Watershed Management Plan - Bruce Sandstrom - DECISION

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DRAFT

New Business #2

DRAFT

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

In the Matter of review of an Amendment to the
Watershed Management Plan for the **Six Cities Watershed
Management Organization** pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

**FINDINGS OF FACT,
CONCLUSIONS,
AND ORDER**

Whereas, the Board of Commissioners of the Six Cities Watershed Management Organization (SCWMO) submitted a Watershed Management Plan (Plan) for the purpose metropolitan water management under M.S. 103B.201, to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9 and,

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

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

FINDINGS OF FACT

1. Chronology of Events:
 - a. January 3, 1996 BWSR receives SCWMO draft PLAN in a letter dated December 29, 1995 for review pursuant to MS 103B.231 Subd 7.
 - b. March 1, 1996 BWSR provides comments under draft review of SCWMO PLAN, MS103B.231 Subp. 7 (Metro Council, MDA, MDH, MPCA and the City of Fridley Environmental and Energy Commission also provided initial comments).
 - c. April 8, 1996 BWSR receives response to comments from the SCWMO in a letter dated March 29, 1996.
 - d. April 25, 1996 SCWMO holds a public hearing regarding second generation watershed management plan.
 - e. May 30, 1996 BWSR receives amended PLAN language and a record of the public hearing for final draft PLAN review pursuant to MS 103B.231 Subd 8.
 - f. July 15, 1996 BWSR provides comments under final draft review of CMWD PLAN amendment, MS103B.231 Subp. 8 (Metro Council MPCA, MDA, MDH, also provided final

- comments).
- g. July 17, 1996 SCWMO notified BWSR, State review agencies and Metropolitan Council that no comments had been received regarding the final draft PLAN, in a letter dated July 15, 1996.
 - h. October 17, 1996 BWSR receives SCWMO final PLAN in a letter dated October 15, 1996 for review pursuant to MS 103B.231 Subd 9.

2. Summary of Review Comments:

- a. **Minnesota Department of Agriculture.**
 - i. No PLAN amendments were proposed by the MDA.
- b. **Minnesota Department of Natural Resources.**
 - i. No comments were provided by the MDNR.
- c. **Minnesota Department of Health.**
 - i. Primary comments from the MDH were with regards to the ground water components of the PLAN. The SCWMO has determined that their role in ground water management will be minimal. The SCWMO has recognized Anoka County as the lead agency in the protection and management of ground water resources. The goal as stated in the SCWMO PLAN is to promote ground water recharge and prevent contamination of the aquifers.
- d. **Metropolitan Council.**
 - i. Primary comments of the Met Council included floodplain and shoreland ordinances, nonpoint source pollution, and PLAN implementation. Policies stated in the PLAN were shown to be consistent with the Met Council's Water Resources Management Development Guide.
 - ii. The Met Council recommends approval of the SCWMO PLAN upon completion of the following items by the WMO:
 - (1) The BWSR approve the SCWMO PLAN once the WMO has done the following:
 - (a) Provide for the acquisition/development of additional physical and hydrologic information;
 - (b) Develop a detailed strategy for improving water quality;
 - (c) Retain an active role for the SCWMO after the adoption and implementation of local water plans;
 - (d) Provide specific directions to local units of government for local water plan preparation as follows:
 - (i) contain a discussion of the individual lakes and what measures will be taken as part of their management strategy to protect these lakes.
 - (ii) Set time lines for the periodic review of the watershed's management and implementation plans in order to ensure watershed goals are fulfilled and legislative and local expectations are met.

- (iii) include a time frame for the review, and if necessary updating the PLAN's capital improvement program.
 - (2) Given MNDNR requirements, the PLAN will need to "require" (rather than simply encourage) that all the SCWMO member communities adopt the MNDNR floodplain and shoreland ordinances, and erosion and sedimentation ordinances. Additionally, in order to address nonpoint source pollution problems throughout the watershed, the PLAN should require the adoption of the Council's Interim Strategy.
 - (3) The SCWMO give direction to local units of government regarding the management needs and priorities that should be addressed in each of the local plans.
 - iii. The SCWMO feels that the response provide to initial comments dated April 4, 1996 addressed the issues included in the Met Council's final review.
 - e. **Minnesota Pollution Control Agency.**
 - i. Primary focus of the MPCA review was the implementation of the water quality aspects of the PLAN. The MPCA commented that the PLAN could be improved by including specific water goals and implementation strategies. The MPCA also had concerns regarding potential conflict, especially with the Spring Brook Nature Center. The SCWMO has in the past and has recently been awarded a clean water partnership grant to address the Spring Brook issue. The MPCA recommended not approving the PLAN until an outline for public participation is included in the PLAN.
 - ii. The SCWMO has committed to updated the JPA, through this process the public participation component will be more clearly defined.
 - f. **Minnesota Board of Water and Soil Resources.**
 - i. Primary focus of the BWSR review was on the goals and policies, assessment of problems and implementation sections of the PLAN. The issue that "bottom line accountability" be provided in the PLAN and by the SCWMO questioned in the BWSR review. Responsibility for implementation of the PLAN was also a concern of the BWSR. Both of these issues were addressed by the SCWMO in the PLAN by linking the enforcement portion of the PLAN to the joint powers agreement (JPA). The JPA contains a section for arbitration of disputes between the SCWMO and a member community. In addition the SCWMO has developed a table that illustrates projects, by subwatershed and priority, including the time frame for implementation, associated dollars and the responsible party. This table clearly communicates the contemplated capital improvements throughout the life of the PLAN.
3. **Joint Powers Agreement.**
- a. Review of the SCWMO JPA indicated some areas that not fully compliant with Minnesota Rules Chapter 8410. The BWSR communicated these identified

deficiencies to the SCWMO in a letter dated February 25, 1997. Deficiencies identified in the BWSR review of the SCWMO JPA included:

i. **8410.0030, Subpart 1. Requirements.**

- (1) **Item G.** A procedure providing for the establishment of citizen and technical advisory committees or other means of public participation.
- (2) **Item I.** Section establishing the duties and terms of the officers of the organization.
- (3) **Item J.** A notification process on the location and time of meetings.
- (4) **Item K.** Section defining the voting requirements for decision making and capital improvements consistent with MS § 103B.211, Subd. 1 (c).
- (5) **Item L.** Section outlining meetings to be scheduled at least annually.
- (6) **Item N.** The duration of the agreement and the process for dissolution that provides for at least 90 days' notice of the intent to dissolve to the affected counties and the board.

ii. **Subpart 2. Updating**

- (1) The SCWMO JPA was required to be updated to conform with the RULE no later than July 27, 1993.
- b. The SCWMO has committed to updating the JPA, as stated in the implementation table #33 of the PLAN. The BWSR received a letter dated March 21, 1997, in which the SCWMO has stated that the "SCWMO will amend the existing JPA within the next year so as to meet the requirements of the law."

CONCLUSIONS

1. The BWSR staff has reviewed the PLAN, dated October, 1996, and has found the information to be sufficient to meet the intent of Minnesota Rules, Chapter 8410.
2. The BWSR staff has found that the PLAN, dated October, 1996, is compliant with MS§103B.
3. The BWSR staff has found that the PLAN, dated October, 1996, has been reviewed according to MS§103B.231 Subp. 7, 8, and 9.
4. All relevant substantive and procedural requirements of law and rule have been fulfilled.
5. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Six Cities Watershed Management Organization pursuant to MS§103B.231, Subd. 9 and 103D.401.
6. The Six Cities Watershed Management Organization Watershed Management Plan attached to this Order, dated October, 1996, states water and water-related problems

within the SCWMO boundaries, possible solutions thereto, general objectives and policies of the SCWMO, and an implementation program. The attached PLAN is in conformance with the requirements of MS§103B.201 to 103B.251 and 103D.

ORDER

1. That the Board hereby approves the attached PLAN dated October 1996, as the Watershed Management Plan for the Six Cities Watershed Management Organization.
2. That the CMWD must submit to the Board proof of adoption of the amendment into the approved watershed management plan, within 120 days of the date of this order.

Dated at Saint Paul, Minnesota, this 23rd day of April, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

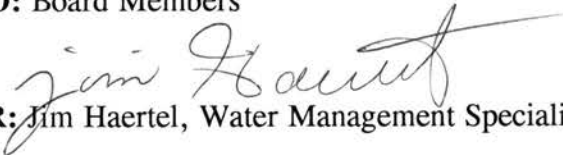
By: _____
Kathleen Roer, Chair



MEMORANDUM

March 11, 1997

TO: Board Members

FR:  Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Revised Priority Review Schedule

The Priority Review Schedule sets the due dates for submission of second generation watershed management plans in the metropolitan area. The present Schedule was adopted by the Board in October, 1995. The Schedule needs revising due to significant changes in the way water management will be done in Carver and Scott Counties.

Almost all of the Joint Power Agreement (JPA) Watershed Management Organizations (WMO) in Carver and Scott Counties have dissolved. As such, the counties and SWCD's are taking over the water management planning responsibilities. The enclosed revised Schedule brings all of the "old" JPA WMO's due at the same time so the counties will each be able to submit one plan that will include all of the "old" WMO areas as subwatersheds. Thus, there are not as many plans that will be under review in January, 2000, as it appears at first glance on the enclosed Schedule. There are also a few other changes which I would term generally as "housekeeping". I have also enclosed the present Schedule for comparison.

The draft Revised Priority Review Schedule - April 23, 1997, is being brought before the Board for approval. The Metro Subcommittee recommends approval. The "509" Interagency Committee recommends approval. The Metro Region and program staff recommend approval.

If you have any questions or wish to discuss, please contact me.

Enclosures

c: Harnack, Birkholz, Larson, Thomas, Metro Region

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DRAFT

REVISED PRIORITY REVIEW SCHEDULE - APRIL 23, 1997

DRAFT

Approved	In Review	June 98	June 99	Jan 00	June 00	Jan 01	June 01	Jan 02	June 02	Jan 05
Riley-PurgWD	Gun Club	Coon Creek	Middle Miss	Carnelian-Mar	East Miss	Bassett	Lower Miss	Middle St.C	Lower St.C	Valley BR
9Mile Creek	Upper Rum	Lower MN	Vermillion	Rich-Blooming	Grass Lake	Black Dog	Elm Creek	North Cann	Marine St.C	
	Vadnais Lake	Prior/Spring Lake		CARVER CO	Browns Creek	Forest Lake		Pioneer/Sar	Shingle	
	6 cities			Bevens					West Miss	
	Lower Rum			Carver						
	Minnehaha			Chaska						
	Ramsey-Wash			Crow						
	Sunrise			Hazeltine-Bav						
	South Wash			SCOTT CO						
	Rice Creek			Credit River						
	Central Rams			Sand Creek						
	SW Ramsey			Shakopee Bas						
				Southwest Sc						

DRAFT

PRIORITY SCHEDULE

Second Generation "509" Plans

January 9, 1996 (corrected)

Presently submitted and under review

Chaska Creek WMO
Gun Club Lake WMO
Nine Mile Creek WD
Riley-Purgatory-Bluff Creek WD
Upper Rum River WMO
Vadnais Lake Area WMO

Due 1/1/96

Six Cities WMO

Due 6/1/96

Lower Rum River WMO
Minnehaha Creek WD
Ramsey-Washington Metro WD
Sunrise River WMO

Due 1/1/97

Rice Creek WD
Credit River WMO
South Washington WD

Due 6/1/97

Coon Creek WD
Lower Minnesota River WD
Prior Lake-Spring Lake WD

Due 1/1/98

Bevens Creek WMO
Carver Creek WMO
Shakopee Basin WMO

Due 6/1/98

Central Ramsey WMO
Sand Creek WMO
Southwest Scott WMO

Due 1/1/99

Carnelian-Marine WD
Richfield-Bloomington WMO
Southwest Ramsey WMO

Due 6/1/99

Crow River WMO
East Mississippi WMO
Grass Lake WMO

Due 1/1/00

Bassett Creek WMO
Black Dog WMO
Forest Lake WMO

Due 6/1/00

Browns Creek WMO
Lower Mississippi River WMO
Middle Mississippi River WMO

Due 1/1/01

Elm Creek WMO
Hazeltine-Bavaria WMO
Vermillion River WMO

Priority Schedule
Second Generation "509" Plans
January 9, 1996 (corrected)
Page 2

Due 6/1/01

Middle St. Croix River WMO
North Cannon River WMO
Pioneer-Sarah Creek WMO

Due 1/1/02

Lower St. Croix WMO
Marine on St. Croix WMO
Shingle Creek WMO
West Mississippi WMO

Due 1/1/05

Valley Branch WD

CASS COUNTY ENVIRONMENTAL SERVICES**CASS COUNTY WETLAND FUNCTION ANALYSIS MODEL****INTRODUCTION**

Cass was one of ten counties in Minnesota selected in 1995 to participate in a joint administration program (General Permit #17) with the US Army Corps of Engineers to achieve "one stop shopping" in processing of wetland-related permits. As a part of that program, the Minnesota Board of Water and Soil Resources offered counties grant funding, which Cass received, to develop methodologies which would better define wetland functions in a local setting and use that functional information to shape local wetland planning and ordinances. It is recognized that:

1. The accuracy of information relating to any one wetland affects the accuracy of the model.
2. The functions of a wetland in a particular local setting or complex of wetlands may differ from the general assumptions made in developing this model.
3. No model is intended to take the place of a project-related site visit.

MODEL DEVELOPMENT GOALS

A workplan was written to guide model development. The object was to create an evaluation system that could be adapted from county to county to fit local or regional wetland functional differences while meeting the WCA no net loss goal overall. The model also needed to be adaptable to varying levels of technological sophistication, depending on the availability of Geographic Information System (GIS) information in a particular county.

The following goals and action items were established in the work plan:

I. Select Pilot Study Areas

- a. Two township-sized areas to be coordinated with groundwater protection study.
- b. Assemble all existing GIS coverages for selected areas.

II. Identify Evaluation Criteria and Factors

- a. Establish general priorities according to Cowardin classification system. What are the general functions that the various wetland types serve in Cass County?
- b. Review Routine Evaluation Methodology for use in evaluating specific wetlands and/or projects. Add sensitive community, endangered species, high value wildlife, fisheries, surface and groundwater criteria.

- c. Develop menu-driven software via ArcView GIS system to assist in establishing priority ratings and replacement ratios.

III. Test Evaluation Methodologies on Selected Pilot Study Areas

- a. Compare evaluation results to current wetland impact analysis system--more protection?
- b. Investigate groundwater recharge potential of various wetland types using groundwater protection model.
- c. Refine sensitive community protection, endangered species/ high value wildlife, etc. criteria.

IV. Develop Wetland Management Plan

- a. Draft a wetland protection policy based on WCA statute and rules and the above general and specific methodologies.
- b. Develop framework to assume administration for non-WCA permitting activities to achieve true "one stop shopping" for wetland permits.
- c. Draft language to amend Shoreland Management and County Wide Zoning Ordinances to regulate wetland impacts.

V. Apply Analysis Models and Regulations on a County-wide Basis

- a. Seek additional grants to expand GIS coverages and analysis capability on a county-wide basis.
- b. Hold public hearings on the Wetland management Plan and proposed changes to ordinances.
- c. Adopt Plan and ordinance amendments.

MODEL DEVELOPMENT PROCEDURE

The Environmental Services Department contracted with ProWest and Associates, Walker, MN., to provide GIS technical assistance and programming support. An inter-agency technical team was assembled consisting of the following representatives:

John Sumption, Wetland Act Administrator	Cass SWCD
Bob Wright, Wetland Technician	Cass SWCD
Greg Proper, Principal Partner	ProWest & Assoc.
Rose Erickson, Programmer	ProWest & Assoc.
Dale Krystosek, Board Conservationist	BWSR
Norm Moody, Land Commissioner	Cass County Land Department
Jerry Lamon, Forester	Cass County Land Department
Mike Wadman, Forester	Cass County Land Department
Larry Olson, Biologist	Cass County Land Department
Rob Naplin, Area Wildlife Manager	DNR-Division of Wildlife
Harlan Fierstine, Area Fisheries Supervisor	DNR-Division of Fisheries
Norm Haukos, Large Lake Specialist	DNR-Division of Fisheries
Paul Stolen, Environmental Review Specialist	DNR-Section of Ecological Services
Doug Norris, Wetland Specialist	DNR-Section of Ecological Services
Janet Boe, Plant Ecologist	Minnesota County Biological Survey
John Jaschke, Wetland Management Specialist	BWSR
Greg Larson, Water and Land Section Admin.	BWSR
Shirley Nordrum	Leech Lake-Div. of Resource Mgmt.
Dave Kluth	Leech Lake-Div. of Resource Mgmt.
Brian Wiess	Leech Lake-Div. of Resource Mgmt.
Molly MacGregor, Executive Director	Mississippi Headwaters Board
Bill Stocker, District Forester	U. S. Forest Service
Will Pehling, District Technician	NRCS
Leo Grabowski, Regional Enforcement	U. S. Army Corps of Engineers
Mick Weburg, Enforcement Supervisor	U. S. Army Corps of Engineers
John Alden, President	Ten Mile Lake Association
Ben Bertsch, Hydrogeology Graduate Student	University of Minnesota-Duluth

The technical team's first charge was to determine which essential elements were needed to analyze wetland basins. These elements were defined as wetland type, size, location, local hydrology, land use, soils, vegetation, adjacent land characteristics, and watershed features. Wetland functions regarding the represented disciplines were also identified: fisheries, cultural resources, wildlife, forestry, surface and groundwater quality, rare and endangered species, recreation, shoreland protection, commercial use, and flood attenuation. After considerable discussion, the team decided not to include land use values related to recreation or commercial use, but to limit the model to functional wetland attributes.

The team then broke into smaller encounter groups and began the process of deliberating on what attributes and geophysical data would be valuable in assessing individual wetlands. The groups ranked each wetland type for their particular discipline (See Appendix ____). A score of 3 represents a high value, 2 a medium value, and 1 a low value. The following priority criteria are based on those deliberations:

Fisheries

Physically connected to protected waters
Lake contiguous--within 200 feet of protected waters
Lake adjacent--within the 1320 foot shoreland zone
Outside the shoreland zone

Wildlife

Groupings to determine number, location, and size of wetland types
Cowardin classes-number, amount, size
Group on subclass field-generalize
Group on Circular 39 classes
Biological survey data--analyze for occurrences in similar situations

Forestry

Forestry issues will be used as a wildlife modifier

Rare and Endangered Species

National Heritage Database--access known occurrences of rare and endangered species
County biological survey data from Janet Boe

Cultural Resources

Proximity to river and stream confluences--within 200 feet
Proximity to lake inlets and outlets--within 500 feet
Inflow/outflow wetlands
Lakes greater than 40 acres in size
Spatial inventory of known resources--SHPO, LLR, MHB, USFS

Surface Water Quality

Lake contiguous--within 200 feet of protected water
Within 1320 foot shoreland zone
Wetlands along flowages--riverine
Wetlands adjacent to unclassified waterbodies less than 10 acres in size
Identify trout streams and lakes

Groundwater Quality

Wetlands greater than 10 acres in size--significant groundwater recharge potential

Wetland soil permeability

Flood Attenuation

Inflow/outflow characteristics
Adjacent flowages
Watershed characteristics
FEMA flood hazard classification

MECHANICS OF THE MODEL

- The NWI quadrangle maps were obtained from the Land Management Information Center. The quad coverages were tiled using political township boundary's to match the extent of the other Cass County GIS coverages. A field for the new GIS acres was added and calculated based on the area field in the newly created township coverages. Other fields were added to the attribute table to store the ratings in each discipline and certain spatial parameters.
- County, federal, state and private ownership polygons were digitized for each township.
- A database manager was used to produce a list of major wetland groups found in privately owned land in Cass County. This list was used for analysis by each of the represented disciplines.

Uniqueness

Based on the number of occurrences of a major wetland group, the list was separated into three groups where natural breaks occurred.

Wildlife

Arcview was used to determine hydrologically isolated PEM types and PFO types adjacent to rivers. These were given a value of 3 along with other types that provide critical wildlife habitat. All deep water habitats were given a value of 1. Other types selected from the list because they provide quality wildlife habitat were given a value of 2.

