



Minnesota Board of Water and Soil Resources.
Minutes.

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DATE: August 19, 1997

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: August 27, 1997 Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 28, 1997, beginning at 8:30 a.m. The meeting will be held at the University of Minnesota/Crookston Campus, in the Conference Center, Brown Dining Hall, Crookston (see attached map). The following is some background information regarding the agenda items:

Consent Agenda

1. Mahnomen County Comprehensive Local Water Plan: The northern review committee of the Board has reviewed the Mahnomen County Comprehensive Local Water Plan and is being brought before the BWSR for approval. DECISION
2. South Washington Watershed District (SWWD) Watershed Management Plan: The metro water planning subcommittee has reviewed the SWWD Watershed Management Plan and is being brought before the BWSR for approval. DECISION
3. Upper RUM River WMO (URRWMO) Watershed Management Plan: The metro water planning subcommittee has reviewed the URRWMO Plan and is being brought before the BWSR for approval. DECISION

Old Business

1. BWSR Strategic Plan: The latest draft of the BWSR Strategic Plan resulting from the July meeting discussion is attached for your information. Decision in September. INFORMATION

New Business

1. RIM Easement Land Exchange: Mr. Robert Cole is requesting the Board to approve a land exchange on his 35.7 acre wetland restoration easement in Steele County. Mr. Cole wants to remove 6.6 acres currently under easement and replace it with 8.8 acres of adjacent marginal agricultural land. DECISION
2. Proposal to Gain Funding for Limited Duration RIM Easements on Riparian Sites: This is a proposal for RIM easements in the Red River Valley (see attached). DECISION

BWSR Members, Advisors, and Staff

August 19, 1997

Page Two

3. FY98 Non Point Engineering Assistance Grant: This is a noncompetitive annual grant allocated to the eleven SWCD Joint Powers Boards (JBPs). It is to be used by each JPB to employ an engineer and technician to help landowners to implement erosion control and water quality improvement practices. This FY98 allocation procedure is recommended to the BWSR by the Non Point Engineering Assistance Committee. The basis of this proposed allocation procedure is to annually reconcile JPB funding by reducing current grants by any portion of past grants that remain unspent. This allocation procedure also allows for a potential challenge grant opportunity during this biennium. Please refer to the associated materials attached. DECISION
4. Order Hearing for Washington County Establishment Petition for Brown's Creek Watershed District: Washington County has submitted a petition to establish the Brown's Creek Watershed District. Staff have determined the petition to be proper with the requisite number of petitioner signatures and recommend a hearing to be ordered. DECISION

A block of sleeping rooms has been reserved for the nights of Tuesday, August 26 and Wednesday, August 27, at the Northland Inn (218-281-5210) which is located on the west end of Crookston on U.S. Highway #2. If there are changes to the accommodations (see attached listing) please call Mary Jo Anderson at 297-4290. A direct billing (you do not pay for this) has been done for the sleeping rooms.

The tour of northern Red River Valley will begin promptly at 8:00 a.m. on Wednesday, August 27. The tour bus will punctually depart from the Northland Inn at 8:00 a.m. (see attached tour agenda).

If you have any questions or need additional clarification please feel free to give me a call. I look forward to seeing you in Crookston!

RDH:mja
Enclosures

**BOARD OF WATER AND SOIL RESOURCES
BROWN DINING HALL
CONFERENCE CENTER
UNIVERSITY OF MINNESOTA/CROOKSTON
HIGHWAY 2 AND 75
CROOKSTON, MINNESOTA
THURSDAY, AUGUST 28, 1997**

PRELIMINARY AGENDA

8:30 a.m.

Call Meeting to Order

Introduction of Agency Members

Adopt Agenda

Approval of Minutes of July 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

- Sharon Clark, Deputy Commissioner, Department of Agriculture
- Kelli Johnson, Assistant Commissioner, Department of Health
- Jim Anderson, Minnesota Extension Service
- Rod Sando, Commissioner, Department of Natural Resources
- Peder Larson, Commissioner, Pollution Control Agency

9:30 a.m.

Consent Agenda

1. Mahnomen County Comprehensive Local Water Plan - recommended for approval - DECISION
2. South Washington Watershed District Watershed Management Plan - recommended for approval - DECISION
3. Upper Rum River WMO Watershed Management Plan - recommended for approval - DECISION

Old Business

1. BWSR Draft Strategic Plan - Jim Birkholz - INFORMATION

New Business

1. RIM Easement Land Exchange - Tim Fredbo - DECISION
2. Proposal to Gain Funding for Limited Duration RIM Easements on Riparian Sites - Tim Fredbo and Brian Dwight - DECISION
3. FY98 Non Point Engineering Assistance Grant - Wayne Zellmer - DECISION
4. Order Hearing for Washington County Establishment Petition for Brown's Creek Watershed District - Jim Birkholz - DECISION

Advisory Comments

- Mark Aanenson, MACDE
- Ray Bohn, MAWD
- Bill Hunt, NRCS
- Vern Wilker, MASWCD
- Franklin Denn, MAT

Other Board Issues

Next BWSR Meeting, September 24, 1997, St. Paul

12:30 p.m. Adjourn

**BOARD OF WATER AND SOIL RESOURCES
BROWN DINING HALL
CONFERENCE CENTER
UNIVERSITY OF MINNESOTA/CROOKSTON
HIGHWAY 2 AND 75
CROOKSTON, MINNESOTA
THURSDAY, AUGUST 28, 1997**

AGENDA

8:30 a.m.