Disclaimer: Wildlife habitat is dependent upon many site specific factors. Wetland type is not necessarily related to habitat quality – nearly all wetland types provide habitat for some species of wildlife. The following evaluation of habitat value of wetland types is based on factors such as relative abundance and the overall importance of wetland types for wildlife within Cass County. While these ratings may be useful as a general guide, an on-site evaluation is necessary to determine the habitat quality of a particular site.

Fishery

Any wetland within 1320 feet of a designated Trout or Cisco Lake or Stream was given a value of 3. In addition, wetlands within 200 feet of any protected lake or river were given a value of 3. Wetlands between 200 feet and 1320 feet were given a value of 2 and all others were given a value of 1.

Water Quality

Any Wetland within 200 ft of a protected lake or river was rated 3. Wetlands between 200ft and 1320 feet were rated 2 and all others were rated 1.

Rare and Endangered Species

The list of major wetland groups was rated from 1 to 3 based on a potential to support rare plant communities or where several species of rare plants have been found.

Disclaimer: These ratings are based on the experiences of an MCBS plant ecologist in Cass County. In general, less common plant communities and those wetland communities where several species of rare plants have been found were rated 3 (most protection).

It is important to keep in mind the value of site-specific survey when it comes to wetland manipulation of any sort. Although these ratings might be used to plan for the amount of effort put into evaluating a site, they should not be used to decide the fate of a wetland without an on-the-ground evaluation by a trained observer.

Cultural Resources

A point coverage was digitized for lake inlets/outlets occur along with stream confluences. Any wetlands within a distance of 200 feet of a confluence were rated 3. Any wetlands within 500 feet of an inlet/outlet were rated 3. Any wetlands within 200 feet of a protected lake or river were rated 3 also. All other wetlands were rated as 1.

Floodwater

All wetlands were rated 1 since all of Cass County is in FEMA Flood Hazard Class C.

Groundwater Sensitivity

All wetlands were rated 1 for the time being. Eventually, wetlands will be rated based on a groundwater sensitivity study being conducted for Cass County.

- Scores were calculated for all wetlands and stored as a field in the attribute table.

Wetland Protection Scoresheet

Using the values and priority rankings developed by the team, the following scoresheet was developed to quantify the results for a particular wetland basin:

RATING FACTORS

SCORING

Uniqueness	HIGH VALUE	3
Fisheries Habitat Protection	MEDIUM VALUE	2
Wildlife Habitat Protection	LOW VALUE	1
Rare and Endangered Species Protection		
Cultural Resource Protection		
Surface Water Quality Protection		
Groundwater Sensitivity		
Flood Attenuation		

REPLACEMENT RATIOS

SCORE	REPLACEMENT RATIO	
8-10	0.5:1	
11-13	1:1	
14-16	2:1	
17-19	3:1	Technical Panel review on scores of 17 or more
20-22	4:1	
23-24	5:1	

NO-BUILD SITUATIONS--TECH PANEL REVIEW

- Known cultural resource sites--In consultation with SHPO and Leech Lake Reservation
- Rare and endangered species--Known occurrences in consultation with DNR-Ecol. Services
- Critical wildlife habitats--Eagle nest plan areas adjacent to private land in consultation with DNR- Div. of Wildlife

WETLAND SCORE IMPLICATIONS

This wetland scoring system has several potential implications:

1. To adjust wetland replacement ratios up on wetlands with high functional values as a disincentive to filling or draining, or down on wetlands with low functional values, due mostly to their abundance, isolation, and/or distance from surface waters.
2. To assign general protection priorities to all wetland types.
3. To identify particular wetland basins for special protection measures (permanent easements, purchase by land trusts, etc.)
4. To serve as a technical base for local wetland planning and regulation.

SUMMARY

The result of this analysis identifies wetlands which are high priority for protection and those where greater jurisdictional flexibility can be exercised. It improves the efficiency of natural resource managers and saves considerable time in processing wetland applications. It also provides a basis for local wetland policy decisions.



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Board Packet
April 97

New Business #4

March 31, 1997

To: John Velin, Director, LCMR

From: Tim Fredbo, BWSR Easement Program Manager

Re: Conservation Easement Program, Six Month Status Report
ML 1996, Ch. 463, Sec. 11, Subd. 3

Enclosed please find our work program status report for the Reinvest in Minnesota (RIM) Reserve and Permanent Wetland Preserves (PWP) conservation easement programs. We have just recently completed compiling the results of our 1996 sign-up. Six month status report information has been added to the approved work plan format at the end of each program section II A, B and C. This information comes after the headings which appear as **Six-month Status Update - March 1997** in the report.

Once again, interest in the easement programs was high. A total of 281 applications, representing approximately \$8.9 million, were submitted by landowners for funding consideration in the regular RIM Reserve and PWP programs (section II A in the attached work plan). Of those submitted, 180 were chosen for funding based on how effectively they satisfied both state and local resource protection priorities. Applications chosen for funding represent 6,697 easement acres with payments to landowners totaling \$5,483,453. Approximately 56% (\$3,041,988) of these funded application dollars were allocated to easements within the MN River watershed area.

The BWSR also completed the very first sign-up for the CRP Land Transfer Pilot Program in 1996 (section II B in the work plan). The intent of this pilot program is to protect soil and water resources associated with Conservation Reserve Program (CRP) lands being brought back into agricultural production. Interest in this program was strong with 31 landowners signing up to enroll more than 1,878 acres into 20 year easements where they would be allowed to crop or graze the land according to a conservation plan. Approximately 304 acres of perpetual RIM Reserve easements were also acquired as a required landowner commitment under this pilot program.

A more complete summary of both programs accomplishments can be found in the program report. If you have any questions please call me at 296-0880.

cc: Ron Harnack, BWSR Executive Director

Date of Report: March 26, 1997

Date of Work Program Approval: June 4, 1996

Date of Next Status Report: September 1997

Project Completion Date:

LCMR Work Program 1996 (for FY97-98)

I. PROJECT TITLE: RIM & PWP CONSERVATION EASEMENTS

Project Manager: Tim Fredbo
Affiliation: RIM Program Manager, Board of Water and Soil Resources
Mailing Address: One West Water Street, St. Paul, MN 55107
Telephone Number: (612) 296-0880 **FAX:** (612) 297-5615
Email Address: tim.fredbo@bwsr.state.mn.us

	<u>Appropriation</u>	<u>Balance</u>
<u>1996 Work Program</u>		
96 Bonding RIM & PWP	\$11,500,000	\$4,216,350
<u>Previously Approved Requests</u>		
<i>Bonding</i>		
94 RIM & PWP	9,000,000	1,886
93 RIM	500,000	458
92 RIM	1,250,000	215
91 RIM	1,900,000	394
91 RIM	5,000,000	1,090
91 PWP	7,000,000	567,557
90 RIM	750,000	315*
89 RIM	1,500,000	160*
87 RIM	9,000,000	305*
86 RIM	9,400,000	2,087*

*These accounts are at or nearly at \$0, and in the process of being cancelled by the Department of Finance.

Note: All the account balances shown above reflect one point in time. Program obligations and expenditures continuously change as payments are made, applications are cancelled, and accounts are reimbursed by federal grants.

Trust Fund and Future Resources Fund

93 RIM	823,000	0
91 RIM & PWP	600,000	0
91 RIM	400,000	0

A. LEGAL CITATIONS

Bonding

1996 Appropriation Language

ML 1996, Chap. 463, Sec. 11, Subd. 3.

\$11,500,000

RIM and PWP Conservation Easements

This appropriation is for the following purposes:

- (a) to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515; and
- (b) to acquire perpetual conservation easements on existing 1, 2, 3 and 6 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with Minnesota Statutes, section 103F.516.

© Up to \$1,500,000 may be used for the acquisition of limited conservation easements that allow cropping or grazing at reduced payment rates on land that is currently or within the last two years has been enrolled in the federal Conservation Reserve Program (CRP), under United States Code, title 16, section 3831. The board, in conjunction with the commissioner of agriculture, must select counties for participation in the program based on:

- (1) the number of CRP acres;
- (2) the number of whole farm CRP acres;
- (3) the number of highly erodible CRP acres;
- (4) local soil conservation initiatives in place;
- (5) the potential for negative water quality impacts from CRP acres converted to agricultural crop production; and
- (6) the potential to complement public wildlife lands and other conservation lands, including protected grassland prairies.

A conservation easement must be for 20 years and require that the activities on the enrolled lands comply with a conservation plan that will limit soil erosion within the soil loss tolerance, as defined in rules adopted under Minnesota Statutes, section 103F.411. Payments for conservation easements and practices under this program are as follows:

- (1) to establish permanent conservation practices required by the conservation plan, for the installation of permanent livestock watering systems, or for the installation of permanent fencing for grazing systems, up to 75 percent of the total eligible costs, not to exceed an average of \$65 per acre; and
- (2) ten annual payments each equal to five percent of the payment rate for 20-year easements acquired under Minnesota Statutes, section 103F.515 for land restricted to grazing and haying under the conservation plan; or

(3) ten annual payments each equal to two and one-half percent of the payment rate for 20-year easements acquired under Minnesota Statutes, section 103F.515 for land where cropping is allowed under the conservation plan.

The board may only acquire an easement under this paragraph after it determines that there is adequate funding appropriated to make the annual payments required for the duration of the easement and the landowner agrees to convey at least ten percent of the landowner's CRP land in a permanent easement under Minnesota Statutes, section 103F.515. Priority must be given for land being conveyed or leased to beginning farmers, as defined under Minnesota Statutes, section 41C.02, subdivision 6. Up to 20 percent of the appropriation may be used for professional and technical services related to acquisition of the easements. By March 15, 1997, the board, in conjunction with the commissioner of agriculture, shall report to the finance division of the senate environment and natural resources committee and the house of representative environment and natural resources finance committee on the acquisition of easements under this paragraph. The report must include an analysis of the need for expansion of the program to all agricultural areas of the state in order to protect water quality and provide necessary wildlife habitat, and the adequacy of payments under the program.

1994 Appropriation Language

ML 1994, Chap. 643, Sect. 26, Subd. 3

\$ 9,000,000

RIM Conservation Easement Acquisition

This appropriation is for the purposes specified in paragraphs (a) and (c).

(a) To acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515.

(b) To acquire perpetual conservation easements on existing type 1, 2, and 3 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with Minnesota Statutes, section 103F.516.

(c) Up to \$300,000 of this appropriation may be used to establish and restore wetlands to provide credits for deposit in the state wetland bank established under Minnesota Statutes, section 103G.2242, subdivision 1. The board may enter into agreements with local government units and the commissioner of transportation for this purpose. An agreement with the commissioner of transportation may provide for borrowing or acquiring existing wetland credits from the wetland bank established by the commissioner. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of paragraph (b).

1993 Appropriation Language

ML 1993, Chap. 373, Sec. 13, Subd. 1

\$ 500,000

Conservation Reserve

\$500,000 of the appropriation in Laws 1989, chapter 300, article 1, section 19, item (a), to dredge the upper harbor area of Duluth harbor, is reappropriated to the board of water and soil resources for the Reinvest in Minnesota conservation reserve program under Minnesota Statutes, section 103F.515.

1992 Appropriation Language

ML 1992, Chap. 558, Sec. 19

\$1,250,000

Board of Water and Soil Resources

To the board of water and soil resources for the reinvest in Minnesota conservation reserve program under Minnesota Statutes, section 103F.515.

1991 Appropriation Language

ML 1991, Chap. 254, Art. 1, Sect. 17(a)

\$ 1,900,000

(a) To the board of water and soil resources for the reinvest in Minnesota conservation reserve program, under Minnesota Statutes, section 103F.515: \$1,900,000;

ML 1991, Chap. 354, Art. 11, Sect. 1, Subd. 1(a)

\$ 5,000,000

(a) \$5,000,000 is appropriated to the board of water and soil resources for wetland restoration under Minnesota Statutes, section 103F.515; and

ML 1991, Chap. 354, Art. 11, Sect. 1, Subd. 1(b)

\$ 7,000,000

(b) \$7,000,000 is appropriated to the board of water and soil resources for acquisition of conservation easements on wetlands.

1990 Appropriation Language

ML 1990, Chap. 610, Art. 1, Sect. 15

\$ 2,395,000

Board of Water and Soil Resources

-1,645,000

To the board of water and soil resources for the Reinvest in Minnesota resources program. This appropriation is from the infrastructure development fund. This appropriation is to acquire conservation easements under Minnesota Statutes, section 40.43, subdivision 3. The board shall give priority of acquiring easements on cropland in sensitive groundwater areas. Administrative costs for one position of the board are to be paid from this appropriation. \$1,645,000 of this appropriation is to construct the Wellner-Hageman dam.

\$ 750,000

1989 Appropriation Language

ML 1989, Chap. 300, Art. 1, Sect. 12

\$1,500,000

Board of Water and Soil Resources

To the board of water and soil resources for the reinvest in Minnesota resources program. This appropriation is from the reinvest in Minnesota resources fund to acquire conservation easements under Minnesota Statutes, section 40.43, subdivision 3. The board shall give priority to acquiring easements on cropland in sensitive groundwater areas. The approved complement of the board of water and soil resources is increased by one position to administer these projects, to be paid from this appropriation.

1987 Appropriation Language

ML 1987, Chap. 400, Sect. 12

\$9,000,000

Agriculture

This appropriation is from the Reinvest in Minnesota resources fund for the conservation reserve program under Minnesota Statutes, section 40.43, to be available until expended. The commissioner shall provide the necessary professional services for the performance of duties from the appropriation under this section.

The approved complement of the department of agriculture is increased by one position in the unclassified service to implement this section. The position must be a coordinator to work with other agencies to implement this section.

During the biennium, notwithstanding any other law, easements granted under this act may be permanent or if limited duration, highest priority must be given to permanent easements consistent with the purposes of this act. Easements of limited duration must be for at least 20 years with provisions for renewal for at least another 20 year period.

1986 Appropriation Language

ML 1986, Chap. 383, Sect. 17, Subd. 3(a)

\$9,400,000

Commissioner of Agriculture

\$10,000,000 is appropriated to the commissioner of agriculture:

(a) from the bond proceeds account of the Reinvest in Minnesota resources fund for the conservation reserve program under section 4 to be available until expended.

Trust Fund

1991 Appropriation Language

ML 1991, Chap. 254, Sect. 14, Subd. 6(d)

\$ 600,000

Conservation Reserve Easements

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources to acquire perpetual easements on wetlands and to acquire perpetual easements under Minnesota Statutes, section 103F.515, subdivision 3, with priority for wetland areas, to enhance wildlife habitat, control erosion, and improve water quality.

ML 1991, Chap. 254, Sect. 14, Subd. 9(h)

\$ 400,000

Easement Acquisition on Restored Wetlands

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources for a pilot program to acquire permanent conservation easements on federally restored or enhanced wetlands and adjacent lands in cooperation with the United States Fish and Wildlife Service and the Izaak Walton League.

1993 Appropriation Language

ML 1993, Chap. 172, Sect. 14, Subd. 3(e)

\$ 500,000

Reinvest in Minnesota - Conservation Reserve Easements

\$500,000 of this appropriation is from the trust fund and \$323,000 of this appropriation is from the future resources fund to the board of water and soil resources to accelerate the RIM program to acquire perpetual conservation easements on marginal agricultural lands. Up to \$165,000 may be used to implement conservation practices on the easements. None of this appropriation may be used for administrative costs.

Future Resources Fund

1993 Appropriation Language

ML 1993, Chap. 172, Sect. 14, Subd. 3(e)

\$ 323,000

Reinvest in Minnesota - Conservation Reserve Easements

\$500,000 of this appropriation is from the trust fund and \$323,000 of this appropriation is from the future resources fund to the board of water and soil resources to accelerate the RIM program to acquire perpetual conservation easements on marginal agricultural lands. Up to \$165,000 may be used to implement conservation practices on the easements. None of this appropriation may be used for administrative costs.

II. & III. PROJECT SUMMARY AND RESULTS

Financial summary and anticipated results of items requested for approval for use of the 1996 bonding appropriation - \$11,500,000.

- A. \$10,000,000 to acquire conservation easements pursuant to paragraphs (a) and (b) allocated as follows:

Personnel (7%)

\$ 710,000

For professional services necessary to acquire easements and provide technical assistance to SWCDs and landowners.

Title Insurance (1%)

\$ 95,000

Acquisition (92%)

\$ 9,195,000

To acquire conservation easements and establish associated conservation practices on approximately 11,900 acres (see anticipated results below).

\$10,000,000

Total for Section A

Anticipated Results

<i>Easement Type</i>	<i>Acres</i>	<i>Cost</i>
RIM - wetland restorations	6,300	\$5,035,000
RIM - riparian lands	3,400	2,440,000
RIM - marginal ag land	800	610,000
RIM - sensitive groundwater	400	305,000
PWP	<u>1,000</u>	<u>805,000</u>
TOTAL	11,900	\$9,195,000

Six Month Status Update - March 1997

A RIM Reserve and PWP sign-up was held in the late fall of 1996. The BWSR has recently completed the easement selection process for the applications submitted. A total of 281 applications totaling \$8,959,478.00 were submitted by SWCDs. BWSR Board Conservationists (BC) recommended funding for 180 of the 281 easement applications. Funding decisions were based on priority recommendations from local SWCD screening committees, and state resource protection priorities stipulated in the easement program work plan. *Status Update Attachment 1* shows easement demand and easement funding for each of the 15 BWSR BC work regions in the state. The demand by BC region for this most recent sign-up is typical of trends since the inception of the RIM Reserve in 1986. Demand has been highest in the prairie pothole, Minnesota River watershed areas.

Easement applications to be funded represent 6,697 acres with payments to landowners totaling \$5,483,453. Sign-up results, by easement type, are shown below:

<i>Easement type and (No.)</i>	<i>Acres</i>	<i>Cost</i>
RIM - wetland restorations (36)	1,279	\$1,626,577
RIM - riparian lands (91)	2,858	2,522,269
RIM - marginal ag land (29)	1,538	818,977
RIM - sens. groundwater (2)	169	47,168
RIM - limited (6)	126	36,391
PWP (15)	<u>727</u>	<u>432,071</u>
TOTALS (180)	6,697	\$5,483,453

The six (6) RIM - limited easements listed in the above table are 20-year marginal agricultural land easements. The BWSR approved funding of these easements in response to the flooding that occurred in the Red River Valley in the spring of 1996. Severely eroded scour areas were taken under easement and will be restored to grassy cover to prevent erosion of these critical areas in the future.

The Minnesota River watershed has been targeted as a high priority area for easement acquisition by the BWSR, and is to receive a minimum of 50% of available funds. Approximately 56% (\$3,041,988.35) of the available funds were allocated to the MN River watershed as a result of the 1996 sign-up.

Results of the last sign-up indicate that we may not be able to achieve our anticipated goal acreage for wetland restorations as shown in our original work plan. All the wetland restoration applications which were submitted during the 1996 sign-up that were found to be technically feasible to restore, were approved for funding. The BWSR will continue to emphasize wetland restorations as a high priority, but we will likely not be able to make up the acreage shortfall with our next sign-up. Acreage goals were based on past trends that many times don't always continue. It must be remembered that RIM is a voluntary program, and the BWSR can't control who is willing to enroll land in the program.

Section A Financial Summary

\$10,000,000	Appropriated
-710,000	Personnel
<u>-95,000</u>	Title Insurance
\$ 9,195,000	Available for easement acquisition
<u>-5,479,410</u>	1996 sign-up (\$5,483,453-\$4,043 from prior bond accts.)
\$ 3,715,590	Available for 1997 (FY98) sign-up*

* Funds available for the 1997 sign-up are expected to increase as a result of landowner cancellations, and personnel and title insurance funds being held in reserve that will not be needed are made available for easement acquisition.

- B. \$1,500,000 for pilot CRP land-transfer program pursuant to paragraph (c), allocated as follows:

Personnel (20%)

\$ 150,000	BWSR professional services necessary to acquire easements, including a new position to assist SWCDs with required conservation plans.
\$ 150,000	SWCD professional services required to design and implement conservation plans.

Acquisition (80%)

\$ 1,200,000	Acquire conservation easements and establish associated conservation practices on approximately 7,920 acres (see anticipated results below).
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\$ 1,500,000	Total for Section B
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Anticipated Results

<i>Easement Type</i>	<i>Acres</i>	<i>Cost</i>
Cropland	3,600	\$ 285,000
Pasture/hayland	3,600	465,000
Permanent RIM	720	450,000
Total	7,920	\$1,200,000

Six Month Status Update - March 1997

Twenty-two SWCDs were contacted and invited to submit proposals to participate in the pilot CRP land-transfer program. Nine of the 22 SWCDs submitted proposals to participate. Selecting the five pilot SWCDs was a joint effort of the BWSR and Department of Agriculture. The five SWCDs chosen to participate are Clay, Fillmore, Lac Qui Parle, East Polk, and Pope. Districts were chosen based on the criteria stipulated in M. L. 1996, Ch. 463, Sec. 11, Subd. 3(C).

All the pilot districts actively promoted landowners with acres expiring from CRP to participate in the limited duration / limited use easement program. Efforts were also undertaken to encourage applicants to lease or sell the land to beginning farmers. Ivan Anderson, Program Manager with the Passing on the Farm Center in Granite Falls, met with all of the pilot districts in an effort to link applicants with beginning farmers. Despite these efforts, only one applicant in Lac Qui Parle expressed a desire to rent their land enrolled in the pilot program to a beginning farmer.

The five pilot districts held a sign-up in October of 1996. A total of 31 applicants applied (Clay - 7, Fillmore - 1, Lac Qui Parle - 20, East Polk - 2, Pope - 2) and have been approved for funding. Results of the sign-up are as follows:

<i>Easement Type</i>	<i>Acres</i>	<i>Cost</i>
Cropland	872	\$111,015
Pasture/hayland	1,006	244,945
Permanent RIM	<u>304</u>	<u>187,030</u>
TOTALS	2,182	\$542,990

Section B Financial Summary

\$1,500,000	Appropriation
<u>-300,000</u>	Personnel (professional services necessary to acquire easements)
\$1,200,000	Available for easement acquisition
-542,990	Easement costs from 1996 sign-up
<u>-156,250</u>	Conservation practice costs from 1996 sign-up
\$ 500,760	Available for 1997 (FY-98) sign-up*

* Funds available for a 1997 sign-up are expected to increase when conservation plans are completed and the cost share assistance needed for conservation practice establishment is clarified and as landowner cancellations occur.

The BWSR has recently added a conservation planner to it's staff to develop the components of the conservation plan and to work with SWCD's and applicants in developing conservation plans.

C. Fund balances from prior years' bonding appropriations.

\$ 4,043	Remaining fund balances from '91 through '94 RIM bonding appropriations will be obligated to RIM Reserve applications taken in FY97-98.
\$ 567,557	This balance from the '91 PWP appropriation is being held in reserve to fund PWP applications where WCA approvals have been denied.
\$ 571,600	Total for Section C

Six Month Status Update - March 1997

The \$4,043 bond fund balance was allocated towards the acquisition of easements from the 1996 sign-up as listed in Section A of this status update. This leaves only the balance from the 1991 PWP appropriation (\$567,557) which the BWSR will continue to hold in reserve.

It is anticipated that fund balances from prior years' bonding accounts will be increasing due to landowner cancellation of easement applications, federal grant reimbursements, and unspent conservation practice dollars. Prior to the 1997 sign-up, and the BWSR's next

six month update report to the LCMR in September, an analysis of bond account balances will be undertaken to identify the amount of additional funds that will be available for new easement acquisition in 1997 (FY98).

\$12,071,600 Total for Sections A, B, C

Six Month Financial Summary - March 1997

\$12,071,600	Total for Sections A, B, C
<u>7,287,693</u>	Total obligations from A, B, C
\$ 4,783,907	Balance available

IV. CONTEXT

A. SIGNIFICANCE

RIM and PWP protect the state's water and soil resources by retiring marginal agricultural lands, restoring drained wetlands and protecting existing wetlands that are highly susceptible to alteration.

B. TIME

Funds will be encumbered (easement applications approved) within the next two years. Easements will be conveyed and practices established over the next four to five years.

C. BUDGET CONTEXT

See front page for past funding balances.

V. LOCATION

Ecological classification location is statewide.

VI. REPORTING REQUIREMENTS

The BWSR will provide semi-annual work program update reports in March and September of each year.

Board of Water and Soil Resources
CONSERVATION EASEMENT PROGRAMS
Fiscal Years (FY) 97-98 Work Plan

5/96 Report Prepared by: Tim Fredbo, Easement Coordinator as per Minnesota Laws 1996 Chapter 463, Section 11, Subd. 3

I. Program Authority, History and Accomplishments

Authority

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

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

History

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

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

Accomplishments to Date

Since 1986, over \$45 million have been appropriated to the BWSR easement programs. RIM Reserve has secured 2,065 easements that protect over 57,924 environmentally sensitive acres. Over 590 wetland basins have been, or are currently being, restored encompassing 6320 acres, along with approximately 16,275 acres of adjacent uplands. The average size of a wetland restoration easement is 36 acres, with the average wetland basin covering about 10 acres. The average wetland restoration easement payment is \$567 per acre and the average practice establishment costs are \$209 per acre. Other easements (nonwetland restoration) average 23 acres in size at a cost of \$592 per acre for the easement payment and \$127 per acre for practice establishment.

In 1991, \$7 million was appropriated for PWP easements. Approximately \$6.5 million of that appropriation was expended through FY 96 to secure 264 easements protecting over 10,640 acres of existing wetlands and adjacent upland. The balance is being reserved to acquire easements where permits for WCA approvals are denied.

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

Many partnerships have formed to assist in the successful implementation of the conservation easement programs. BWSR has received \$1.6 million in matching funds from the North American Wetlands Conservation Council (NAWCC) to restore wetlands through easements. BWSR continues to seek grants from NAWCC to fund easements in priority watersheds. The willingness of private groups to provide financial assistance to landowners to establish conservation practices, along with technical and financial assistance from state and federal agencies, has allowed the BWSR to target program appropriations towards the acquisition of more easement acres.

The historical demand for program dollars continues to exceed program appropriations by a large ratio. In 1995, landowners submitted over \$8 million of requests for easements. **Attachment 2** illustrates, by year, the landowner demand and the bonding appropriation.

II. Program Priorities and Enrollment Goals

A. RIM Reserve and PWP

(ML 1996, Ch. 463, Sec. 11, subd. 3(a) and (b))

Statewide Priorities

BWSR's strategic plan sets forth program priorities for the conservation easement programs. The RIM Reserve and PWP programs conform with BWSR's strategic plan by providing an incentive that local resource managers can use to protect and improve their water and soil resources. Resource protection and improvement priorities established by BWSR for the RIM Reserve and PWP program are:

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

RIM promotes the retirement of marginal intensive use lands by paying landowners to stop cropping and grazing and to establish conservation practices. This conserving use reduces runoff and erosion, and benefits land, water, fish and wildlife resources.

The PWP strives to protect the state's remaining wetland resources. The PWP program seeks to discourage the conversion of wetlands that are exempt from the regulatory restrictions of the Wetland Conservation Act (WCA), and offsets the financial burden that may result when individuals are denied WCA approvals.

In light of these priorities the BWSR has given highest priority to the acquisition of wetland restoration and riparian easements with the RIM Reserve. Existing wetlands which are being used for agricultural production are given highest priority for PWP easement acquisition. For both RIM Reserve and PWP, priority is given to perpetual easement applications.

Local and Regional Prioritization

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

Each easement application is subsequently assessed by one of the BWSR's 15 regional board conservationists (BCs) to determine how well (high, medium or low) it meets the BWSR's resource protection priorities listed

above. Draft guidelines for this assessment are presented in Attachment 3. The BWSR's goal for FY 97-98 is to enroll at least 75 percent high resource protection priority easements, and no more than 25 percent medium priority easements. No low priority easement areas are included in the enrollment goals.

Anticipated Goals or Results

Anticipated acreage enrollment goals for FY 97-98 reflect the 1996 bonding appropriation amount and are based on projections of prior easement acquisition results. FY 97-98 goals include:

<u>Easement Type</u>	<u>Acres</u>	<u>Cost</u>
wetland restorations	6,300	\$5,035,000
riparian lands	3,400	\$2,440,000
marginal ag. lands	800	\$ 610,000
sensitive groundwater	400	\$ 305,000
PWP	<u>1,000</u>	<u>\$ 805,000</u>
TOTALS	11,900	\$9,195,000

B. CRP Land Transfer Pilot Program

(ML 1996, Ch. 463, Sec. 11, subd. 3(c))

This is a new program initiative that allows up to \$1.5 million of the 1996 appropriation to be used to acquire 20 year easements on land that has been, or is currently, enrolled in the federal Conservation Reserve Program (CRP). BWSR will offer landowners a small payment in return for an easement requiring that they will abide by a conservation plan that reduces soil loss within tolerable limits for the duration of the easement. In addition, landowners will be eligible to receive cost-sharing to establish permanent conservation practices, livestock watering systems, or permanent fence for grazing systems. If a landowner wishes to convey a "CRP Land Transfer" easement to the state they will be required to place a minimum of 10 percent of the most marginal CRP contract area into a perpetual RIM Reserve easement. Priority for enrollment will be given to beginning farmers and to land that would contribute to excessive soil loss and water quality degradation should it be brought back into crop production.

Approximately 4-6 counties from 4 regions of the state (NW, SW, SE, and west central) will be chosen to participate in a pilot of this program. The BWSR and Dept. of Ag. will work cooperatively to choose the pilot counties using the criteria outlined in paragraph (c) of the bonding bill. Up to 20 percent of the \$1.5 million will be used to hire a resource conservationist who will assist the SWCD's in developing conservation plans and to cost-

share some of the SWCD staff time required to design and implement conservation plans on the easement areas.

Anticipated Goals or Results

Results reflect the appropriation amount and are quite subject to change based on program demand.

<u>Easement Type</u>	<u>Acres</u>	<u>Cost</u>
cropland	3,600	\$ 285,000
pasture/hayland	3,600	\$ 465,000
permanent RIM	<u>720</u>	<u>\$ 450,000</u>
TOTALS	7,920	\$1,200,000

III. Easement Acquisition Procedures

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

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

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

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

The general procedure to acquire a conservation easement is illustrated in a flowchart found in **Attachment 4**. Once the easement acquisition is complete the SWCD assists the landowner to establish the conservation practices as documented in the conservation plan. Engineering assistance is provided to the SWCD and the landowner by the BWSR where needed (e.g., wetland restoration projects). Expenses incurred to install conservation practices will be reimbursed up to the statutory limits when the SWCD certifies that the practice has been adequately installed and submits an itemized expense voucher to the BWSR.

IV. Distribution of Program Funds

FY 97-98 Appropriation:

The Laws of 1996, Ch. 463, Sec. 11, subd. 3 appropriated \$11.5 million to the BWSR for conservation easement acquisition and the establishment of perennial cover on easement areas. Subd. 3 (c) allows up to \$1.5 million of the appropriation to be used for the acquisition of limited duration easements (20 yr) that allow cropping or grazing on lands that currently are or within the last two years have been enrolled in the federal Conservation Reserve Program(CRP).

The bonding appropriation will be broken down as follows:

- A. \$10,000,000 to acquire RIM and PWP conservation easements pursuant to Subdivision 3, paragraphs (a) and (b).
- B. \$1,500,000 for pilot CRP Land Transfer Program pursuant to Subd. 3, paragraph (c)

A. RIM Reserve and PWP (ML 1996, Ch. 463, Sec. 11, subd. 3(a) and (b))

\$10,000,000 to be allocated as follows:

Personnel:	\$ 710,000	for the professional services necessary to acquire easements and provide technical assistance to SWCD's and landowners. (Engineering, Real Estate Specialist, Processing Specialist)
Acquisition & Development:	\$ 9,195,000	to acquire easements and establish associated conservation practices
Other:	\$ 95,000	for obtaining title insurance policies
Total for A:	\$10,000,000	

The personnel, and other expenses listed above are referred to as "program obligations". Of the \$10 million appropriation, approximately \$9.2 million is available for RIM and PWP conservation easement acquisition and associated conservation practice establishment in FY 97-98.

FY 97 Easement Acquisition:

- 50 percent of the available funds (≈\$4.6 million) will be used to secure conservation easements from applications submitted for funding consideration in December 1996.

Target allocations for the 1996 sign-up will be provided to the BWSR Board Conservationists (BC's) as a financial guideline to use when determining how many applications they should recommend for funding, **Attachment 5**. A minimum of 50% of the available funds will be allocated to easement acquisition within the Minnesota River Watershed which is targeted as a high priority area by the BWSR.

FY 98 Easement Acquisition:

- the balance of the available funds (≈\$4.6 million) will be allocated to applications submitted for funding in December 1997.

**B. CRP Land Transfer Pilot Program
(ML 1996, Ch. 463, Sec. 11, subd. 3(c))**

\$1,500,000 to be allocated as follows

Personnel:	\$ 150,000	for BWSR professional services including a new position to assist SWCD's with required conservation plans.
	\$ 150,000	for SWCD professional services required to design and implement conservation plans.

Acquisition & Development:	\$1,200,000	to acquire easements and establish associated conservation practices
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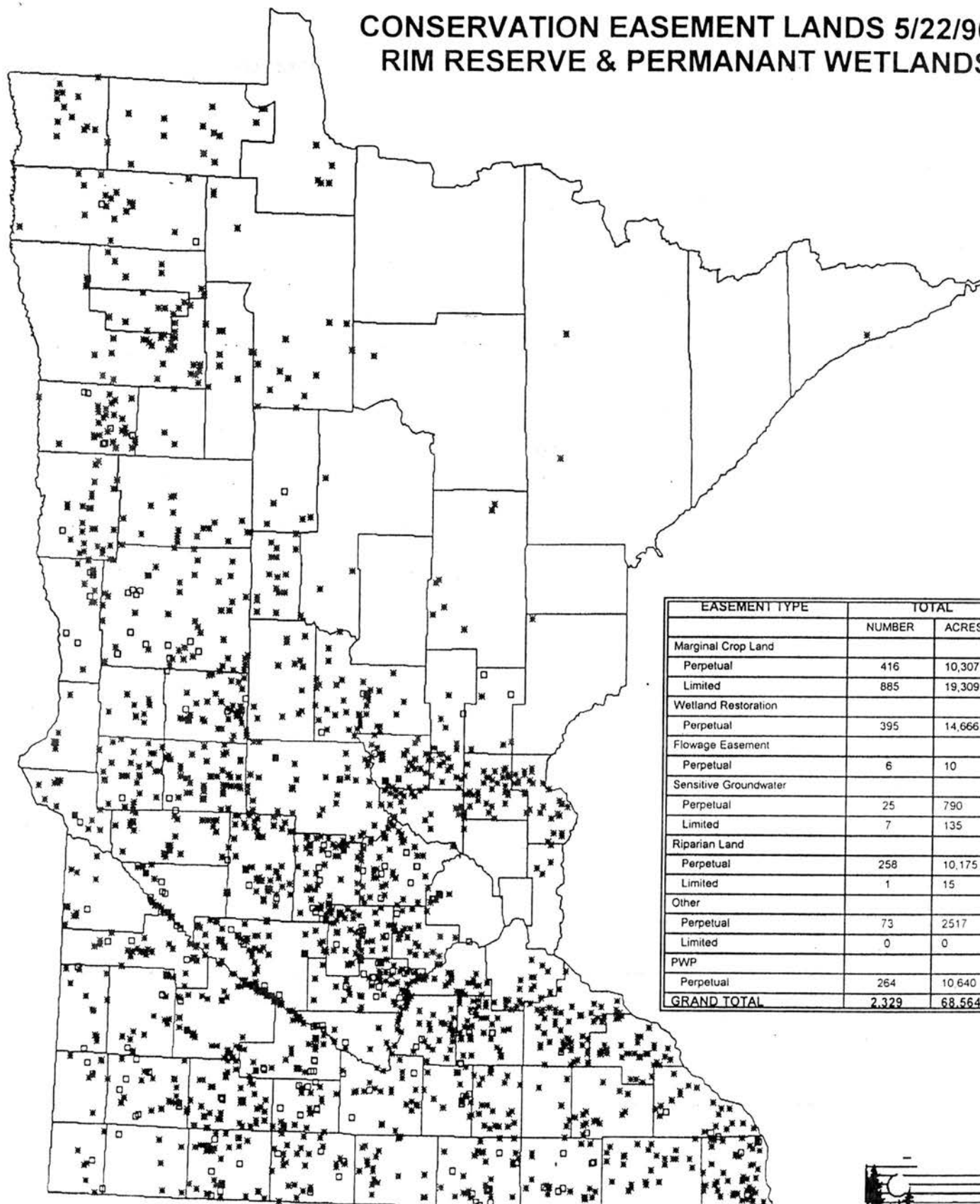
Total for B: \$1,500,000

The entire \$1.2 million available for easement acquisition in the CRP Land Transfer Program will be used to secure easements from applications submitted for funding consideration during FY 97.

V. Reporting Requirements

The BWSR will provide semi-annual work program update reports to the legislative commission on Minnesota resources by March 15 and September 15 of each year.

CONSERVATION EASEMENT LANDS 5/22/96 RIM RESERVE & PERMANANT WETLANDS



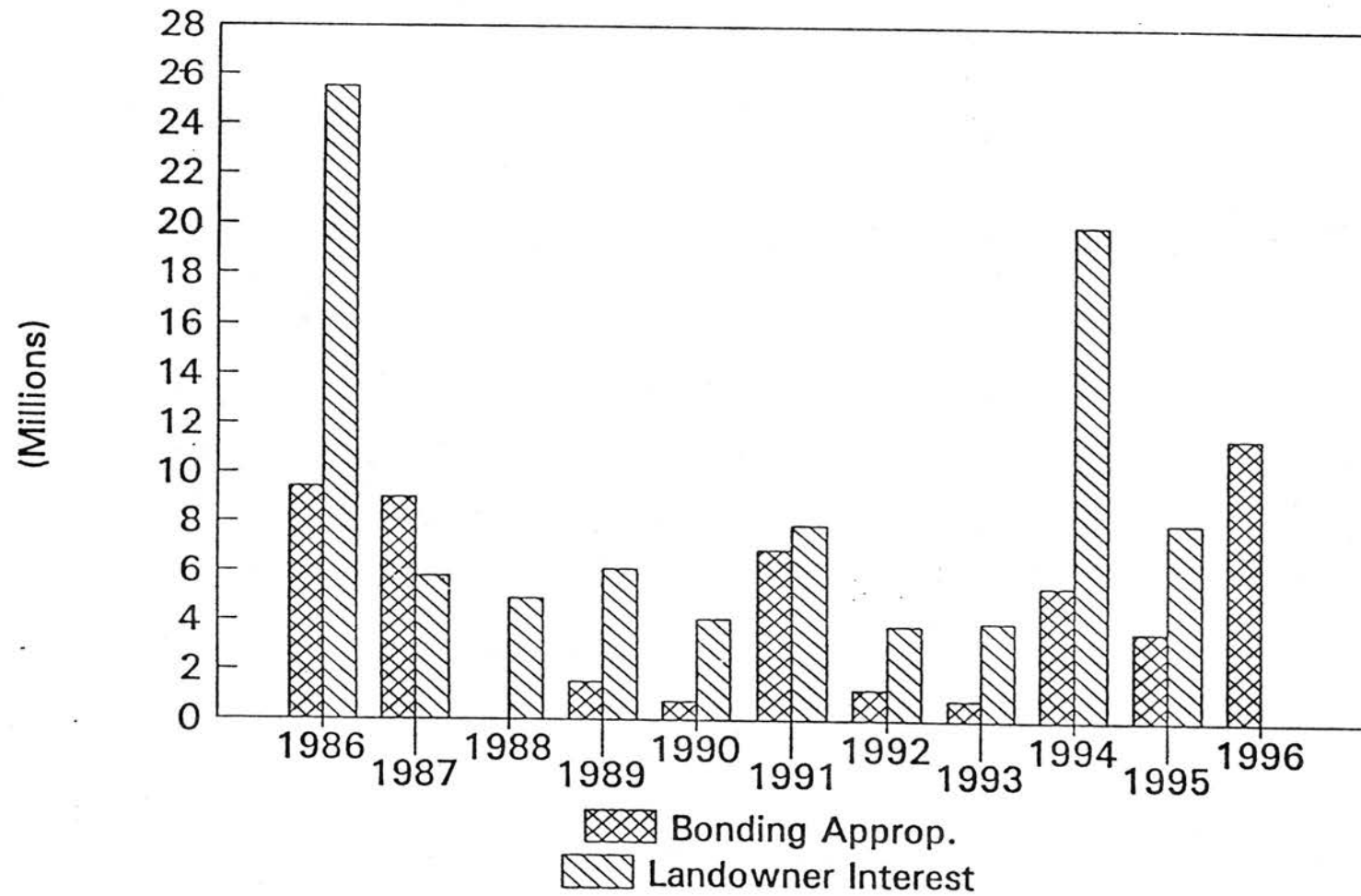
EASEMENT TYPE	TOTAL	
	NUMBER	ACRES
Marginal Crop Land		
Perpetual	416	10,307
Limited	885	19,309
Wetland Restoration		
Perpetual	395	14,666
Flowage Easement		
Perpetual	6	10
Sensitive Groundwater		
Perpetual	25	790
Limited	7	135
Riparian Land		
Perpetual	258	10,175
Limited	1	15
Other		
Perpetual	73	2517
Limited	0	0
PWP		
Perpetual	264	10,640
GRAND TOTAL	2,329	68,564