Call Meeting to Order

Introduction of Agency Members

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Approval of Minutes of July 23, 1997

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2. South Washington Watershed District Watershed Management Plan - recommended for approval - DECISION
3. Upper Rum River WMO Watershed Management Plan - recommended for approval - DECISION

Old Business

1. BWSR Draft Strategic Plan - Jim Birkholz - INFORMATION

New Business

1. Budget Update - Ron Harnack - INFORMATION
2. RIM Easement Land Exchange - Tim Fredbo - DECISION
3. Proposal to Gain Funding for Limited Duration RIM Easements on Riparian Sites - Tim Fredbo and Brian Dwight - DECISION
4. FY98 Non Point Engineering Assistance Grant - Wayne Zellmer - DECISION
5. Order Hearing for Washington County Establishment Petition for Brown's Creek Watershed District - Jim Birkholz - DECISION

Advisory Comments

- Mark Aanenson, MACDE
- Ray Bohn, MAWD
- Bill Hunt, NRCS
- Vern Wilker, MASWCD
- Franklin Denn, MAT

Other Board Issues

- Next BWSR Meeting, September 24, 1997, St. Paul
- Date of November/December BWSR Meeting

12:30 p.m. Adjourn

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 28, 1997, beginning at 8:30 a.m. The meeting will be held in the Brown Dining Room at the Conference Center on the University of Minnesota-Crookston Campus.

A block of sleeping rooms has been reserved for the nights of Tuesday, August 26 and Wednesday, August 27 at the Northland Inn (218-281-5210) which is located on the West end of Crookston on U.S. Highway #2.

The tour of the Northern Red River Valley will begin at 8:00 a.m. on Wednesday, August 27. The tour bus will depart from the Northland Inn at 8:00 a.m. (See attached tour agenda).

**BWSR BOARD TOUR
AUGUST 27, 1997
NORTHERN RED RIVER VALLEY**

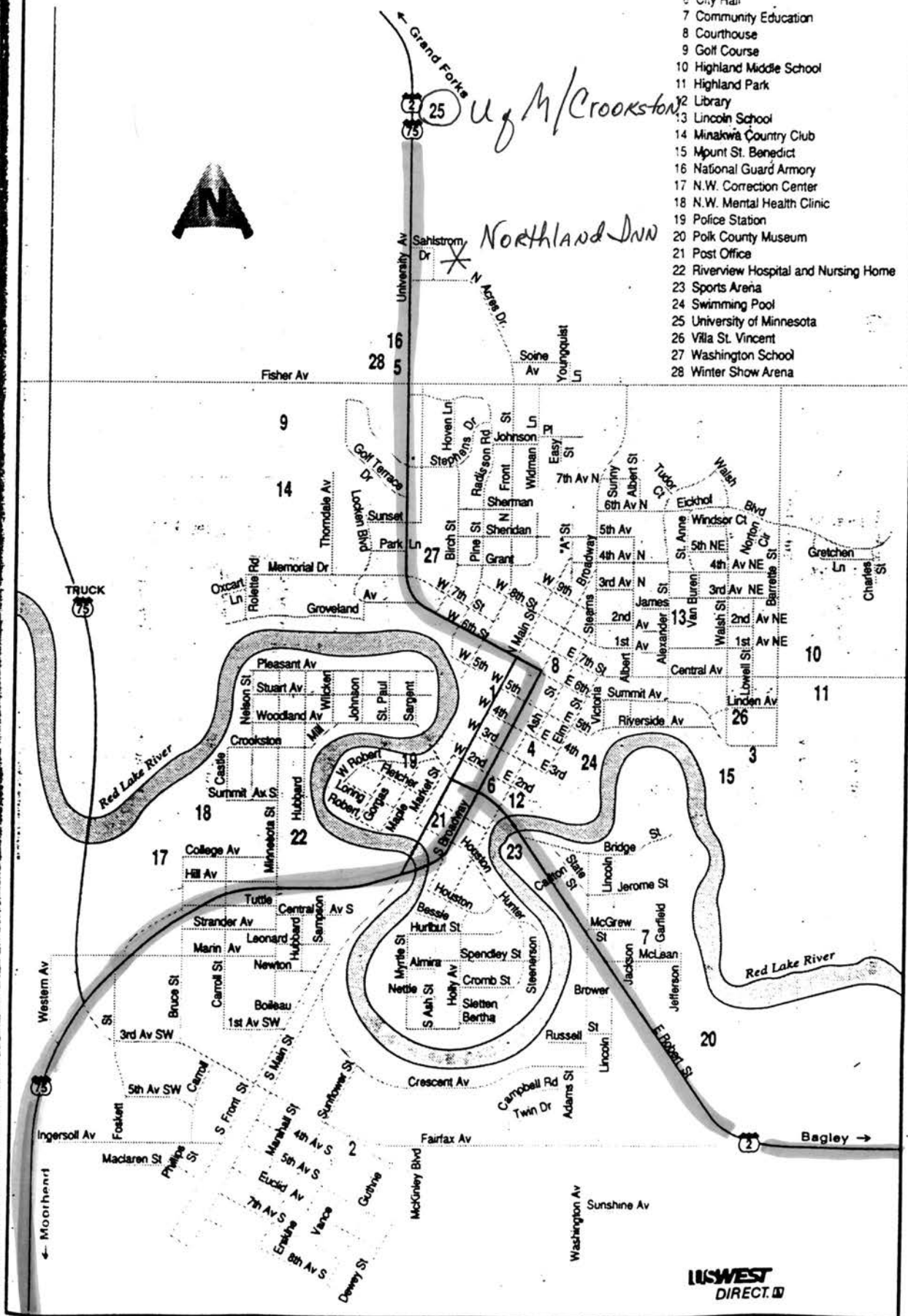
8:00A.M. (SHARP)	STOP #1	Northland Inn of Crookston - Bus Departs Welcome Logistics of the day Discussion on the impoundment project Angus Oslo #4 and how the DNR/ACOE E.I.S. affected these types of projects
8:35A.M.	STOP #2	Angus Oslo Project Site #4 Project discussion Off bus Point out the proposed city of Warren Diversion (PL566) Project location and describe flooding problems Drive by
9:10A.M.	STOP #3	Middle River/Snake River Watershed District Office Discuss in detail Warren Diversion (Mayor of Warren and Ron A.) Watershed District office and operations Refreshment break hosted by The Watershed District Off Bus
9:55A.M.	STOP #4	City of Alvarado Ring Levee Discussion on the why and how of the city of Alvarado Ring Levee Drive By Description of drainage in the Valley while en route to stop #5
10:15A.M.	STOP #5 10 min.	Farmstead Ring Levees Discussion of function and cost of farmstead ring levees Stop - Stay on bus Drive over Red River before going into Oslo
10:40A.M.	STOP #6	City of Oslo Ring Levees Discussion on particulars of the why's and how's of this Levee Drive by Rest Room Break in Oslo Off Bus
11:10A.M.	STOP #7	Ron Osowski's farmstead ring Levee Brief description Drive by While en route to stop #8 - Discussion of the Ag. Levee controversy between Minnesota and North Dakota

11:20A.M.	STOP #8	Past Flood Level Staff Gauge Discussion to point out different flood levels Stop stay on bus While en route to Hallock Discussion of Farming in the Valley (Tim H. & Tim F.)
12:15P.M.	STOP #9	Hallock Golf Course Rip rap projects as we walk to club house Lunch is served sponsored by the Area I MASWCD Presentation of Red River Valley history Off bus
1:30P.M.	STOP #10	Hill Farm Tour of the Hill house Off bus
1:55P.M.	STOP #11	R.I.M. Site Discuss riparian R.I.M. Easements and Flood Erosion Protection Stop stay on bus
2:20P.M.	STOP #12	County Ditch #10 Discussion of the political and functional problems of County Ditch #10 Pop break Off bus While en route to stop #13 Kittson SWCD discussion time (Kittson SWCD)
3:05P.M.	STOP #13	Nowakci Water Way Discussion of the why's and how's of this water way Stop stay on bus
3:25P.M.	STOP #14	Erosion caused by flooding Discussion of the widespread erosion due to spring flooding Stop stay on bus
3:35P.M.	STOP #15	Hvidsten Farm Issues Forums - (1) Watershed Districts in the future: need, function, and effectiveness (Ron) (2) SWCD and BWSR programs in the Valley Supper is served Stop off bus
7:00P.M.	STOP #16	Northland Inn of Crookston TOUR IS OVER

Crookston

POINTS OF INTEREST

- 1 Bus Depot
- 2 Carmen School
- 3 Cathedral School
- 4 Central High School
- 5 Chamber of Commerce
- 6 City Hall
- 7 Community Education
- 8 Courthouse
- 9 Golf Course
- 10 Highland Middle School
- 11 Highland Park
- 12 Library
- 13 Lincoln School
- 14 Minakawa Country Club
- 15 Mount St. Benedict
- 16 National Guard Armory
- 17 N.W. Correction Center
- 18 N.W. Mental Health Clinic
- 19 Police Station
- 20 Polk County Museum
- 21 Post Office
- 22 Riverview Hospital and Nursing Home
- 23 Sports Arena
- 24 Swimming Pool
- 25 University of Minnesota
- 26 Villa St. Vincent
- 27 Washington School
- 28 Winter Show Arena



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**BOARD OF WATER AND SOIL RESOURCES
NORTHLAND INN
CROOKSTON, MINNESOTA
(218-281-5210)
FAX # 218-281-1019**

TUESDAY, AUGUST 26, 1997

1. Kathleen Roer
2. Dwain Otte
3. Allan Oehlke
4. Tim Hvidsten
5. Ginny Imholte
6. Barb Uppgaard
7. Marv Tripp
8. Leland Coe
9. Jim Dahlvang
10. Barb Cobb (SMOKING)
11. Glenn Annexstad
12. Ron Harnack
13. Tim Fredbo
14. Mary Jo Anderson
15. Greg Larson
16. Tom Fischer
17. Ron Shelito
18. Al Kean
19. Jim Birkholz

1. Rod Sando **
2. Sharon Clark **
3. Peder Larson **
4. Jim Anderson **
5. Kelly Johnson **

WEDNESDAY, AUGUST 27, 1997

1. Kathleen Roer
2. Dwain Otte
3. Allan Oehlke
4. Tim Hvidsten
5. Ginny Imholte
6. Barb Uppgaard
7. Marv Tripp
8. Leland Coe
9. Jim Dahlvang
10. Barb Cobb (SMOKING)
11. Glenn Annexstad
12. Ron Harnack
13. Tim Fredbo
14. Mary Jo Anderson
15. Greg Larson
16. Tom Fischer
17. Ron Shelito
18. Al Kean
19. Jim Birkholz
20. Jim Haertel
21. Wayne Zellmer (SMOKING)
22. Brian Dwight
23. Bill Best
24. Karen Johannsen

1. Rod Sando **
2. Sharon Clark **
3. Peder Larson **
4. Jim Anderson **
5. Kelly Johnson **

**** Rooms will not be direct billed; individuals will pay for lodging expenses**

h:aug.rooms

CONSENT AGENDA #1

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

Mahnomen County Comprehensive Local Water Plan Update

(For Board Action)

The Minnesota Board of Water and Soil Resources (Board) approved the Mahnomen County Comprehensive Local Water Plan (Plan) on February 28, 1990, and was adopted by Mahnomen County on May 8, 1990. Mahnomen County submitted a Plan Update, required in the Plan, to the Board on March 6, 1997, to begin the final 90-day review period. The final review period ended on June 4, 1997.