* RIM Easements
□ PWP Easements



CONSERVATION EASEMENT FUNDING

Supply and Demand



STATE RESOURCE PROTECTION PRIORITY
ASSESSMENT GUIDELINES - AUGUST 1995

Resource Protection Assessment Matrix

[Note: numbers in parentheses represent priority weighting factors]

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

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

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

1. Water Quality Protection

- A. the area is located in a sensitive groundwater area, is contributing runoff to a sinkhole or is located in a designated wellhead protection area; [high]
- B. where high rates of nutrients, sediment or pesticides are being directly conveyed from the easement area into a lake, river, stream, priority wetland, or drainage system, with little or no filtering of runoff by natural vegetation, and
 - B.1. the area is currently in row crop production or a hay/row crop rotation¹; or in a limited duration conservation contract at high-risk of being converted to row crop production or a hay/row crop rotation; or is an over-grazed pasture with denuded, bare soil areas, and/or excessive animal waste accumulations; and
 - a majority of the easement area meets the B. and B.1 definitions [high]
 - some of the easement area meets the above definitions [medium]
 - a minority of the easement area meets the above definitions [low].
- C. where wetlands will be restored [high]
- D. where farmed wetlands(types 1 and 2 with crop history) currently exist, and once farming ceases the area will function to filter or trap nutrients, sediments or pesticides transported to the wetland from non-enrolled parcels, and
 - D.1. the wetland has a flow-through hydrologic regime, and outlets directly to a lake, river, stream, priority wetland area, or drainage system [high]

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

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

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

2. Soil Erosion Reduction

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

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

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

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

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

3. Fish and Wildlife Habitat

A. contains threatened or endangered species habitat [high]

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

B.1 basin is fully drained and the majority (e.g., 75% or more) is cropped [high]

B.2 basin is partially drained and partially being cropped [medium]

B.3 drainage system is no longer functioning and the basin is not being cropped [low]

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

C.1 the upland to wetland ratio will be 3:1 or greater [high]

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

C.3 the upland to wetland ratio will be less than 1:1 [low]

D. the easement area and surrounding land use:

D.1 is predominantly in agricultural use and in row crops or a hay/row rotation [high]

D.2 has some area in agricultural use or residential use [medium]

D.3 is predominantly secluded & undisturbed land or recreational land [low]

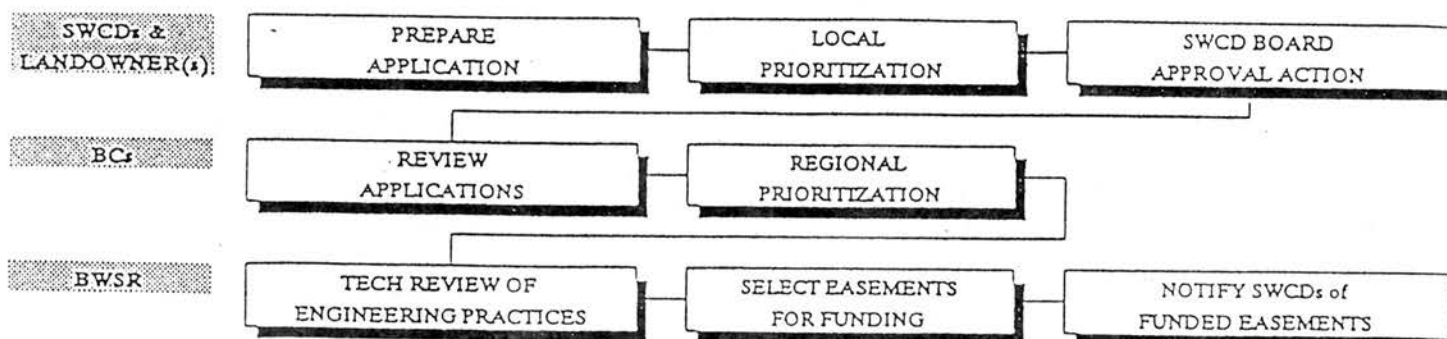
E. the easement area will be established to:

E.1 a mixture of native grass/trees; or introduced grass/native grass; or introduced grass/trees/native grass [high]

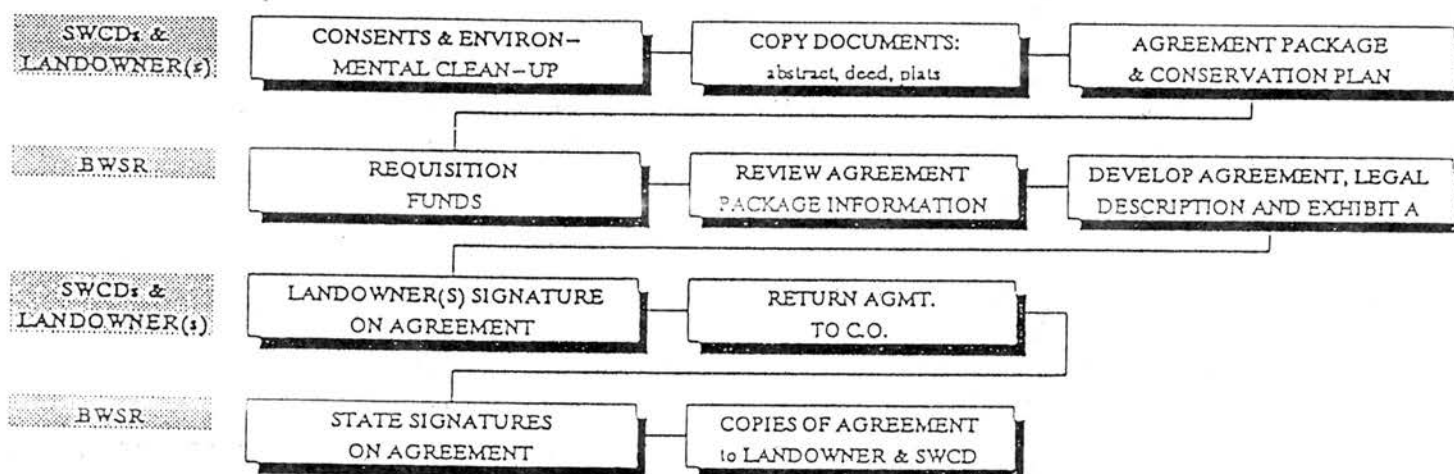
E.2 a mixture of introduced grass and trees; or native grass [medium]

E.3 a monoculture of introduced grass or trees [low]

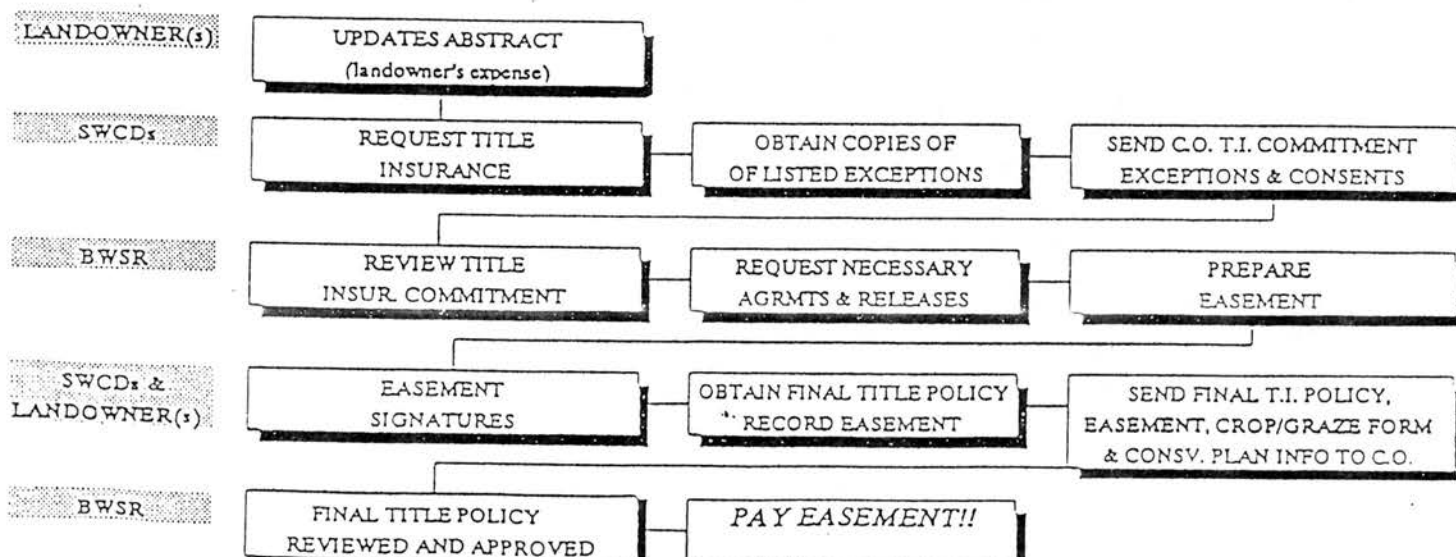
APPLICATION STAGE



AGREEMENT STAGE

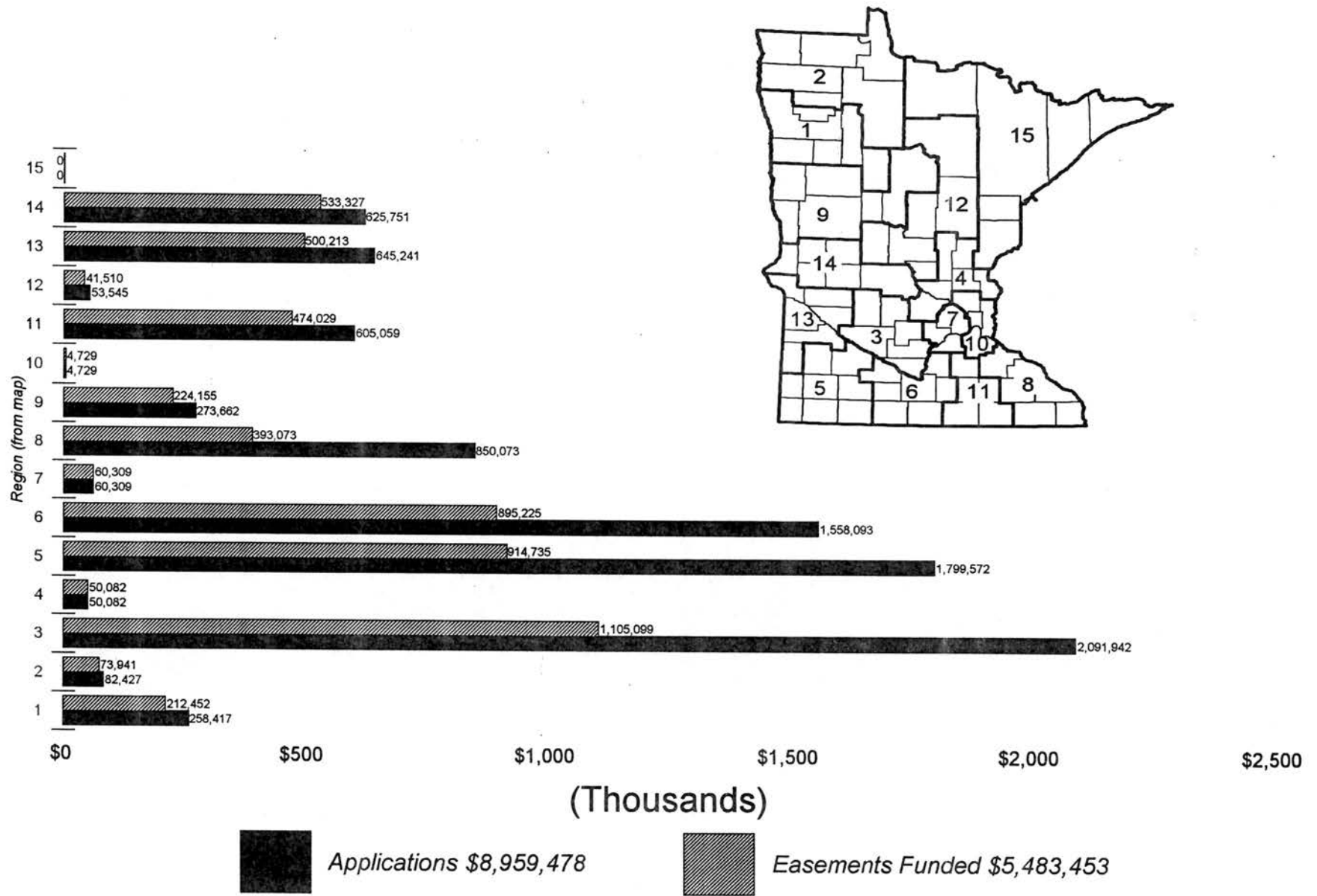


EASEMENT STAGE



1996 RIM Reserve Sign-up

Funds Requested vs. Easements Funded



The Senate has appointed as such committee:

Mr. Wiger; Mrs. Robling and Ms. Higgins.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 266, A bill for an act relating to water; including ex officio agency members as voting members of the board of water and soil resources; amending Minnesota Statutes 1996, section 103B.101, subdivisions 1, 2, and 5; repealing Minnesota Statutes 1996, section 103B.101, subdivisions 3 and 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Munger moved that the House concur in the Senate amendments to H. F. No. 266 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 266, A bill for an act relating to water; including ex officio agency members as voting members of the board of water and soil resources; amending Minnesota Statutes 1996, section 103B.101, subdivisions 1, 2, and 5; repealing Minnesota Statutes 1996, section 103B.101, subdivisions 3 and 8.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 101 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abrams	Evans	Juhnke	Mares	Ozment	Slawik
Anderson, I.	Farrell	Kahn	Marko	Paulsen	Solberg
Bakk	Folliard	Kalis	McCollum	Pawlenty	Swenson, D.
Bettermann	Garcia	Kelso	McElroy	Paymar	Sykora
Biernat	Greenfield	Kinkel	McGuire	Pelowski	Tomassoni
Bishop	Greiling	Knoblach	Milbert	Peterson	Tompkins
Broecker	Gunther	Koppendraye	Mulder	Pugh	Trimble
Carlson	Haas	Koskinen	Mullery	Rest	Tuma
Chaudhary	Hasskamp	Kraus	Munger	Reuter	Van Dellen
Clark	Hausman	Kubly	Murphy	Rhodes	Vickerman
Commers	Holsten	Larsen	Ness	Rostberg	Wagenius
Dawkins	Huntley	Leighton	Nornes	Rukavina	Wejcman
Delmont	Jaros	Leppik	Olson, E.	Schumacher	Wenzel
Dempsey	Jefferson	Lieder	Opatz	Seagren	Westrom
Dorn	Jennings	Long	Osskopp	Sekhon	Winter
Entenza	Johnson, A.	Luther	Osthoff	Skare	Wolf
Erhardt	Johnson, R.	Macklin	Otremba	Skoglund	

Those who voted in the negative were:

Anderson, B.	Dehler	Kuisle	Seifert	Swenson, H.
Boudreau	Harder	Lindner	Smith	Tingelstad
Bradley	Kielkucki	Molnau	Stanek	Weaver
Daggett	Knight	Olson, M.	Stang	Westfall
Davids	Krinkie	Rifenberg	Sviggum	Workman

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 137, 127, 101 and 1255.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 137, A bill for an act relating to natural resources; modifying the provisions of the youth corps advisory committee; authorizing the commissioner to make certain contracts and grants; making conservation corps crew services available for natural resources projects; changing the method of allocation of conservation corps crew services; amending Minnesota Statutes 1996, sections 84.0887, subdivision 4, and by adding a subdivision; and 84.99.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 127, A bill for an act relating to the environment; modifying requirements relating to certain environmental advisory councils; amending Minnesota Statutes 1996, sections 115A.12; and 473.803, subdivision 4; repealing Minnesota Statutes 1996, section 473.149, subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 101, A bill for an act relating to human services; adding an exclusion to elderly housing with services establishment; downsizing the number of IMD beds; modifying the appeal process for nursing facilities; changing procedure for permanent placement of a child and provisions for reimbursement for family foster care; removing the time limitation on family general assistance; amending Minnesota Statutes 1996, sections 144D.01, subdivision 4; 245.466, by adding a subdivision; 256B.059, subdivisions 1, 2, 5, and by adding a subdivision; 256B.17, subdivision 7; 256B.431, subdivision 18; 256B.50, subdivisions 1, 1b, 1c, and 1e; 256D.01, subdivision 1a; 257.071, subdivision 2; 260.191, subdivision 3b; 260.192; 260.242, subdivision 2; and 382.18; repealing Minnesota Statutes 1996, sections 256B.17, subdivisions 1, 2, 3, 4, 5, 6, and 8; and 256B.50, subdivisions 1d, 1g, 1h, and 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 1255, A bill for an act relating to campaign finance; clarifying limits on contributions to candidates for local elected office; amending Minnesota Statutes 1996, section 211A.12.

The bill was read for the first time.

Mahon moved that S. F. No. 1255 and H. F. No. 1463, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

OVERVIEW OF THE MARTIN COUNTY COMPREHENSIVE WATER PLAN UPDATE - 1995

INTRODUCTION AND PHYSICAL DESCRIPTION OF THE COUNTY

Martin County is located in South Central Minnesota about midway between South Dakota and Wisconsin, and bordering Iowa on the south. Fairmont, the largest town in the county, is the county seat. Although Martin County is largely agricultural based, growing corn, soybeans, wheat, some dairy cattle, some beef cattle and hogs. Martin County is the largest hog producer in Minnesota. There are over 700 industries within the county. Early descriptions of Martin County refer to a "waving grass prairie, marshes and sloughs, and not a tree as far as the eye can see." The land no longer breeds prairie grass. Most of the marshes and sloughs have been drained for agricultural production. Soils are rich and dark colored, formed from glacial till, and rich in organic matter from centuries of decaying grasses. Soil quality and rainfall make it ideal for crop production.

Martin County drains to several major rivers including the Watonwan River, Blue Earth River, East Fork Des Moines River and Lower West Fork of the Des Moines River. Most of the county is in the Blue Earth River watershed. Martin County is unique in southcentral Minnesota because of the large number of lakes including the east and west chain of lakes in the Blue Earth River basin and numerous lakes in the Ceylon area in the West Fork Des Moines River basin. These lakes represent an outstanding opportunity for increased recreation, tourism and quality of life.

In Martin County, surface waters are impacted mostly by sediment, nutrients and bacteria. There have been some indications of pesticides but monitoring for pesticides is limited. The detriment to water quality seems to be fairly consistent in each of the four major watersheds reflecting the consistent land use throughout the county. Erosion and sedimentation, phosphorous loading and elevated nitrogen are the primary water quality problems in Martin County. Bacteria from mismanaged livestock operations and failing or nonexistent municipal and individual sewage treatment systems also degrade water quality.