Board staff prepared a written overview of the Plan Update and was included in the June 23, 1997, board packet.

On August 26, 1997, the Board Water Plan Review Committee met with representatives of Mahnomen County and Board staff to review and discuss the Plan Update.

Besides water planning requirements established under the Local Water Planning Statute 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, storm water management, high priority wetland preservation area designation and watershed assessment. The Mahnomen County Plan Update includes these new requirements and the eighteen required assessments.

New information collected is included in the **Summary of Accomplishments and New Data** sections of the Plan. For planning purposes the county is broken into three **Geomorphic and Ecological Regions** with distinctly different land use, soils, topography, wetland types and other physical and social characteristics. Assessments and implementation strategies in the Plan reflect these differences. They identify the entire county as a **High Priority Wetland Preservation Area**. The county used new and existing information to make assessments and to develop goals and objectives. Some goals and objectives were ranked high, medium and low priority by region while they set priorities for others on a county wide basis. Major goals include **Water Erosion and Sedimentation, Wind Erosion, Pubic Ditch System Management, Groundwater (wellhead protection and geologically sensitive areas), Surface Water Quality, Agricultural (feedlots and pesticides) and Residential (recycling, solid waste, HHW, and ISTS) Waste Management, Education, and Data Collection.**

Board staff has reviewed the Mahnomen County Plan Update and finds that they have satisfied all relevant requirements of the law and rule under MS 103B and MCAR 9300.



**Board of Water and Soil Resources
Metro Region**

Memorandum

Date: August ¹³~~14~~, 1997

To: BWSR Metro Subcommittee

From: Matt Moore 

Re: **South Washington Watershed District; Watershed Plan Review
Summary**

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Background

The South Washington Watershed District (SWWD) is approximately 54.3 square miles and includes all of part of five cities in southern Washington County (see enclosed map). The watershed has experienced rapid growth recently and not all of the watershed area is located within the Metropolitan Urban Service Area (MUSA). The SWWD watershed management plan (PLAN) recommends implementation of 5 programs and 9 watershed projects over a five year period.

The BWSR Metro Staff would like to formally commend SWWD for development of an outstanding and innovative metropolitan area watershed plan.

The SWWD has successfully created a plan that addresses water quality and quantity issues and fully integrates with the local, regional and state policies and programs. The BWSR would also like to thank the SWWD Board for their participation in the review process to address the comments. The SWWD Board should also be commended for their efforts to coordinate with the member communities in the development PLAN.

Agency Review and Comment

Metropolitan Council

The Metropolitan Council (Met Council) made initial comments with regards to the goals and policies of the PLAN. The Met Council did not feel that the goals and policies were specific enough to allow the outcomes to be quantified. Comments were also provided on the local water plan aspects of the SWWD PLAN and the need for further communication with the member communities.

The PLAN should go further and provide details sufficient to allow for the success or failure of its policies to be quantified. The PLAN doesn't detail how the SWWD intends to implement the statutes or measure the effectiveness of their policies.

Some of the policies of the SWWD are very general, stating that the watershed "encourages" certain water resource management and protection and/or land use practices rather than "requiring" them.

Met Council staff are concerned about the time frame for local units of government to finish their local water plans. The SWWD plan requires all LGUs to complete a local water plan within two years of approval of the SWWD plan. According to BWSR guidelines, LGUs that are in more than one watershed district do not have to complete a local water plan until the last watershed district plan is approved. This may result in some of the LGUs within the SWWD not adopting a local water plan within two years.

The PLAN should also provide enough direction to the LGUs regarding the management needs and priorities that should be addressed in each of the local plans.

The SWWD should take a lead role in ensuring that its member cities complete state required wellhead protection plans and water supply plans. The SWWD could include in its groundwater section a requirement for all its member cities to complete a wellhead protection plan and include a summary of this plan in its local surface water management plan. The SWWD should also encourage and work with the city of Lake Elmo to complete its water supply plan.

After subsequent review of the revised draft, the Met Council provided final comments stating that the SWWD PLAN is consistent with Minnesota Rules Chapter 8410. The SWWD has largely addressed the concerns the Met Council raised in its initial review of the PLAN. The Met Council advises the BWSR to approve the SWWD PLAN.

MPCA

The MPCA initial comments contained general comments and specific comments on the PLAN. The MPCA commented on the general nature of the overall PLAN and the need for more specificity.

There is no explanation of standards or BMP's. A brief summary of an agency's standards and where more information on them can be found, for example, would be useful to others. This would also make this a more useful plan for the local governments and interested citizens that will use it.

Specific comments included the following:

Minnesota statutes require that it be collected in such a way or form that it is compatible with state systems and standards.

The MPCA issues storm water permits for projects of five or more acres. How does the MPCA permit program fit in with this management strategy? For example, will developers meeting the requirements of the MPCA permit also fulfill the SWWD's requirements? Does the SWWD requirements for a sediment/erosion control plan refer to areas less than five acres? What size activities are covered by this implementation strategy?

Why is the SWWD not considering the values of the wetlands inside the MUSA? It seems that the SWWD is dismissing the values of wetlands located inside the MUSA before an inventory of those wetlands is done. They may have some functions and values other than those protected by the Urban Management category, that would prove to be valuable to the district. The management categories should not be decided solely by location of the wetlands. Other criteria may be as or more important to the district and to the state.

Financing the implementation plan is a concern for the citizens in the district. The district should make every effort to clearly define the costs to the taxpayers and explain the benefits. It also appears that the intergovernmental objections to many of other proposed options have not been addressed. Public information and education should be emphasized.

Intergovernmental and wetland flows are not addressed adequately, especially in regards to the Southeast Trunk project which will impact other communities. This plan should address these issues.

After subsequent review of the revised draft, the MPCA provided final comments stating that the MPCA finds the plan consistent with state rules and laws designed to protect our water resources and some final comments and observations on the SWWD PLAN.

MDA

The MDA provided final comments stating that no areas were identified as inconsistent with current Minnesota State Statutes administered through the MDA.

MDH

The MDH provided comments on the PLAN in a facsimile dated February 6, 1997. Comments provided by the MDH were general and focused on the ground water aspects of the PLAN.

MDNR

The MDNR made comments draft PLAN in April, 1996 and again in December, 1996 as the initial review. Comments provided by the MDNR were specific to the need for a technical advisory committee, a permitting program and placing a greater emphasis on water quality issues.

The PLAN should include provisions for a Technical Advisory Committee to advise the cities on the effect of projects on water quality and quantity. The PLAN should outline the committee's duties, membership selection, authority, etc.

Currently, the PLAN seems to delegate permit responsibility to the local units of government, and only provides annual review of local permits. Because of the rapid growth in this area of Washington County, we believe that the SWWD should implement its own permit program.

The SWWD's response to our comment on Table VI-5, in the draft PLAN, regarding the concentration of expenditures on stormwater control versus water quality, states that measuring and modeling water quality is more difficult than for water quantity. However, measurement of many water quality parameters is well established, as are techniques for evaluating the data and dealing with water quality problems. Other watersheds and WMOs have done pilot water quality studies and projects.

After subsequent review of the revised draft, the MDNR provide final comments stating that the PLAN has been improved considerably and our comments have adequately been addressed, and the MDNR has no further concerns or comments to offer at this time.

BWSR

The BWSR worked with the SWWD through a series of work group meetings to communicate the BWSR comments on the initial review of the SWWD PLAN. Three work group meetings were held with the SWWD Board as well as several informal working sessions with the SWWD consultants. Through this process the BWSR staff was able to provide timely comments to the SWWD, establish open lines of communication, get involved in discussion of issues, and establish clear direction for the resolution of issues.

The BWSR initial comments regarding water quality and management standards, implementation standards, interim implementation strategies, LGU requirements, and implementation of alternative management strategies. The BWSR also commented on some resource based issues including lake management strategies, ground water management strategies and erosion and sediment control strategies.

The BWSR also commented on the capital improvement program (CIP). The SWWD revised the

BWSR Metro Subcommittee
SWWD Watershed Plan Review Summary
August 12, 1997
Page 5

CIP and established a process for all capital projects. The PLAN also provides detailed information on the financing of projects and the impacts to LGU's and residents of the watershed. The changes made to the CIP has established a strategy that will allow the SWWD to move forward with watershed projects and develop links between their resource data as well as involve the member communities in the process.

The BWSR did receive a copy of comments from the City of Cottage Grove dated June 19, 1997. A copy of the letter is included as an attachment to this report.

The staff of the Metro Region find that the SWWD watershed plan meets the intent of applicable sections of watershed rule and statute. It is the recommendation of BWSR Metro Region staff that the SWWD second generation PLAN be approved by the BWSR Board.

Attachment: City of Cottage Grove letter, June 19, 1997.

cc: Bruce Sandstrom
Metro region staff
Jim Haertel

June 19, 1997

South Washington Watershed District
c/o City of Woodbury
8301 Valley Creek Road
Woodbury, Minnesota 55125

Dear SWWD Watershed Board of Directors:

This letter is to serve as the City of Cottage Grove response to the amended SWWD Watershed Management Plan dated April 29, 1997. Per City staff discussions with Brett Emmons on June 12, 1997, it is the City's understanding that you will accept these comments although the official comment period ends June 15, 1997. During the course of the comment period for the Plan, the City has requested additional information regarding several items. Many of these issues have been addressed in the amended Plan and your responsiveness is appreciated. However, as you are aware, there remain many issues which will need to be resolved in the future. Outstanding issues generally deal with capital projects that will be initiated by the Watershed District and the appropriate funding mechanism for the projects. Several of the items listed below raise issues which are broader in scope and relate to the management philosophy of the District.

The following comments are made to set the framework for future discussions regarding Watershed District projects and policies:

1. Cottage Grove does not want to accept run-off from other communities who have not adequately planned for development and increased hard surface in their City. Because surface water will drain to the Mississippi, the City recognizes that some run-off created from beyond the city bounds will traverse the community. However, the District communities must put in place mechanisms to take care of their own drainage. This means that as development occurs, rate of run-off, storm water quality, and storm water quantity would be addressed through the City approval process and

appropriate drainage infrastructure installed. The improvements must be done in an environmentally sensitive way, which could include ponding and infiltration and does not necessarily mean installation of infrastructure.