Martin County aquifers yield varying amounts of water. A cretaceous layer of shale and sandstone overlies the older sedimentary rock aquifers and the precambrian bedrock. The cretaceous aquifer is high in dissolved solids, sulfate and iron. The cretaceous aquifer may also affect the deeper sedimentary rock aquifers because of seepage.

PLAN ACCOMPLISHMENTS

Martin County water planners have been among the leaders in water planning in south central Minnesota. The water planning committee meets regularly to review the status of projects and coordinate efforts. Mankato State University and the Southcentral County Comprehensive water Planning Project (a 13 county joint powers board which includes Martin County) have helped Martin County to produce geologic and surface water atlases, a geographic information system

and precipitation monitoring. The county has also provided leadership for the Blue Earth River Basin Initiative (BERBI), establishment of tile intake buffers, Pleasant Prairie septic system cleanup program and numerous other actions. The county continues to be a leader in water planning. On April 24th the county water planning committee will begin hearing public concerns related to feedlots in Martin County.

STAFF REVIEW

The 1995 plan update begins to incorporate the watershed approach to water resource management by describing the major watersheds in the county. Another new part of the document is the implementation schedule which defines the timing, cost and partners for the actions in the plan. The maintenance and establishment of drinking water systems through rural water systems is seen as a high priority for the county. Providing technical assistance for the development of wellhead protection plans, providing storage areas to reduce peak runoff rates, enforcement of shoreland regulations (including bringing individual sewage treatment systems up to code). Education of downstream impacts of drainage, development of a watershed protection plan for Budd Lake and expansion of the conserving acres program to include riparian buffers are some other high priority actions listed in the plan.

The plan was submitted for final review on March 10, 1997.

5/28/97



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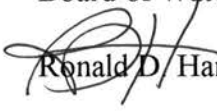
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DATE: May 19, 1997

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

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: May 28, 1997 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 28, 1997, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Consent Agenda

1. Ramsey-Washington Metro Watershed District (R-WMWD) Watershed Management Plan: The R-WMWD Watershed Management Plan, including comprehensive wetland management component under the WCA, was reviewed by the metro water planning subcommittee and is being brought before the BWSR for a decision. DECISION
2. Minnehaha Creek Watershed District (MCWD) Watershed Management Plan: The MCWD Watershed Management Plan was reviewed by the metro water planning subcommittee (see attached memo from Jim Haertel) and is being brought before the BWSR for a decision. DECISION

Old Business

1. Recommendation of BWSR Committee Regarding the Return of Cost Share Funds from the East Ottertail SWCD: The committee working through the Office of the Attorney General has negotiated a settlement regarding the return to BWSR of state cost share grants which were part of the funds embezzled by a former employee of the East Ottertail SWCD. At this time the settlement agreement is in draft form and is being finalized by the attorneys for the state and the SWCD. The East Ottertail SWCD board is scheduled to meet on May 21 to vote on the settlement agreement. Assuming that the SWCD board gives their approval, the BWSR Committee will be presenting the final agreement to the full Board for their consideration with a recommendation to approve. DECISION

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BWSR Members, Advisors, and Staff

May 19, 1997

Page Two

2. BWSR Strategic Plan Update: BWSR staff formed a short-term work team to take the results of the past year of strategic plan discussions and add some additional information, perspective and packaging. It is now timely to renew discussion about the plan with the Board. The strategic plan and its relationship with other BWSR planning efforts will be presented. Copies of the latest draft strategic plan will be distributed at the meeting. Hopefully, the June agenda will allow for a two-hour discussion session on the strategic plan. Our goal is to obtain adequate board member review and input over the next two months so that the plan will be ready for adoption. DISCUSSION
3. Legislative Update: The BWSR budget and policy initiatives have been finalized. The policy initiatives have all been signed by the Governor and the budget bill is on the Governor's desk for signature. Over the next few months the Board will be asked to make review grants guidelines and criteria and decide on specific grant allocations. DISCUSSION
4. Minnesota Recovers Disaster Task Force: BWSR is involved in the task force and chairs the agr-erosion subcommittee. Staff has surveyed lgu's to get information on BWSR program related damages and needs as a direct outgrowth of the flood disaster. Attached you can review the outline of "Minnesota Recovers" and a summary of the survey information recieved to date. DISCUSSION

If you desire additional information, please feel free to give me a call. I look forward to seeing you on the 28th!

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MAY 28, 1997**

PRELIMINARY AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approval of Minutes of April 23, 1997

Reports

- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Administrative Advisory Committee - Kathleen Roer
- Financial Oversight Committee - Ginny Imholte

Agency Reports

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

Consent Agenda

1. Ramsey-Washington Metro Watershed District Watershed Management Plan - DECISION
2. Minnehaha Creek Watershed District Watershed Management Plan - DECISION

Old Business

1. Recommendation of BWSR Committee Regarding the Return of Cost Share Funds from the East Ottertail SWCD - Ginny Imholte and Darrell Bruggman - DECISION
2. BWSR Strategic Plan Update - Jim Birkholz and Marybeth Block - DISCUSSION

3. Legislative Update - Ron Harnack - DISCUSSION

4. "Minnesota Recovers" Flood Disaster Task Force - Ron Harnack -
DISCUSSION

Advisory Comments

- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Board Issues

1. Board Tour and Meeting, June 25-26, Redwood Falls

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MAY 28, 1997**

AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approval of Minutes of April 23, 1997

Reports

- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
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Agency Reports

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

Consent Agenda

1. Ramsey-Washington Metro Watershed District Watershed Management Plan - Metro Water Planning Committee Recommendation - Barb Cobb - DECISION
2. Minnehaha Creek Watershed District Watershed Management Plan - Metro Water Planning Committee Recommendation - Barb Cobb - DECISION
3. WCA Appeal: Fleskes, Huehn, et al., vs City of Big Lake - Dispute Resolution Committee Recommendation - Marv Tripp - DECISION

Old Business

1. Recommendation of BWSR Committee Regarding the Return of Cost Share Funds from the East Ottertail SWCD - Ginny Imholte and Darrell Bruggman - DECISION
2. BWSR Strategic Plan Update - Jim Birkholz and Marybeth Block - DISCUSSION
3. Legislative Update - Ron Harnack - DISCUSSION
4. "Minnesota Recovers" Flood Disaster Task Force - Ron Harnack - DISCUSSION

Advisory Comments

- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Board Issues

1. Local Water Planning Conference, June 8-10, Two Harbors
2. MAWD Tour, June 20-21, Marshall
3. Board Tour and Meeting, June 25-26, Redwood Falls
4. Board Meeting, July 23, St. Paul
5. Board Tour and Meeting, August 27-28, Crookston



MEMORANDUM

May 15, 1997

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TO: Board Members

Jim
FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Ramsey-Washington Metro Watershed District Watershed Management Plan

The Metro Water Planning Subcommittee met on May 2, 1997, to consider action on the proposed Watershed Management Plan (Plan) for the Ramsey-Washington Metro Watershed District.

This is the first watershed management plan BWSR has reviewed that contains a comprehensive wetland protection and management plan component. Review of that component of the Plan by the Wetland Subcommittee and the Metro Water Planning Subcommittee had not been fully completed by the May 2nd meeting. All reviews are now completed.

The Metro Water Planning Subcommittee scheduled a special meeting to be held before the Board meeting and it is likely the subcommittee will bring a recommendation to approve the entire Plan to the Board on May 28, 1997, per the attached draft Order.

If you have any questions or comments, please do not hesitate to contact me.

Attachment

c: Cliff Aichinger

BWSR Staff: Harnack, Birkholz, Thomas, Sandstrom, Moore, Belfiori

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

In the Matter of the review of the Watershed
Management Plan for the **Ramsey-Washington Metro
Watershed District** pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Ramsey-Washington Metro Watershed District (R-WMWD) submitted a Watershed Management Plan to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. § Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The R-WMWD was established by order of the Water Resources Board on February 24, 1975 to effect the protection and provident use of water resources. The district is located in eastern Ramsey County and western Washington County. The District is general bounded on the west by downtown St. Paul and interstate 35E, on the north by County Road E in White Bear Lake, on the east by I-694/I-494, and on the south by the Mississippi River. The following is a list of communities that lie partially or entirely within the District.

Ramsey County

Little Canada
Maplewood
North St. Paul
Vadnais Heights
White Bear Lake

Washington County

Landfall
Oakdale
Woodbury

2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The R-WMWD is approximately 63 square miles in size with

approximately 41 square miles in Ramsey County and 12 square miles in Washington County. The district is primarily urban in nature, with the entire district located within the Urban Service Area (MUSA). The purpose of the R-WMWD is to provide and coordinate the delivery of services that transcend community boundaries and provide for the protection of public and welfare.

4. **Local Review.** The R-WMWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, prior to submittal to the Metropolitan Council.
5. **Metropolitan Council Review.** The Metropolitan Council provided written comment on the plan with recommended amendments. The Council's primary concerns were related to the need for wetland buffer zone requirements, pollution loading and status for approval of local water supply plans.

In its written response, the R-WMWD has stated that the district has developed a wetland management classification and ordinances which provides protection and pretreatment for highly classified wetlands. The R-WMWD has also detailed a pollution control strategy which sets phosphorus and suspended solids target reduction levels. The Metropolitan Council recommended approval of the plan in a letter dated January 15, 1997.

6. **Department of Agriculture Review.** The MDA provided minor comments on the R-WMWD draft plan. The MDA recommended approval of the plan in a letter dated January 24, 1997.
7. **Department of Health Review.** The MDH did not provide comments to the Board on the R-WMWD plan.
8. **Department of Natural Resources Review.** The DNR provided written comment on the plan and recommended several minor changes. In its written response, the R-WMWD did address the DNR's concerns. The DNR recommended approval of the plan in a letter dated August 20, 1996.
9. **Pollution Control Agency Review.** The MPCA provided written comments on the plan. The MPCA congratulated the R-WMWD on development of an outstanding example of "what a local water plan can be". The primary concerns were the availability of water resources data collected by the R-WMWD and multi-use basin wetland classifications.

In its written response, the R-WMWD has stated that it would work with the MPCA to ensure that state funded collection programs meet state compatibility standards. The R-WMWD has addressed the concern of multi-use basins in the management classification category of the wetland plan. The MPCA recommended approval of the plan in a letter dated January 28, 1997.

10. **Board Review.** On February 25, 1997 the R-WMWD submitted the final watershed management plan which addressed most of the aforementioned concerns. A summary of the plan was presented to the Board metro subcommittee on May 2, 1997. Part of the summary was a description of the R-WMWD comprehensive wetland management plan which is to be reviewed as the district's wetland management plan under Minnesota Wetland Conservation Act pursuant to MN Rules Chapter 8420.0650. The subcommittee had concerns that there was insufficient detail on the general methodology used in comprehensive wetland planning in the metro area and requested that staff provide them with further information. The information on wetland planning and the district's wetland plan was sent to the Board's wetland and metro subcommittees for review.
11. **Highlights of the Plan.** The following are some of the highlights of the Plan as amended:
 - a. the implementation goals and policies unique to the R-WMWD;
 - b. integration of resource management to achieve a balance between protection and management of the District's natural resources.
 - c. multipurpose surface water management to understand uniqueness of each subwatershed;
 - d. improvements to protect areas that could be damaged by flood events;
 - e. water quality classifications which continue or enhance existing recreational activities;
 - f. direct coordination of the wetland management plan with the watershed implementation programs and projects;
 - g. extensive information, education and public outreach program, including a process identifying existing and potential problems;
 - h. 109 proposed capital improvement projects with 13 projects being totally funded by the R-WMWD.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Ramsey-Washington Metro Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9 and 103D.405.
3. The Ramsey-Washington Metro Watershed District Plan attached to this Order defines water and water-related problems within the R-WMWD's boundaries, possible solutions thereto, general objectives and policies of the R-WMWD, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251 and 103D.405.
5. The attached Plan includes the Ramsey-Washington Metro Comprehensive Wetland Management Plan which is in conformance with Minnesota Rules Chapter 8420.

ORDER

That the Board hereby approves the attached Plan dated February 1997 as the Watershed Management Plan for the Ramsey-Washington Metro Watershed District.

Dated at Saint Paul, Minnesota this 28th day of May, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathy Roer
Chair



MEMORANDUM

May 15, 1997

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
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3217 Bemidji Avenue N.
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Brainerd, MN 56401-3660
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Southern Region:

261 Highway 15 S.
New Ulm, MN 56073-8915
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40--16th Street SE
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Metro Region:

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TO: Board Members

Jim
FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Minnehaha Creek Watershed District Watershed Management Plan

The Metro Water Planning Subcommittee held a public hearing on April 16, 1997, and reconvened on May 2, 1997, to consider action on the proposed Watershed Management Plan (Plan) for the Minnehaha Creek Watershed District.

Based on input from citizens, cities, Hennepin County, and the watershed district, the subcommittee unanimously recommended that the Board approve the attached draft-A Order, which would approve only part of the Plan. However, the subcommittee scheduled a special meeting to be held before the Board meeting and encouraged the parties to work together to resolve the outstanding issues.

Please note that it appears the parties have satisfactorily resolved the issues such that it is likely the subcommittee will bring a recommendation to approve the entire Plan to the Board on May 28, 1997, per the attached draft Order.

If you have any questions or comments, please do not hesitate to contact me.

Attachments

c: Vern Genzlinger
Janet Leick
Mike Eastling
Charles LeFevre
Woodrow Love
Louis Smith
BWSR Staff: Harnack, Birkholz, Thomas, Sandstrom, Johnson, Belfiori

DRAFT A

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

In the Matter of the review of the Water Resources
Management Plan (Plan) for the **Minnehaha Creek**
Watershed District pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

*(Change "ORDER" to "RESOLUTION" for
Option D and "APPROVING" to "ON" for Options A, C, D)*

Whereas, the Board of Managers of the Minnehaha Creek Watershed District (MCWD)
submitted a watershed management plan entitled "Water Resources Management Plan," (Plan)
dated January, 1997 to the Minnesota Board of Water and Soil Resources (Board) pursuant to
M.S. § Section 103B.231, Subd. 9, and;

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

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and
Order (Change "Order" to "Resolution" for Option D).

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FINDINGS OF FACT

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1. **District Establishment.** The MCWD was established by order of the Water Resources Board on March 9, 1967 for the primary purposes of conserving and protecting the watershed's waters and natural resources. The district is located in the west central portion of the Twin Cities metropolitan area and includes all or part of 27 cities, three townships and two counties.
2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The MCWD is approximately 181 square miles in size with 151 square miles in Hennepin County and 30 square miles in Carver County. The district is primarily urban in nature, although the western fringes of the MCWD still possess a rural character. The focus of the MCWD is restoration of wetlands and installation of wet detention basins in an effort to restore and improve water quality of the many lakes in the district. The district also focuses on preventative measures, such as rule and ordinance, to maintain and improve the quality of existing resources.

DRAFT A

4. **Local Review.** The MCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, prior to submittal to the Metropolitan Council.
5. **Metropolitan Council Review.** The Metropolitan Council provided written comment on the Plan with recommended amendments. The Council's primary concerns were water supply and wellhead protection, water quality monitoring and target in-lake nutrient concentrations.

In its written response, the MCWD has stated that it supports the development of local water supply plans. The MCWD is requiring local units of government in Carver county to comply with the requirements of the Carver county ground water plan. The MCWD will investigate ground water issues in Hennepin county until the county ground water plan is adopted. The MCWD has established nine water quality monitoring stations and will be evaluating its data collection program to determine if additional monitoring is necessary. The MCWD revised its target in-lake goals in an effort to achieve a goal of non-degradation of water quality. The Metropolitan Council recommended approval of the Plan in a letter dated November 14, 1996.

6. **Department of Agriculture Review.** The Department of Agriculture provided written comment on the Plan and recommended several minor changes. The primary concerns stated by MDA were the use of phosphorus fertilizers, feedlot regulations, ground water protection, resource buffer zones, water quality monitoring and exotic species control.

In its written response, the MCWD has stated that it will develop a fertilizer ordinance for adoption by local units of government. Local units of government are responsible for regulation of feedlots. The MCWD also has stated that it will require local units of government to adopt the elements required in the county ground water plan. The MCWD requires a buffer zone around wetlands and has stated that it will consider adding buffer requirements to other resources within the district. The MCWD has developed a water quality monitoring plan and publishes an annual hydrologic data report. The district does not manage exotic species. The MDA recommends approval of the Plan .

7. **Department of Health Review.** The MDH did not provide comments to the Board on the MCWD Plan. The MDH recommended approval of the Plan in a letter dated March 7, 1997.
8. **Department of Natural Resources Review.** The DNR provided written comment on the Plan and recommended several minor changes. In its written response, the MCWD did address the DNR's concerns. The DNR recommended approval of the Plan in a letter dated December 6, 1996.

9. **Pollution Control Agency Review.** The MPCA provided written comments on the Plan. The MPCA's primary concerns were the availability of water resources data collected by the MCWD, the detail of the capital projects section of the Plan and the use of a citizens advisory committee during development of the Plan.

In its written response, the MCWD has stated that it would work with the MPCA to make sure that data could be shared between the two entities. The MCWD has provided greater detail regarding the funding and nature of capital projects in the Plan. The MCWD used both citizens and technical advisory committees during development of the watershed Plan. The MPCA recommended approval of the Plan in a letter dated December 2, 1996.

10. **Board Review.** On January 27, 1997 the MCWD submitted an amended Plan that addressed many of the aforementioned concerns. A subcommittee of the Board and Board staff met with the MCWD on February 7, 1997. The MCWD made a presentation of the amended Plan and requested it be considered for approval by the Board at the March 1997 Board meeting.
11. **Highlights of the Plan.** The following are some of the highlights of the Plan as amended:
- a. the implementation goals and policies unique to the MCWD;
 - b. inclusion of a strong permit program for floodplain development, work in water areas, land alteration and storm water management;
 - c. individual inventory, assessment and analysis of wetland functions and values;
 - d. individual inventory, assessment and analysis of attainable uses for the many lakes within the watershed;
 - e. uniform MPCA and DNR lake classifications with target in-lake nutrient goals;
 - f. monitoring of chemical, biological and ecological criteria;
 - g. some permitting by the MCWD continues after local plan approval;
 - h. extensive information, education and public outreach program, including an established Internet site.
 - I. sixteen proposed capital improvement projects totaling \$13,755,000 over the next four years.
12. **Notice of Filing of Plan.** In accordance with Minnesota Statutes Section 103D.105, Subd. 2 the BWSR published a notice of filing of the Plan on February 6 and 13, 1997 in the Lakeshore Weekly News. The same notice was published in The Laker on February 8 and 15, 1997. The same notice was published in the Star Tribune on February 15 and 22, 1997. The notice stated, among other things, that any person who objects to the proposed plan may request a public hearing, provided the request must be received 30 days of the second publication. The notice of filing was also mailed on January 30, 1997 to all affected cities, townships, adjacent watershed management organizations, counties, soil and water conservation districts, and agency review staff.

DRAFT A

13. **Requests for Hearing.** As a result of the publication of the notice of filing of the Plan, a number of requests for hearing were received. Below is a summary of the people requesting a hearing and the date the request was received.

Requester	Date Request Received
Mike Eastling City of Richfield	March 14, 1997 (fax)
Michael P. Rardin City of St. Louis Park	March 28, 1997
Lee Gustafson City of Minnetonka	March 27, 1997
Anver and Lynn Friedman	March 18, 1997
Stephanie Gaynor	March 24, 1997 (fax)
Debra N. Evans	March 24, 1997 (fax)
Kenneth M. Taguchi	March 21, 1997

14. **Prehearing Conference.** The BWSR held a pre-hearing conference on April 9, 1997 to go over the issues relevant to the City of Richfield's request for hearing, the hearing process and to discuss any possibilities to resolve outstanding issues. The City of Richfield's representatives expressed their concerns and proposed some ideas for amending the Plan. The MCWD representatives listened to the concerns but did not comment on them.

15. **Public Hearing.** At 7:00 P.M. on April 16, 1997, a three person subcommittee of the BWSR held a public hearing pursuant to the requests for hearing that were received. The hearing was chaired by BWSR Board Member Dwain Otte. The hearing was held in the Minnetonka Community Center, 14600 Minnetonka, Minnetonka, Minnesota. A Notice of Hearing was published in the Star and Tribune on March 29, 1997 and April 4, 1997 and was mailed to all affected cities, townships, adjacent watershed management organizations, counties, soil and water conservation districts, individuals who requested the hearing, and agency review staff. The following people testified at the hearing.

Name & Title	Representing
Mike Eastling, Public Works Director	City of Richfield

DRAFT A

Charles LeFevere, City Attorney
Lee Gustafson, Public Works Director
Gail Dorfman, Mayor
Jerry O'Neil, Council Member
Lynn Friedman, Citizen
Stephanie Gaynor, Citizen
Debra Evans, Citizen
John Thomas, Chair
Louis Smith, Attorney
Woody Love, Manager

City of Richfield
City of Minnetonka
City of St. Louis Park
City of Shorewood
Self (3636 Zenith Ave. S.)
Self (4107 Zenith Ave. S.)
Self (3807 Zenith Ave. S.)
Minnehaha Creek WD
Minnehaha Creek WD
Minnehaha Creek WD

The hearing was concluded at 8:45 P.M. The record was not left open to allow for the submittal of additional written testimony.

16. **Summary of Public Hearing Testimony.**

16a. **Mike Eastling:** Mr. Eastling gave a background on the history of surface water in the City of Richfield, the amounts spent by the property owners for the storm water utility and amounts given to the watershed district. He also does not want duplication of efforts in the areas of regulation and funding.

16b. **Charles LeFevere:** Mr. LeFevere testified as legal counsel for the City of Richfield. His comments focussed on three main concerns of the Plan. They were:

- 1) That the capital improvement program in the Plan is inconsistent with MS 103B.205 Subdivision 3 in that it lacks the detail needed with regards to the nature of the improvements, the need for the improvements and the financial effect on local government. With a total cost of \$12.5 million dollars the public has no knowledge of what the projects are. He also stated that the plan does not adequately address structural and nonstructural alternatives that might be available, citing MS 103B.231 Subdivision 6b(3), MR 8410.0080 and MR 8410.0100 Subpart 7. MR 8410.0140 - The amendment process is now described as a minor amendment. The plan would make the MCWD, in regards to projects, only responsible to the approval of the county. He recommended the CIP projects go through the major plan amendment process.
- 2) That the Plan doesn't reflect the proper regulatory relationship between cities and the MCWD after a city's local plan is approved. The watershed district is reserving the right to be the permitting authority when the law says that if the city has adopted a local plan the city should have permitting authority. The MCWD Plan requires the city to sign an agreement that delegates only partial permitting authority to the city and that the MCWD lacks that authority. He pointed out

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pages 146, 147, 149, 150, 151, 152, and 154 and reference to MS 103D.335 Subdivision 23(b).

- 3) That the city objects to the use of the district-wide ad valorem tax for all capital improvements. The city would like the plan to reflect an integrated process of review to consider benefit factors of cities and the funding alternatives. He cited MS 103B.205 Subdivision 3, MR 8410.0100 Subparts 1, MR 8410.0110 Subparts 1 & 2, MR 8410.0120, and MR 8410.0130, Subpart 2

Mr. LeFevere also briefly went over the contents of a letter dated April 11, 1997 to the MCWD's legal counsel, Louis Smith which he asked to be made a part of the record. The April 11 letter suggested certain specific revisions to the Plan that would make it acceptable to the City of Richfield. The suggested amendments elaborated on the above main issues. Mr. LeFavere also submitted a copy of a Hennepin County report entitled "Hennepin County Water Management Advisory Committee Final Report" dated August 20, 1996 and cited the need for additional oversight and review by county commissioners in the taxing authorities of watershed districts and priority setting for capital improvement projects.

- 16c. **Lee Gustafson:** Mr. Gustafson covered four points the City of Minnetonka finds lacking in the plan. He presented a letter dated April 16, 1997 to BWSR Chair Kathy Roer that outlined their primary concerns as follows:

- 1) CIP - Does not have a section to consider benefits to community and plan lacks funding alternatives. He gave an overview of how the Bassett Creek WMO is planning to study all alternatives and get support from all of the communities, not only the communities benefiting from the project.
- 2) At the current levy rate the City of Minnetonka is giving about \$500,000 annually to the MCWD.
- 3) Strongly supports WD for regional ponding and has been paying for the city's own ponding for a long time without assistance from the WD and feels they should not have to help fund regional ponds that only benefit other areas of the WD.
- 4) High Administrative, Legal and Engineering Costs - Feels the WD has abnormally high levy rates because of this. Would like all cities and townships to receive copies of all annual financial, activity and audit reports. He would like this statement to be included in the plan on p. 160, Section 11.

Mr. Gustafson summed up by supporting the amendments included in Mr. LeFevere's April 11, 1997 letter to Louis Smith and feels that the District board is micro-managing the watershed district.

- 16d. **Gail Dorfman:** Mayor Dorfman stated that due to a mis-communication, the City of St. Louis Park did not request a public hearing. She outlined that St. Louis Park supports

watershed management and has a good relationship with the MCWD. She spoke on the clean water partnership her city has with the WD and how the project they did together (Twin Lakes) was successful because of the public participation. She also told of how it is hard to assess benefits across municipal boundaries.

- 16e. **Jerry O'Neil:** Council Person O'Neil submitted a position statement on behalf of the City of Shorewood dated April 14, 1997. The City generally supports the MCWD in their efforts to manage water. The City has concern for accountability issues in the MCWD causing increased costs. The City believes the MCWD project review should include an annual public hearing for city and resident input. The City also stated that they would like to see the MCWD provide funding assistance to help the city manage storm water.
- 16f. **Lynn Friedman:** Ms. Friedman (3636 Zenith Ave. S.) spoke a lot about the science of the proposal in general. She compared the project for Oliver Park to the one done at Cedar Meadows. She says the Cedar Meadows project had very poor survival rates for the plantings, was not attractive (rusted poles), no measures have been planned that distinguish between harmless and harmful chemicals, no measures for effectiveness, and that the green space has been diminished. She was also concerned about the possible negative effects the project could have on basement seepage.
- 16g. **Stephanie Gaynor:** Ms. Gaynor (4107 Zenith Ave. S.) is a member of the Neighborhood Revitalization association that is working to clean Lake Calhoun, but feels there are other alternatives to accomplish this without the high price tag of either \$2,200,000 or \$300,000 (she would like clarification on the amount). She would like more investigation in order not to lose more green space that is in high demand in this area.
- 16h. **Ms. Debra Evans:** Ms. Evans (3807 Zenith Ave. S.) feels there is a lack of a democratic forum and that the WD does not listen to the people. She talked of the feasibility study that gave 14 alternatives and that 11 were different detention basins and there are other alternatives other than the 14 mentioned. She feels there is need for an independent council, other than the engineer hired to do the project and also feels there are other alternatives that would have less impact on the taxpayer and be less invasive on the land.
- 16i. **John Thomas:** Mr. Thomas gave praise to the Plan and told how the Plan was 25 months in the making and that it meets every applicable rule and law and how the WD used 30 years worth of sound hydrologic data to make the appropriate priorities for the plan. He feels citizen benefit and participation were included in the analysis and review for the Plan and that the planning process does not end with plan approval. They will have more public participation both through individual citizens and through the participation of the public through their elected officials.
- 16j. **Louis Smith:** MCWD legal counsel Smith concluded that Mr. LeFevere had made his

analysis from an earlier version of the Plan and that the issues brought up during the review process were addressed in the latest version of the Plan. The MCWD did not send the final draft of the Plan to Richfield. Mr. Smith stated that the capital improvements program (CIP) has been approved by default since the county did not provide comments within the time specified by 103B.231, Subd. 7. Mr. Smith also explained that the MCWD used a priority ranking method for the capital projects that six (6) parameters for the purpose of prioritizing the proposed projects within the CIP and that information has been include in the latest version of the Plan. The parameters included were: the long-term benefits, wide support of the local community, local cost-share or in-kind assistance, cooperative agreement with the local municipality, support of permitting and regulatory review agencies, and mandated by previous board action or is petitioned. He says that they have taken the same approach as other WD and WMO plans that the board has approved. The CIP calls for the use of county funds pursuant to MS 103B.251. The majority of the CIPs propose the construction of wet detention basins in addition to the preparation of a feasibility study and a diagnostic study. Mr. Smith submitted an undated document that listed the MCWD 1996 levy for a \$100,000 home in Richfield to be \$19.62 and for a \$150,000 home in Minneapolis to be \$34.95.

- 16k. **Woody Love:** MCWD Manager Woody Love expressed that the use of a district-wide ad valorem levy is endorsed by the BWSR and it's use is appropriate for management of storm water.
17. **Annual Levy.** According to annual reports and other information provided to the BWSR, the annual levy for MCWD was \$5,895,650 for 1995 and \$4,174,500 for 1997.
18. **Problem Assessment:** Section V. of the Plan, entitled "Assessment of Problems," identifies water quality problems on Auburn Lake, Zumbra Lake, Steiger Lake, Parley Lake and Lake Minnetonka. This section also identifies water quantity problems in the lower basin, Lake Zumbra, Mooney Lake, and within the City of Orono.
19. **Capital Improvement Program:** The capital improvement program contained in Section VIII., F proposes wet detention basins to address water quality problems on Lake Nakomis, Lake Calhoun, Lake Hiawatha, Painters Creek, Spring Park Bay, Jennings Bay, Excelsior Bay, Cooks Bay, Lake Harriet, Long Lake, Twin Lakes, and Halsteds Bay. The program also lists a channel modification study for Minnehaha Creek, a project to provide regional detention storage somewhere in the watershed, a project to restore wetland functions and values somewhere in the watershed, and an undefined project to reduce internal loading of phosphorus on Langdon Lake. All projects are to be funded using county funds pursuant to MS 103B.251.

Option A
CONCLUSIONS

DRAFT A

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving or disapproving all or parts of the MCWD "Water Resources Management Plan," dated January, 1997 pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.
3. The subject Plan attached to this Order defines water and water-related problems within the MCWD's boundaries, possible solutions thereto, general objectives and policies of the MCWD, and an implementation program which includes but is not limited to regulatory controls and a capital improvement program.
4. The attached Plan is substantially in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251 and MR 8410.0010 to 8410.0170, except for parts of the capital improvement program and portions of the plan that relate to the issue of delegation of permitting authority by the MCWD to cities.
5. The Plan's capital improvement program is not consistent with the definition of CIP in MS 103B.205, Subd. 3 since the plan lacks sufficient detail as to what will be constructed, at what location, at what cost, and the financial effect on local governments.
6. The Plan's problem assessment section (Chapter 5) references a number of water quality and quantity problems that might require structural or non-structural solutions. However for some of the problems noted, the Plan does not propose any studies or projects to address them. To the contrary, a number of the projects listed in the Plan's capital improvement program are not related to identified problems in the subject problem assessment section. Appendix I of the Plan contains a letter from the City of Excelsior listing flooding problems related to the Galpin Lake outlet system and a need to provide a storm water management program for its downtown area. The problems identified by the City of Excelsior are also not identified in Chapter 5.
7. The project in the CIP called "Lake Calhoun Water Quality Project" lacks adequate description in the Plan to meet the requirements of MS 103B.205, Subd. 3. However, the BWSR has knowledge that the project is part of a Phase II Clean Water Partnership Project through the Minnesota Pollution Control Agency and consequently we assume it is based on feasibility and diagnostic studies done outside the purview of the development of the Plan.
8. The Plan provides for the delegation by the MCWD of some, but not all, of its permitting authority to cities after the MCWD has approved a city's local water management plan

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through the use of a written agreement. This is contrary to MS 103D.335, Subd. 23 and MS 103B.211, Subd. 1 which provide that the MCWD permit authority after a local water management plan is approved is dependant upon the city authorizing the MCWD to continue requiring permits.

ORDER

- A. The Board hereby approves the attached Plan dated January 1997 as the Watershed Management Plan for the Minnehaha Creek Watershed District except for the following listed sections, pages and or parts:
1. Section VII, A. - Existing Local Controls
 2. Section VII., B.- Financial Impact on Local Government
 3. All capital improvements contained in Section VIII., F, Item 4 - Capital Improvement Plan, except for the Lake Calhoun Water Quality Improvement Project.
 4. All sections of the Plan that refer to the delegation of permit authority by the MCWD to individual cities, including but not limited to Section IX., B, b. Regulatory Controls, parts of page 170, parts of page 172, parts of page 174 and Appendix K - Model Cooperative Agreement.
- B. The Board considers all listed capital improvements in Section VIII except for the Lake Calhoun Water Quality Improvement Project to not meet the requirements of MS 103B.205, Subd. 3 and that the MCWD must seek amendments to the Plan as minor amendments to capital improvements using the process prescribed in MR 8410.0140, provided a feasibility study and diagnostics study first has been completed that identify structural and non-structural solutions as well as the specific recommended solution.

Dated at Saint Paul, Minnesota this ____th day of May, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: DRAFT
Kathy Roer, Chair

s:\metro\mcwdorda.doc

DRAFT A

DRAFT

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

In the Matter of the review of the Water Resources
Management Plan (Plan) for the **Minnehaha Creek
Watershed District** pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Minnehaha Creek Watershed District (MCWD) submitted a final second generation watershed management plan entitled "Water Resources Management Plan," (Plan) dated January, 1997, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minn. Stat. § 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The MCWD was established by order of the Water Resources Board on March 9, 1967 for the primary purposes of conserving and protecting the watershed's waters and natural resources. The MCWD is located in the west central portion of the Twin Cities metropolitan area and includes all or part of 27 cities, three townships and two counties.
2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minn. Stat. § § 103B.201 to 103B.251. The MCWD's previous watershed management plan was approved by the Board in 1993.
3. **Nature of the Watershed.** The MCWD is approximately 181 square miles in size with 151 square miles in Hennepin County and 30 square miles in Carver County. The district is primarily urban in nature, although the western fringes of the MCWD still possess a rural character.

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4. **Local Review.** Prior to drafting the revised Plan, the MCWD sent a letter to each municipality, township, and county in the district informing them that the MCWD was beginning to draft its second generation watershed management plan, and requesting information to aid in development of the Plan. The MCWD also held a public hearing to receive comment in this initial phase of plan development. On May 31, 1996, the MCWD submitted a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103B.231, Subd. 7.
5. **Metropolitan Council Review.** The Metropolitan Council provided written comment on the draft Plan with recommended amendments. The Council's primary concerns were water supply and wellhead protection, water quality monitoring and target in-lake nutrient concentrations.

In its written response, the MCWD stated that it supports the development of local water supply plans. The MCWD is requiring local units of government in Carver county to comply with the requirements of the Carver county ground water plan. The MCWD will investigate ground water issues in Hennepin county until the county ground water plan is adopted. The MCWD has established nine water quality monitoring stations and will be evaluating its data collection program to determine if additional monitoring is necessary. The MCWD revised its target in-lake goals in an effort to achieve a goal of non-degradation of water quality. The Metropolitan Council recommended approval of the Plan in a letter dated November 14, 1996.

6. **Department of Agriculture Review.** The Department of Agriculture provided written comment on the Plan and recommended several minor changes. The primary concerns stated by MDA were the use of phosphorus fertilizers, feedlot regulations, ground water protection, resource buffer zones, water quality monitoring and exotic species control.

In its written response, the MCWD stated that it will develop a fertilizer ordinance for adoption by local units of government. Local units of government are responsible for regulation of feedlots. The MCWD also has stated that it will require local units of government to adopt the elements required in the county ground water plan. The MCWD requires a buffer zone around wetlands and has stated that it will consider adding buffer requirements to other resources within the district. The MCWD has developed a water quality monitoring plan and publishes an annual hydrologic data report. The district does not manage exotic species. The MDA recommended approval of the Plan .

DRAFT

7. **Department of Health Review.** The MDH did not provide comments to the Board on the MCWD Plan. The MDH recommended approval of the Plan in a letter dated March 7, 1997.
8. **Department of Natural Resources Review.** The DNR provided written comment on the Plan and recommended several minor changes. In its written response, the MCWD addressed the DNR's concerns. The DNR recommended approval of the Plan in a letter dated December 6, 1996.
9. **Pollution Control Agency Review.** The MPCA provided written comments on the Plan. The MPCA's primary concerns were the availability of water resources data collected by the MCWD, the detail of the capital projects section of the Plan and the use of a citizens advisory committee during development of the Plan.

In its written response, the MCWD stated that it would work with the MPCA to make sure the data could be shared between the two entities. The MCWD provided greater detail regarding the funding and nature of capital projects in the Plan. The MCWD used both citizens and technical advisory committees during development of the Plan. The MPCA recommended approval of the Plan in a letter dated December 2, 1996.

10. **Board Review.** The MCWD submitted its initial draft Plan to the Board for review on May 31, 1996. On June 24, 1996, the MCWD made a presentation to the Metro Water Planning Subcommittee of the Board on the contents of the draft Plan. BWSR submitted written comments to the MCWD, MCWD responded to those comments, and a meeting was held with BWSR and MCWD. On October 14, 1996, the MCWD submitted its final draft Plan. BWSR sent comments on December 2, 1996, the MCWD responded to those comments on December 18, 1996, and on December 20, 1996, BWSR and MCWD met. The MCWD resubmitted its final draft Plan to BWSR on January 24, 1997. The Metro Water Planning Subcommittee and Board staff met with the MCWD on February 7, 1997. The MCWD made a presentation of the amended Plan and requested it be considered for approval by the BWSR at the March, 1997, Board meeting.
11. **Notice of Filing of Plan.** In accordance with Minn. Stat. § 103D.105, Subd. 2, the BWSR published a notice of filing of the Plan on February 6 and 13, 1997 in the Lakeshore Weekly News. The same notice was published in The Laker on February 8 and 15, 1997. The same notice was published in the Star Tribune on February 15 and 22, 1997. The notices stated, among other things, that any person who objects to the proposed plan may request a public hearing, provided the request is received within 30 days of the second publication. The notice of filing was also mailed on January 30, 1997 to all affected cities, townships, adjacent watershed management organizations, counties, soil and water conservation districts, and agency review staff.

DRAFT

12. **Requests for Hearing.** As a result of the publication of the notice of filing of the Plan, a number of requests for hearing were received. Below is a summary of the people requesting a hearing and the date the request was received.

Requester	Date Request Received
Mike Eastling City of Richfield	March 14, 1997 (fax)
Michael P. Rardin City of St. Louis Park	March 28, 1997
Lee Gustafson City of Minnetonka	March 27, 1997
Anver and Lynn Friedman	March 18, 1997
Stephanie Gaynor	March 24, 1997 (fax)
Debra N. Evans	March 24, 1997 (fax)
Kenneth M. Taguchi	March 21, 1997

13. **Prehearing Conference.** The BWSR held a pre-hearing conference on April 9, 1997 to review the issues relevant to the cities' requests for hearing, the hearing process and to discuss any possibilities to resolve outstanding issues.
14. **Public Hearing.** At 7:00 P.M. on April 16, 1997, the Metro Water Planning Subcommittee of the Board held a public hearing pursuant to the requests for hearing that were received. The hearing was chaired by BWSR Board Member Dwain Otte. The hearing was held in the Minnetonka Community Center, 14600 Minnetonka Blvd., Minnetonka, Minnesota. A Notice of Hearing was published in the Star Tribune on March 29, and April 4, 1997, and was mailed to all affected cities, townships, adjacent watershed management organizations, counties, soil and water conservation districts, individuals who requested the hearing, and agency review staff. The following people testified at the hearing.

Name & Title	Representing
Mike Eastling, Public Works Director	City of Richfield
Charles LeFevere, City Attorney	City of Richfield
Lee Gustafson, Public Works Director	City of Minnetonka

DRAFT

Gail Dorfman, Mayor
Jerry O'Neil, Council Member
Lynn Friedman, Citizen
Stephanie Gaynor, Citizen
Debra Evans, Citizen
John Thomas, Chair
Louis Smith, Attorney
Woody Love, Manager

City of St. Louis Park
City of Shorewood
Self (3636 Zenith Ave. S.)
Self (4107 Zenith Ave. S.)
Self (3807 Zenith Ave. S.)
Minnehaha Creek WD
Minnehaha Creek WD
Minnehaha Creek WD

The hearing was concluded at 8:45 P.M. The record was not left open to allow for the submittal of additional written testimony.