2. It is expected that any existing stormwater improvements be maintained by the governmental unit currently maintaining the facility. In other words, existing infrastructure and ponds should not be taken over by the Watershed District for maintenance and repair but should continue to be maintained by the pertinent local governmental unit. The City of Cottage Grove does not believe the Watershed District should be burdened with the cost of infrastructure repair and maintenance for existing infrastructure within Woodbury, Lake Elmo, Afton, or Oakdale.
3. The City supports the concept of subwatershed districts and recognizes that this may be one way to determine properties which benefit from facility installation. However, the City cannot support use of subwatershed districts to pay for capital improvements to correct problems, when residents within the subwatershed district do not contribute to the problem. Property owners who contribute to drainage problems should pay for the remedy.
4. The City does not support all District residents paying to address stormwater problems located within one municipality. In particular, the plan identifies a stormwater issue within the City of Woodbury. The City does not support assessing Cottage Grove residents to mitigate problems which should have been foreseen by Woodbury through their development review and planning.
5. The Plan recognizes communities neighboring Cottage Grove send their stormwater through the City to the Mississippi River. The City wants assurance that this water will be appropriately treated to maintain high water quality standards. Additionally, the residents of Cottage Grove should not pay for water quality treatment of drainage coming from outside of the City boundaries.
6. The District should develop an enforcement and administration program which permits residents to report non-compliance of District standards, either within their community or another District community. This program should be articulated in the plan and publicized throughout the District.
7. The City does not want to pay for any flood or water damage to private property within other communities which is caused by an existing undersized storm sewer system. Therefore, if communities have systems which do not meet their current or future drainage needs, the specific community should financially solve the problem and if needed reimburse affected residents.

8. The City of Cottage Grove review and comment on all projects initiated by the Watershed District prior to final approval of project plans.
9. At the June 18, 1997 City Council meeting, the Council became aware of certain pumping activity occurring within the City of Woodbury in connection with the Orchard Ridge Development that may be having an impact on development within the West Draw area of Cottage Grove. The Council has asked the City Engineer to review this issue and report back to the Council. The City Council reserves the right to file additional comments on this issue based upon the analysis completed by the City Engineer.

It is requested that these policies be incorporated into the plan as necessary. It is understood that many of these issues will resurface as future plan amendments regarding District capital improvement projects are considered. Thank you for your consideration of these items.

Sincerely,



John Denzer, Mayor
City of Cottage Grove

cc: Cottage Grove City Council
Matt Moore, BOWSR

Bob

good configuration on taxing

estimates only go out to public after study done

reps - from each area should go back to local govt + report

3M - should be taken care of w/in engineering of plan

citizens Adv. comm. - should work with

also should have TAC

good plan

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 **South Washington**
Watershed District pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

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

Whereas, the Board of Commissioners of the South Washington Watershed District (SWWD) 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, and Order:

FINDINGS OF FACT

1. **Chronology of Events:**

- | | | |
|----|-----------------------|--|
| a. | October 18, 1996 | BWSR receives the SWWD draft PLAN, dated September, 1996 for review pursuant to MS 103B.231 Subd. 7. |
| b. | December 13, 1996 | BWSR provides comments under draft review of the SWWD PLAN, MS 103B.231 Subp. 7. |
| c. | January 13, 1997 | BWSR receives response to comments from the SWWD in a letter dated January 10, 1997. |
| d. | January 21 & 23, 1997 | SWWD holds a public hearing regarding second generation watershed management plan. |
| e. | May 1, 1997 | 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. | June 10, 1997 | BWSR provides comments under final draft review of the SWWD PLAN amendment, MS103B.231 Subp. 8. |
| g. | June 30, 1997 | BWSR receives SWWD final PLAN in a letter dated June 30, 1997 for review and approval pursuant to MS 103B.231 Subd 9. |
| h. | July 16 & 23, 1997 | BWSR publishes a notice of public hearing in the Woodbury Bulletin and the South Washington County Bulletin. |

- i. August 11, 1997 BWSR conducts public hearing regarding the SWWD PLAN.

2. Summary of Review Comments:

a. Metropolitan Council

- i. The Metropolitan Council (Met Council) made initial comments with regards to the goals and policies of the PLAN. The Met Council did not feel that the goals and policies were specific enough to allow the outcomes to be quantified. Comments were also provided on the local water plan aspects of the SWWD PLAN and the need for further communication with the member communities.
- ii. The PLAN should go further and provide details sufficient to allow for the success or failure of its policies to be quantified. The PLAN doesn't detail how the SWWD intends to implement the statutes or measure the effectiveness of their policies.
- iii. Some of the policies of the SWWD are very general, stating that the watershed "encourages" certain water resource management and protection and/or land use practices rather than "requiring" them.
- iv. Met Council staff are concerned about the time frame for local units of government to finish their local water plans. The SWWD plan requires all LGUs to complete a local water plan within two years of approval of the SWWD plan. According to BWSR guidelines, LGUs that are in more than one watershed district do not have to complete a local water plan until the last watershed district plan is approved. This may result in some of the LGUs within the SWWD not adopting a local water plan within two years.
- v. The PLAN should also provide enough direction to the LGUs regarding the management needs and priorities that should be addressed in each of the local plans.
- vi. The SWWD should take a lead role in ensuring that its member cities complete state required wellhead protection plans and water supply plans. The SWWD could include in its groundwater section a requirement for all its member cities to complete a wellhead protection plan and include a summary of this plan in its local surface water management plan. The SWWD should also encourage and work with the city of Lake Elmo to complete its water supply plan.
- vii. After subsequent review of the revised draft, the Met Council provided final comments stating that the SWWD PLAN is consistent with Minnesota Rules Chapter 8410. The SWWD has largely addressed the concerns the Met Council raised in its initial review of the PLAN. The Met Council advises the BWSR to approve the SWWD PLAN.

b. MPCA

- i. The MPCA initial comments contained general comments and specific comments on the PLAN. The MPCA commented on the general nature of the overall PLAN and the need for more specificity.
- ii. There is no explanation of standards or BMP's. A brief summary of an agency's standards and where more information on them can be found, for example, would be useful to others. This would also make this a more useful plan for the local governments and interested citizens that will use it.
- iii. Specific comments included the following:
 - (1) Minnesota statutes require that it be collected in such a way or form that it is compatible with state systems and standards.
 - (2) The MPCA issues storm water permits for projects of five or more acres. How does the MPCA permit program fit in with this management strategy? For example, will developers meeting the requirements of the MPCA permit also fulfill the SWWD's requirements? Does the SWWD requirements for a sediment/erosion control plan refer to areas less than five acres? What size activities are covered by this implementation strategy?
 - (3) Why is the SWWD not considering the values of the wetlands inside the MUSA? It seems that the SWWD is dismissing the values of wetlands located inside the MUSA before an inventory of those wetlands is done. They may have some functions and values other than those protected by the Urban Management category, that would prove to be valuable to the district. The management categories should not be decided solely by location of the wetlands. Other criteria may be as or more important to the district and to the state.
 - (4) Financing the implementation plan is a concern for the citizens in the district. The district should make every effort to clearly define the costs to the taxpayers and explain the benefits. It also appears that the intergovernmental objections to many of other proposed options have not been addressed. Public information and education should be emphasized.
 - (5) Intergovernmental and wetland flows are not addressed adequately, especially in regards to the Southeast Trunk project which will impact other communities. This plan should address these issues.
- iv. After subsequent review of the revised draft, the MPCA provided final comments stating that the MPCA finds the plan consistent with state rules and laws designed to protect our water resources and some final comments and observations on the SWWD PLAN.

- c. MDA
- i. The MDA provided final comments stating that no areas were identified as inconsistent with current Minnesota State Statutes administered through the MDA.
- d. MDH
- i. The MDH provided comments on the PLAN in a facsimile dated February 6, 1997. Comments provided by the MDH were general and focused on the ground water aspects of the PLAN.
- e. MDNR
- i. The MDNR made comments draft PLAN in April, 1996 and again in December, 1996 as the initial review. Comments provided by the MDNR were specific to the need for a technical advisory committee, a permitting program and placing a greater emphasis on water quality issues.
- ii. The PLAN should include provisions for a Technical Advisory Committee to advise the cities on the effect of projects on water quality and quantity. The PLAN should outline the committee's duties, membership selection, authority, etc.
- iii. Currently, the PLAN seems to delegate permit responsibility to the local units of government, and only provides annual review of local permits. Because of the rapid growth in this area of Washington County, we believe that the SWWD should implement its own permit program.
- iv. The SWWD's response to our comment on Table VI-5, in the draft PLAN, regarding the concentration of expenditures on stormwater control versus water quality, states that measuring and modeling water quality is more difficult than for water quantity. However, measurement of many water quality parameters is well established, as are techniques for evaluating the data and dealing with water quality problems. Other watersheds and WMOs have done pilot water quality studies and projects.
- v. After subsequent review of the revised draft, the MDNR provide final comments stating that the PLAN has been improved considerably and our comments have adequately been addressed, and the MDNR has no further concerns or comments to offer at this time.
- f. BWSR
- i. The BWSR worked with the SWWD through a series of work group meetings to communicate the BWSR comments on the initial review of the SWWD PLAN. Three work group meetings were held with the SWWD Board as well as several informal working sessions with the SWWD consultants. Through this process the BWSR staff was able to provide timely comments to the SWWD, establish open lines of communication, get

involved in discussion of issues, and establish clear direction for the resolution of issues.

- ii. The BWSR initial comments regarding water quality and management standards, implementation standards, interim implementation strategies, LGU requirements, and implementation of alternative management strategies. The BWSR also commented on some resource based issues including lake management strategies, ground water management strategies and erosion and sediment control strategies.
- iii. The BWSR also commented on the capital improvement program (CIP). The SWWD revised the CIP and established a process for all capital projects. The PLAN also provides detailed information on the financing of projects and the impacts to LGU's and residents of the watershed. The changes made to the CIP has established a strategy that will allow the SWWD to move forward with watershed projects and develop links between their resource data as well as involve the member communities in the process.

g. City of Cottage Grove

- i. The BWSR did receive a copy of comments from the City of Cottage Grove dated June 19, 1997. A summary of comments provided by the City of Cottage Grove follows.
 - (1) Cottage Grove does not want to accept run-off communities.
 - (2) It is expected that existing stormwater improvements be maintained the governmental unit currently maintaining the facility.
 - (3) The city does not support the concept of subwatershed financing for projects that correct problems.
 - (4) The City does not support all SWWD residents paying to address stormwater problems located in one community.
 - (5) The City wants assurance that all stormwater draining through the City will meet or exceed high water quality standards. Residents of the City should not be responsible for the costs of treatment of stormwater coming from outside the City
 - (6) The SWWD should develop an enforcement and administration program which permits residents to report non-compliance of SWWD standards
 - (7) The City does not want to pay for any flood or water damage to private property in other communities caused by undersized existing storm sewer systems.
 - (8) The City will review and comment on all projects initiated by the SWWD prior to final approval.
 - (9) The City reserves the right to file additional comments on issues with regards to the West Draw area, based on further analysis by the City Engineer.