15. **Metro Water Planning Subcommittee.** On May 2, 1997, the BWSR Metro Water Planning Subcommittee met to deliberate on the final draft Plan and the public hearing. Present were BWSR staff, MCWD representatives, Hennepin County staff, and City of Richfield representatives. The parties agreed to meet again on May 12, 1997, to discuss possible revisions to the draft Plan.
16. **Revisions to the Plan.** Representatives of BWSR, MCWD, Richfield and Hennepin County met on May 12, 1997, and came to a general agreement regarding revisions to the draft Plan. On May 16, 1997, the MCWD submitted revisions to the draft Plan.
17. **Highlights of the Plan.** The MCWD seeks to conserve the natural resources of the Minnehaha Creek watershed principally through the analysis of the causes of harmful impacts on the water resources, public information and education, regulation of land use, regulation of the use of water bodies and their beds, and capital improvement projects. The following are some of the highlights of the final draft Plan:
 - a. implementation goals and policies unique to the MCWD;
 - b. inclusion of a strong permit program for floodplain development, work in water areas, land alteration and storm water management;
 - c. individual inventory, assessment and analysis of wetland functions and values;
 - d. individual inventory, assessment and analysis of attainable uses for the many lakes within the watershed;
 - e. uniform MPCA and DNR lake classifications with target in-lake nutrient goals;
 - f. monitoring of chemical, biological and ecological criteria;
 - g. some permitting by the MCWD continues after local plan approval;
 - h. extensive information, education and public outreach program, including an established Internet site;
 - I. sixteen proposed capital improvement projects totaling an estimated \$13,755,000 over the next four years.

DRAFT

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving or disapproving all or parts of the MCWD "Water Resources Management Plan," dated January, 1997, together with revisions dated May 16, 1997, pursuant to Minn. Stat. § 103B.201, Subd. 9.
3. The subject Plan attached to this Order, together with revisions dated May 16, 1997, defines water and water-related problems within the MCWD's boundaries, possible solutions thereto, general objectives and policies of the MCWD, and an implementation program which includes but is not limited to regulatory controls, and a capital improvement program.
4. The attached Plan, together with revisions dated May 16, 1997, is substantially in conformance with the requirements of Minn. Stat. § 103B.201 through 103B.251 and Minnesota Rules Chapter 8410.0010 through 8410.0170.

ORDER

The Board hereby approves the attached Plan dated January, 1997, together with revisions dated May 16, 1997, as the Watershed Management Plan for the Minnehaha Creek Watershed.

Dated at Saint Paul, Minnesota this ____th day of May, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Kathy Roer, Chair

From: "Ronald Harnack" <Ronald.Harnack@bwsr.state.mn.us>
 Organization: MN Board of Water & Soil Resources
 To: Everyone at BWSR,
 Central Office,
 Field Office,
 MAWD ,
 mn.swcd@mn.nrcs.usda.gov
 Date sent: Fri, 16 May 1997 14:47:50 +0600 CST
 Subject: LEGISLATIVE UPDATE
 Send reply to: ronald.harnack@bwsr.state.mn.us
 Priority: normal

THE END'S IN SIGHT:

BUDGET: The conference committee completed thier work at midnite last nite. Although we didn't get everything that we requested, the numbers are good.

ACTIVITY	FY98	FY99	BASE or ONE TIME
Info Mgmt	\$150	\$150	Base
Water Res Ed Specialists	\$100	\$200	Base
General Services	\$228	\$455	Base
Nonpnt Engrg	\$ 90	\$ 90	Base
Chis/Wash JD 1	\$200		
Faribault SWCD	\$150		
Mn River JPB	\$475		
SE Mn Water JPB	\$ 27	\$27	Base

That's the extent of the funding. Nothing for LAKESHED or LARS & nothing for URBAN RESOURCES.

The BWSR Board subcommittee will be meeting to discuss and develop a recommenddation to the Board on the allocation of the grants to SWCD's. MASWCD will be involved in the discussion.

The Water and Soil Resource Education specialists will be targeted to the metro and southern region of BWSR first and to other areas based on availability of \$'s and match opportunities. We may be able to leverage these \$'s in cooperation with the Met Council, Mn River JPB, the Red River Water Mgmt Board and others.

The info mgmt will allow us to upgrade hardware in the central and regional offices and to upgrade staffing capacity for information and data management in the regional offices to support field staff and increase assistance to local governments.

OTHER FUNDING

1: Red River Basin Board: \$200,000 for grant to the Board will be administered through MPCA.

2: ISTS: \$344,000 for grants through the NRBG to assist lgu's in the development of ISTS program. Coordination with MPCA.

3: Red River Mediation: \$100,000 for mediation of Red River Impoundment issues. Administered through DNR.

4: The Brown's Creek Watershed Mgmt Alternatives was funded for \$250,000. All the other LCMR projects that BWSR was involved in did not change.

POLICY LEGISLATION:

1: Watershed district authority to levy and bond for SRF loan \$'s is in the tax bill.

2: Increased administrative levy authority for the few watershed districts asking is also in the tax bill.

3: SWCD 6 to 4 year terms was adopted unanimously by the house and the senate this week and is awaiting Gov's signature. Current 6 year terms are not impacted by the change.

4: VOTING by AGENCIES: Has been signed by the Gov and will be effective on August 1.

5: Gift and Donations: Has been signed by the Gov and will be

effective August 1.

6: District elections for Ramsey and Washington county SWCD's was approved.

Certainly some of the appropriations #'s should not be considered final until the Gov signs the bill. In the past the veto has not always spared BWSR. I am not aware of anything that is at risk, however one never knows until the ink is dry.

I want to thank BWSR staff for thier diligent responce to legislative inquiries and the support of swcds, wds and county staff in getting these responcees done. Several legislators told me they appreciated our collective help. Also a special thanks to Doug, Jim and Greg for helping cover legislative meetings and hearings and to Ray for the support from MAWD; to Sally for the support from MASWCD and to Dave for the support from AMC.

I would encourage each of you to drop a note to your legislator for thier help and to the members of the conference committee for thier efforts and support for the funding that benefitted your unit of government and landowners.

PS: There is likely to be a special session to address the flood needs. This could occur as early as mid July. Therefore PLEASE take the time to get your survey information into Wayne Z as soon as you can. Also be sure that you are connected with the FEMA efforts that are going on in your area so that you get your damages and mitigation opportunities in the hopper. THANKS.

21.39 SOIL RESOURCES 15,741,000 15,186,000

21.40 \$5,353,000 the first year and

21.41 \$5,353,000 the second year are for

21.42 natural resources block grants to local

21.43 governments. Of this amount, \$50,000

21.44 in each year is for a grant to the

21.45 North Shore Management Board and

21.46 \$35,000 in each year is for a grant to

21.47 the St. Louis River Board. If the

21.48 appropriation in either year is

21.49 insufficient, the appropriation for the

21.50 other year is available for it.

21.51 The board shall reduce the amount of

21.52 the natural resource block grant to a

21.53 county by an amount equal to any

21.54 reduction in the county's general

21.55 services allocation to a soil and water

21.56 conservation district from the county's

21.57 1996 allocation.

21.58 Grants must be matched with a

21.59 combination of local cash or in-kind

21.60 contributions. The base grant portion

21.61 related to water planning must be

21.62 matched by an amount that would be

22.1 raised by a levy under Minnesota

22.2 Statutes, section 103B.3369.

22.3 \$2,282,000 the first year and

22.4 \$2,509,000 the second year are for

22.5 grants to soil and water conservation

22.6 districts for general purposes and for

22.7 implementation of the RIM conservation

22.8 reserve program. Upon approval of the

22.9 board, expenditures may be made from

22.10 these appropriations for supplies and

22.11 services benefiting soil and water

22.12 conservation districts.

22.13 ~~\$2,120,000 the first year and~~

22.14 ~~\$2,120,000 the second year are for~~

22.15 ~~grants to soil and water conservation~~

22.16 ~~districts for cost-sharing contracts~~

22.17 ~~for erosion control and water quality~~

22.18 ~~management. This appropriation is~~

22.19 ~~available until expended. If the~~

22.20 ~~appropriation in either year is~~

22.21 ~~insufficient, the appropriation in the~~

22.22 ~~other year is available for it.~~

22.23 \$189,000 the first year and \$189,000

22.24 the second year are for grants to

22.25 watershed districts and other local

22.26 units of government in the southern

22.27 Minnesota river basin study area 2 for
22.28 floodplain management. If the
22.29 appropriation in either year is
22.30 insufficient, the appropriation in the
22.31 other year is available for it.

22.32 \$200,000 the first year is for a grant
22.33 to Chisago and Washington counties for
22.34 the abandonment of joint ditch No. 1.

22.35 \$475,000 is for completion of water
22.36 quality improvement projects with the
22.37 12 major watersheds of the Minnesota
22.38 river basin, to be available until June
22.39 30, 1999. The water quality
22.40 improvement projects must utilize
22.41 practices that are proven effective,
22.42 must have landowner support, and must
22.43 be prioritized by the Minnesota river
22.44 basin joint powers board and the board
22.45 of water and soil resources. The board
22.46 shall use this appropriation only for
22.47 those projects where the local
22.48 landowners and counties provide 50
22.49 percent of project costs in cash.

22.50 \$150,000 the first year is for a grant
22.51 to the Faribault county soil and water
22.52 conservation district for the
22.53 quad-lakes restoration project in
22.54 Faribault and Blue Earth counties.

22.55 \$100,000 the first year and \$200,000
22.56 the second year are for a community
22.57 assistance program to provide watershed
22.58 education and communication assistance
22.59 to local governments in the
22.60 metropolitan area and in southern
22.61 Minnesota.

22.62 Any unencumbered balance in the board's
22.63 program of grants does not cancel at
23.1 the end of the first year and is
23.2 available for the second year for the
23.3 same grant program.

23.4 \$27,000 the first year and \$27,000 the
23.5 second year are for a grant to the
23.6 southeast Minnesota water resources
23.7 board for administrative costs. This
23.8 appropriation is available only to the
23.9 extent it is matched by \$1 of nonstate
23.10 money for each \$1 of state money.

23.11 \$90,000 the first year and \$90,000 the
23.12 second year are for grants to soil and
23.13 water conservation districts to cover

- 23.14 the costs of contracting for technical
- 23.15 staff to implement activities under the
- 23.16 state revolving fund.

OVERVIEW OF THE WASECA COUNTY COMPREHENSIVE WATER PLAN UPDATE - 1995

INTRODUCTION AND PHYSICAL DESCRIPTION OF THE COUNTY

Waseca County is located in south central Minnesota about 60 miles south of the Twin Cities. Waseca, the largest city in the county, is the county seat. Other cities are Janesville, New Richland, Waldorf, and Elysion. Before settlement, about two-thirds of the county was dominated by tallgrass prairie and prairie wetlands. One-third of the county was dominated by oak groves and oak savanna. The northeastern part of the county was part of what we now call the "Big Woods." The glacial till soils of Waseca County are a mixture of sand, silt, clay, and cobbles. Soils that formed under prairie vegetation have a topsoil that is thick, dark, and rich in organic matter. Soil that formed in the forested areas is thin and is low in organics.

Groundwater can be found in the glacial deposits. Most farm and domestic wells draw water from the glacial aquifers. The upper bedrock aquifers include the dolomite in the northwest and the Galena limestone in the southeast.

About seventy-five percent of Waseca County is forested. About twenty-five percent of the county flows to the Minnesota River, and twenty-five percent flows to the Mississippi River. About eighty-five percent of the county is covered by tallgrass, and four percent is deciduous forest. The remaining areas are used for agriculture. About one-half of Waseca County participates in the National Wetlands Program to preserve agricultural land, forest land, soil, and water resources in rural and urban areas.

Low dissolved oxygen, nutrients, suspended solids, turbidity, and fecal coliform in the LeSueur and Cannon Rivers are symptoms of the point and nonpoint sources of pollution which occur in the watershed. Fisheries for the Little LeSueur, Cobb, and LeSueur Rivers are limited by summer flows, rapid water level fluctuations, and bank erosion. Iosco Creek is the focus of an ongoing project to improve the environmental function of the watershed through wetland restoration, streambank buffers, restoring access for spawning northern pike, and reestablishing a representative community of native stream fishes. Iosco Creek is a priority area for implementation in the county. Three lakes in the Cannon River Watershed are Loon, Clear, and Toners. Lakes in the LeSueur River Watershed are Elysian, Reed's, Lily, and St. Olaf.

Groundwater protection is a goal in Waseca County. There were about 226 new wells drilled from 1990 to 1995 and about 300 wells sealed. Groundwater quality data indicate there is little problem currently with six percent of screenings indicating coliform present (mostly in tile or dug wells or cisterns) and 0.4 percent showing nitrates greater than 10 parts per million.

LeSueur River Watershed areas in Otisco, New Richland, Janesville, and Iosco Townships are prone to water erosion, with part of Otisco also being prone to wind erosion. Cannon River Watershed areas in Woodville, Blooming Grove, and Iosco Townships are also prone to water erosion.

Mary Jo
Please place in
Board packet as a
general information
Thanks
Dany

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Groundwater can be found in the glacial deposits and underlying bedrock of Waseca County. Most farm and domestic wells draw water from the glacial deposits and the upper bedrock aquifers. The upper bedrock aquifers include the St. Peter sandstone and Prairie du Chien dolomite in the northwest and the Galena limestone in the southeast.

About seventy-five percent of Waseca County is located in the LeSueur River Watershed, which flows to the Minnesota River, and twenty-five percent is in the Cannon River, which flows to the Mississippi River. About eighty-five percent of Waseca County is cultivated, five percent is grass, and four percent is deciduous forest. The remaining six percent is water and developed areas. About one-half of Waseca County participates in the Farmland Preservation Program to preserve agricultural land, forest land, soil, and water and encourage orderly development of rural and urban areas.

Low dissolved oxygen, nutrients, suspended solids, turbidity, and fecal coliform in the LeSueur and Cannon Rivers are symptoms of the point and nonpoint sources of pollution which occur in the watershed. Fisheries for the Little LeSueur, Cobb, and LeSueur Rivers are limited by summer flows, rapid water level fluctuations, and bank erosion. Iosco Creek is the focus of an ongoing project to improve the environmental function of the watershed through wetland restoration, streambank buffers, restoring access for spawning northern pike, and reestablishing a representative community of native stream fishes. Iosco Creek is a priority area for implementation in the county. Three lakes in the Cannon River Watershed are Loon, Clear, and Toner. Lakes in the LeSueur River Watershed are Elysian, Reed's, Lily, and St. Olaf.

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The county has 54 public ditches with 121 miles open and 143 miles closed. The county paid an average of about \$73,000 for ditch maintenance in 1994 and 1995. The county is currently inventorying feedlots. In 1974, 290 feedlots were inventoried.

PLAN ACCOMPLISHMENTS

Waseca County is part of the South Central County Comprehensive Water Planning Project. Through the project, the county has produced a geologic atlas, surface water atlas, precipitation monitoring network, and groundwater sensitivity map. The county has used water planning funds from the last several years to update the county soil survey. The county participates in the Blue Earth River Basin Initiative and has been a leader in the establishment of ditch buffers in south central Minnesota. The county has hired an additional staff person in Environmental Services because of increased workload and citizen awareness of environmental issues.

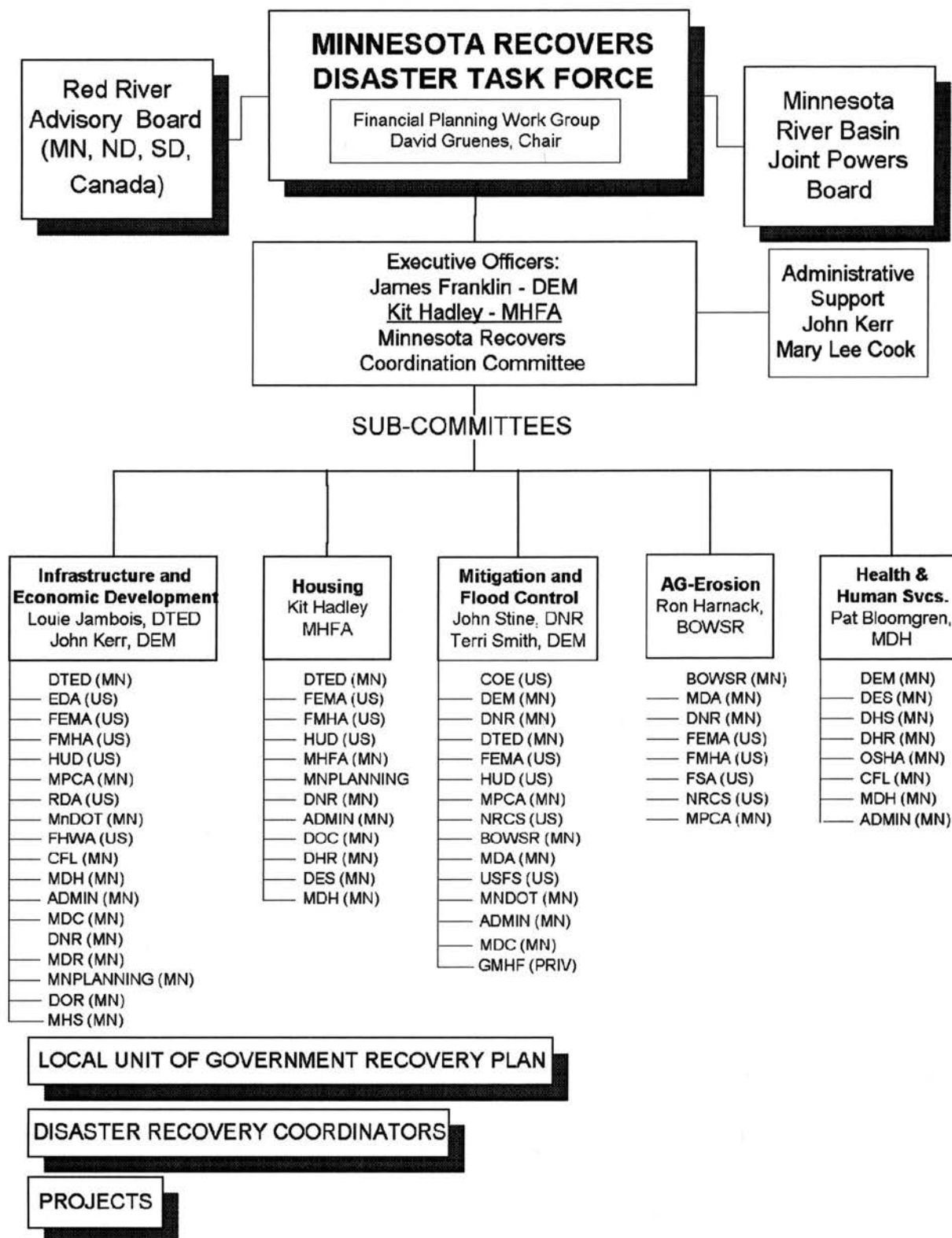
STAFF REVIEW

The 1995 Waseca County Comprehensive Water Plan Update (Plan Update) does a nice job of bringing the LeSueur and Cannon River Watersheds into context. Another new part of the document is the implementation schedule which identifies the actions to be taken, the partners, the lead, the cost, and the timing of the action. The county performed surveys of the citizens in 1988 and 1995 to help determine priorities. The recent survey, data, public information, and technical advice helped layout the goals, objectives, and actions in the Update. Examples of these are:

1. Wellhead protection education and zoning policy development.
2. Establish a river corridor program including streambank stabilization, grass buffers, and wetland restoration.
3. Develop storm sewer management plans in municipalities.
4. Maintain the water plan position and participate in on-going joint powers groups.
5. Strengthening of Shore land ordinance to include mandatory compliance of septic systems upon property transfer.
6. Locate, map and inventory all feedlots in county and prioritize by watershed the ones that have the greatest potential to pollute.

The Plan Update was submitted for final review on April 9, 1997.

Old Business #4

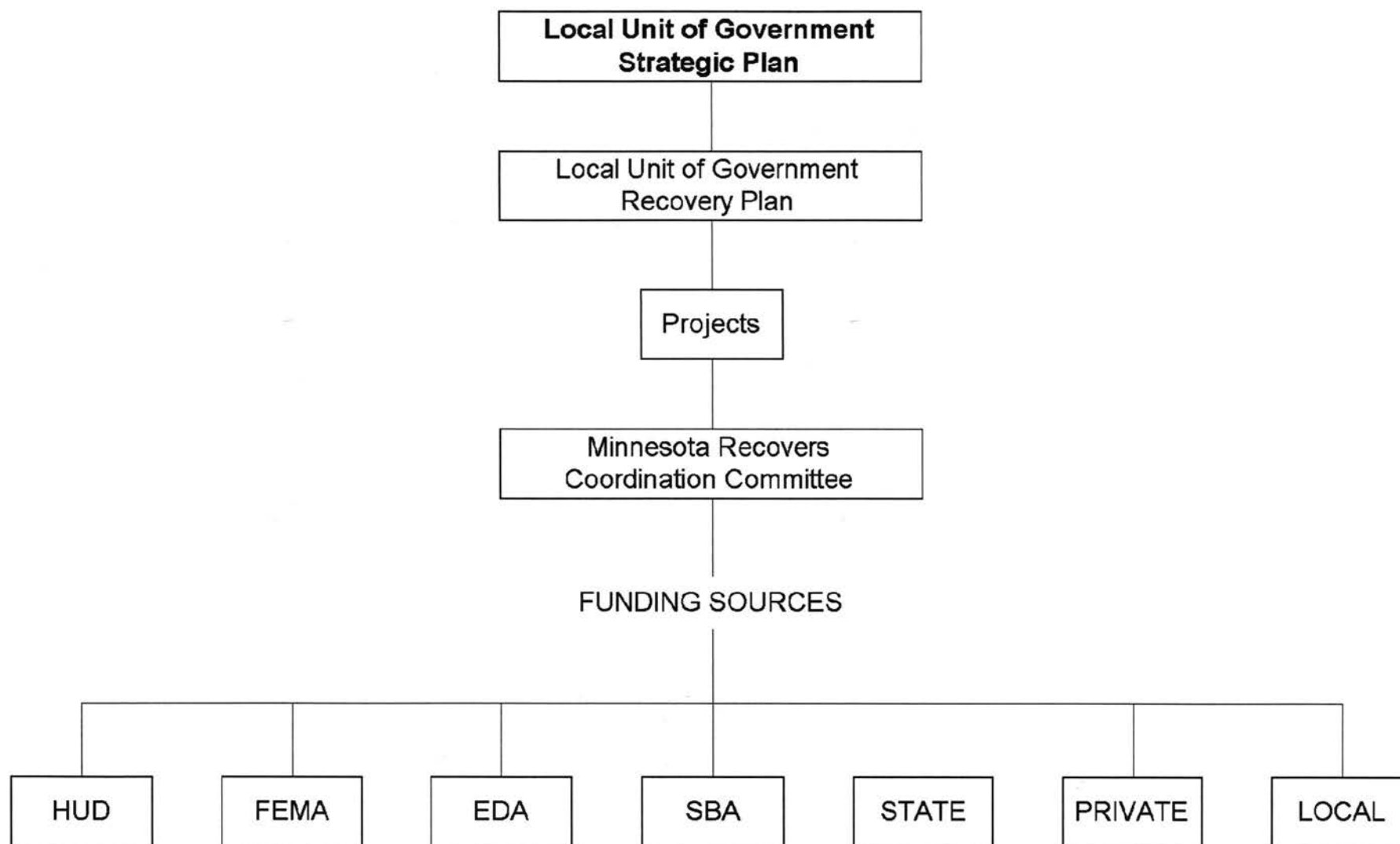


MAY 19, 1997

Project Funding

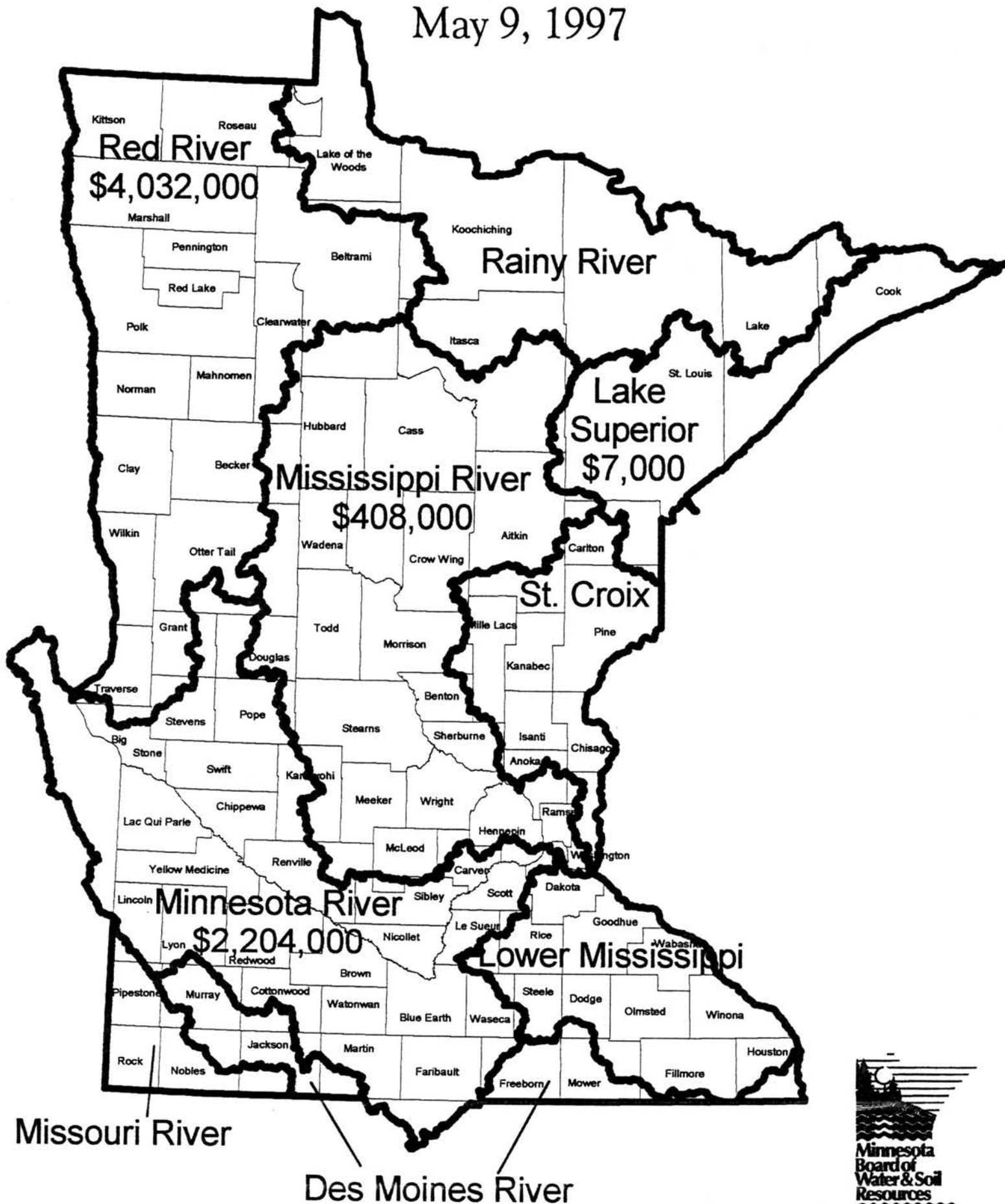
May 19, 1997

DRAFT



Flood Damage Survey Summary

May 9, 1997



FLOOD DAMAGE SURVEY SUMMARY AS OF MAY 9, 1997

BWSR

SWCD/WD/WMO	NUMBER OF LANDOWNERS	STATE COST SHARE FUNDS NEEDED	RIM RESERVE FUNDS NEEDED	OTHER	PREVIOUS STATE/ FEDERAL FUNDING	TOTAL FUNDS
BECKER	2	\$4,000	\$0	\$0	YES	\$4,000
BIG STONE	9	\$162,000	\$6,000	\$0	YES	\$168,000
BROWN	2	\$0	\$125,000	\$0		\$125,000
CARLTON	0	\$0	\$0	\$0		\$0
CHIPPEWA	24	\$110,000	\$944,000	\$100,000		\$1,154,000
CLAY	175	\$2,468,000	\$0	\$60,000		\$2,528,000
COTTONWOOD	0	\$0	\$0	\$0		\$0
CROW WING	6	\$30,000	\$0	\$0		\$30,000
JACKSON	0	\$0	\$0	\$0		\$0
KOOCHICHING	0	\$0	\$0	\$0		\$0
LAKE OF THE WOODS	0	\$0	\$0	\$0		\$0
MARINE WD	0	\$0	\$0	\$0		\$0
MARSHALL	5	\$40,000	\$59,000	\$0		\$99,000
N. CANNON RIVER WMO	0	\$0	\$0	\$0		\$0
N. FORK CROW RIVER WD	8	\$378,000	\$0	\$0		\$378,000
RAMSEY-WASH. WD	0	\$0	\$0	\$0		\$0
RED LAKE	25	\$251,000	\$0	\$0	YES	\$251,000
RED LAKE WD		\$0	\$0	\$1,150,000		\$1,150,000
REDWOOD	4		\$298,000	\$0		\$298,000
RENVILLE	6	\$0	\$280,000	\$0		\$280,000
ROCK	0	\$0	\$0	\$0		\$0
SHERBURNE	0	\$0	\$0	\$0		\$0
SWIFT	21	\$5,000	\$787,000	\$0	YES	\$792,000
S. ST. LOUIS	2	\$7,000	\$0	\$0		\$7,000
TWO RIVERS WD	10	\$85,000	\$0	\$0		\$85,000
WATONWAN	13	\$0	\$201,000	\$0	YES	\$201,000
WRIGHT	0	\$0	\$0	\$0		\$0
YELLOW MEDICINE	7	\$156,000	\$30,000	\$0		\$186,000

FLOOD DAMAGE SURVEY SUMMARY AS OF MAY 9, 1997

BWSR

SWCD/WD/WMO	NUMBER OF LANDOWNERS	STATE COST SHARE FUNDS NEEDED	RIM RESERVE FUNDS NEEDED	OTHER	PREVIOUS STATE/ FEDERAL FUNDING	TOTAL FUNDS
TOTALS	319	\$3,696,000	\$2,730,000	\$1,310,000		\$7,736,000



BWSR COMMITTEES

April, 1997

SCHEDULE	DRC	EDUCATION	COST SHARE	WCA	ADMIN	WATER PLANNING		
						METRO	NORTH	SOUTH
SWCD								
Oehlke	Oehlke		Oehlke					Oehlke
Otte			Otte, Chair	Otte	Otte	Otte		
Hvidsten		Hvidsten					Hvidsten	
WD								
Tripp	Tripp, Chair				Tripp			Tripp
Imholte		Imholte	Imholte				Imholte	
Cobb			Cobb	Cobb		Cobb		
CC								
Dahlvang	Dahlvang			Dahlvang				Dahlvang
Bruggman				Bruggman, Chair	Bruggman		Bruggman	
???								
CITIZEN								
Annexstad	Annexstad		Annexstad	Annexstad				Annexstad
Roer	Roer			Roer	Roer, Chair	Roer		
Uppgaard		Uppgaard, Chair			Uppgaard		Uppgaard	
AGENCY								
DNR				DNR				
MDA			MDA					
PCA								
MDH								
MES		MES						
BWSR STAFF	Jim Haertel	Susan Tsakakis	Wayne Zellmer	John Jaschke	Mary Jo Anderson	Jim Haertel	Regional Staff	Regional Staff
		Joe Wiltsey			Ron Harnack	Doug Thomas		

Other Councils or Advisory Committees on which BWSR has representation:

- Feedlot Advisory Committee (PCA/MDA) - Allan Oehlke
- Advisory Council on Wells and Borings (MDH) - Eric Mohring
- Pesticide Advisory Committee (MDA) - Eric Mohring

BOARD OF WATER AND SOIL RESOURCES COMMITTEES

May, 1997

DISPUTE RESOLUTION COMMITTEE (DRC)

- Membership:**
- | | |
|----------------------|--------------------------------------|
| Marvell Tripp, chair | watershed district |
| Glenn Annexstad | citizen |
| Kathleen Roer | citizen |
| Jim Dahlvang | county commissioner |
| Allan Oehlke | soil and water conservation district |
| Jim Haertel | staff |
- Responsibility:** The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule appeals, and appeals of state agencies water decisions that are of a policy nature. The authority of the DRC is established in statute and as given by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.
- Meetings:** The regular schedule is the _____ of each month to hear appeals and take up other related business.

ADMINISTRATIVE ADVISORY COMMITTEE

- Membership:**
- | | |
|----------------------|--------------------------------------|
| Kathleen Roer, chair | citizen |
| Dwain Otte | soil and water conservation district |
| Marvell Tripp | watershed district |
| Darrell Bruggman | county commissioner |
| Barb Uppgaard | citizen |
| Ron Harnack | staff |
| Mary Jo Anderson | staff |
- Responsibility:** The administrative advisory committee will act in the capacity of a "management team" and will make evaluations and recommendations to the Board on various Board positions including standing policies; programs; ethics; expenses/per diem; legislative platforms and strategy. It will assess specific Board objectives and evaluate the Board's effectiveness. It will assist in the formulation of bylaws, review the budget, make suggestions involving Board budget and act in a personnel review function for the executive director.
- Meeting:** The committee will meet at the call of the chair.

EDUCATION & PUBLIC RELATIONS COMMITTEE

Membership:	Barb Uppgaard, chair	citizen
	Ginny Imholte	watershed district
	Tim Hvidsten	soil and water conservation district
	Jim Anderson	Minnesota Extension Service
	Susan Tsakakis	staff
Responsibility:	The education committee is responsible for the development of an overall education strategy for the Board; establishing annual objectives; assessing the education initiatives; and updating the education strategy to meet the needs of the Board's clientele. The committee will review the training needs of the clientele and review the training plan to ensure continuity with the education plan of the Board. In addition, the committee will assess and make recommendations concerning new Board Member indoctrination materials, the need for specific Board Member educational briefs, and to develop distribution of the annual Board calendar. The committee will evaluate and make recommendations concerning BWSR's publicity and public relations tools including, but not limited to, its brochure, convention "booth" and State Fair involvement.	
Meetings:	Committee will meet three times a year or at the call of the chair.	

COST-SHARE/SOIL CONSERVATION COMMITTEE

Membership:	Dwain Otte, chair	soil and water conservation district
	Glenn Annexstad	citizen
	Ginny Imholte	watershed district
	Allan Oehlke	soil and water conservation district
	Darrell Bruggman	county commissioner
	Barb Cobb	water management organization
	Paul Burns	Department of Agriculture
	Wayne Zellmer	staff
Responsibility:	The committee has developed an implementation strategy to achieve the goals for soil conservation as defined in the Strategic Plan of the Board and has developed recommendations approved by the Board regarding the 1995 Federal Farm Bill. It is to remain actively involved in the new Farm Bill development process and act as liaison to the Board in regard to its progress and other associated issues. The committee is responsible for reviewing cost-share and general services allocations, policies and procedures and making recommendations to the Board.	
Meetings:	The committee will meet at least three times a year, once prior to the June allocation of cost-share and general services.	

WATER PLAN REVIEW COMMITTEES: NORTH/SOUTH/METRO

- Membership: The committee is the Board Members from the BWSR administrative regions - north, south, and metro.
- Responsibility: The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans.
- Meetings: The committee will meet as necessary to review the local plans and amendments. The BWSR regional supervisor will coordinate meeting schedule with members.

WETLANDS COMMITTEE

- Membership: Darrell Bruggman, chair county commissioner
Dwain Otte soil and water conservation district
Barb Cobb water management organization
Kathleen Roer citizen
Glenn Annexstad citizen
Jim Dahlvang county commissioner
Wayne Edgerton Department of Natural Resources
John Jaschke staff
- Responsibility: The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) policies and procedures and making recommendations to the Board.
- Meetings: The committee will meet at least three times during the year or at the call of the chair.

STATUTORY COMMITTEES

- Membership: Eric Mohring staff
- Responsibility: Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee.

GENERAL MEETING SCHEDULE

The Board has adopted a resolution that committees would schedule meetings in conjunction with monthly Board meetings as much as possible.

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

BOARD OF WATER AND SOIL RESOURCES COMMITTEES

May, 1997

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Marvell Tripp, chair	watershed district
	Glenn Annexstad	citizen
	Kathleen Roer	citizen
	Jim Dahlvang	county commissioner
	Allan Oehlke	soil and water conservation district
	Jim Haertel	staff
Responsibility:	The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule appeals, and appeals of state agencies water decisions that are of a policy nature. The authority of the DRC is established in statute and as given by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.	
Meetings:	The regular schedule is the _____ of each month to hear appeals and take up other related business.	

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Kathleen Roer, chair	citizen
	Dwain Otte	soil and water conservation district
	Marvell Tripp	watershed district
	Darrell Bruggman	county commissioner
	Barb Uppgaard	citizen
	Ron Harnack	staff
	Mary Jo Anderson	staff
Responsibility:	The administrative advisory committee will act in the capacity of a "management team" and will make evaluations and recommendations to the Board on various Board positions including standing policies; programs; ethics; expenses/per diem; legislative platforms and strategy. It will assess specific Board objectives and evaluate the Board's effectiveness. It will assist in the formulation of bylaws, review the budget, make suggestions involving Board budget and act in a personnel review function for the executive director.	
Meeting:	The committee will meet at the call of the chair.	

EDUCATION & PUBLIC RELATIONS COMMITTEE

Membership:	Barb Uppgaard, chair	citizen
	Ginny Imholte	watershed district
	Tim Hvidsten	soil and water conservation district
	Jim Anderson	Minnesota Extension Service
	Susan Tsakakis	staff
Responsibility:	The education committee is responsible for the development of an overall education strategy for the Board; establishing annual objectives; assessing the education initiatives; and updating the education strategy to meet the needs of the Board's clientele. The committee will review the training needs of the clientele and review the training plan to ensure continuity with the education plan of the Board. In addition, the committee will assess and make recommendations concerning new Board Member indoctrination materials, the need for specific Board Member educational briefs, and to develop distribution of the annual Board calendar. The committee will evaluate and make recommendations concerning BWSR's publicity and public relations tools including, but not limited to, its brochure, convention "booth" and State Fair involvement.	
Meetings:	Committee will meet three times a year or at the call of the chair.	

COST-SHARE/SOIL CONSERVATION COMMITTEE

Membership:	Dwain Otte, chair	soil and water conservation district
	Glenn Annexstad	citizen
	Ginny Imholte	watershed district
	Allan Oehlke	soil and water conservation district
	Darrell Bruggman	county commissioner
	Barb Cobb	water management organization
	Paul Burns	Department of Agriculture
	Wayne Zellmer	staff
Responsibility:	The committee has developed an implementation strategy to achieve the goals for soil conservation as defined in the Strategic Plan of the Board and has developed recommendations approved by the Board regarding the 1995 Federal Farm Bill. It is to remain actively involved in the new Farm Bill development process and act as liaison to the Board in regard to its progress and other associated issues. The committee is responsible for reviewing cost-share and general services allocations, policies and procedures and making recommendations to the Board.	
Meetings:	The committee will meet at least three times a year, once prior to the June allocation of cost-share and general services.	

WATER PLAN REVIEW COMMITTEES; NORTH/SOUTH/METRO

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WETLANDS COMMITTEE

- Membership: Darrell Bruggman, chair county commissioner
Dwain Otte soil and water conservation district
Barb Cobb water management organization
Kathleen Roer citizen
Glenn Annexstad citizen
Jim Dahlvang county commissioner
Wayne Edgerton Department of Natural Resources
John Jaschke staff
- Responsibility: The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) policies and procedures and making recommendations to the Board.
- Meetings: The committee will meet at least three times during the year or at the call of the chair.

STATUTORY COMMITTEES

- Membership: Eric Mohring staff
- Responsibility: Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee.

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