3. Summary of Public Hearing

- a. The SWWD opened the public hearing with a brief overview of the PLAN and its key components.
- b. Representatives from the City of Cottage Grove were present and requested that their letter to the SWWD dated June 19, 1997 be submitted for the record of the public hearing.
- c. Several residents were present and provided statement and information for the record. General comments were provided regarding the PLAN and the purpose of the SWWD. Specific comment provided pertained to the proposed Central Draw Outlet solution. Particular concern of the residents present at the hearing was the intercommunity flow issue. Residents of the City of Cottage Grove do not feel that stormwater from the upper portions of the watershed should be allowed to flow through the lower portions of the watershed. The residents of Cottage Grove are also concerned with the proposed subwatershed financing of a solution.

CONCLUSIONS

1. The BWSR staff has reviewed the PLAN, dated July 1, 1997, 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 July 1, 1997, is compliant with MS§103B.
3. The BWSR staff has found that the PLAN, dated July 1, 1997, has been review 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 South Washington Watershed District pursuant to MS§103B.231, Subd. 9 and 103D.401.
6. The South Washington Watershed District Watershed Management Plan attached to this Order, dated July 1, 1997, states water and water-related problems within the SWWD boundaries, possible solutions thereto, general objectives and policies of the SWWD, 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 July 1, 1997, as the Watershed Management Plan for the South Washington Watershed District.
2. That the SWWD must submit to the Board proof of adoption of the approved watershed management plan, within 120 days of the date of this order.

Dated this 28th day of August, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Kathleen Roer, Chair



**Board of Water and Soil Resources
Metro Region**

Memorandum

Date: July 31, 1997

To: BWSR Metro Subcommittee

From: Phil Belfiori
Matt Moore

A handwritten signature in dark ink, appearing to be "Matt Moore", written over a horizontal line.

**Re: Upper Rum River Watershed Management Organization;
Watershed Plan Review Summary**

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Background

The Upper Rum River Watershed Management Organization (URRWMO) is approximately 127 square miles in size and includes part of five cities and one township. (SEE MAP) The Rum River, Cedar Creek, and Ford Brook are located within the watershed as well as numerous smaller lakes, streams and wetlands. The watershed is primarily rural residential and agricultural in nature with rapidly growing communities such as St. Francis and Bethel. The increase in urban growth will be managed by limiting residential housing to five acre density. The focus of the URRWMO plan is to develop policies, criteria, and management strategies for wetlands, groundwater and water quality. The plan also focuses on preventative measures such as wetland protection, soil erosion and groundwater protection ordinances.

Agency Review and Comment

DNR Comments

The primary concerns stated by DNR were development of more specific policies for water resource issues, and further discussion of inter-community flows. In response, the URRWMO has agreed to "link" monitoring data to policies to allow for the ability to measure the success of goals and policies. The URRWMO has also included an arbitration section to the organization's JPA for establishing a process to resolve inter-community issues.

Metropolitan Council

The Council's primary concerns were the incomplete inventory of watershed characteristics, description of water quality problems, need for additional resource maps, establishment of a water quality monitoring procedure, and lack of specific and quantified policies.

July 31, 1997

URRWMO

Page 2

The response, The URRWMO has agreed to document a procedure for problem assessment. The URRWMO will also pursue integration with the Anoka County SWCD monitoring program on the Rum River. The Anoka County SWCD currently has several monitor sites on the Rum River. The URRWMO will restate policies to provide more specific "link" to implementation section.

The Council recommends approval of the URRWMO Plan after the aforementioned concerns have been addressed.

MPCA

The MPCA did not raise any issues of real substance during it's review of the plan.

The MPCA recommended approval of the URRWMO Plan on February 25, 1997.

MDA

The MDA's informational comments were to recommend that the Plan integrate with the Agricultural Land Preservation Program and to offer assistance in agricultural chemical use and management.

MDH

No review has been received.

BWSR

The comments from BWSR were to address the process for funding projects, linking goals to the monitoring program, including public participation, documenting the process for problem assessment, and the inconsistency between policies and implementation.

In response, the URRWMO will address project funding through the development of standard processes in accordance with its JPA. The URRWMO will also pursue a water quality monitoring program by discussing a coordinated monitoring program with Anoka County Conservation District and amend the process for problem assessment. The organization will enlist public participation by adding language which will establish a process to address complaints and public input. The plan will added language to clarify the process for determine problem determination. The URRWMO will restate policies to provide more specific "link" to implementation section. (See May 14, 1997 letter enclosed)

The BWSR would like to congratulate the URRWMO for their continued perseverance in preparing the final watershed management plan. The enclosed May 14, 1997 letter from BWSR Metro staff will serve to guide the URRWMO in preparation of the final response to the state review agencies. The final plan review was consistent with the modified process described in the enclosed letter dated October 28, 1996. The BWSR will also require that the

July 31, 1997
URRWMO
Page 3

URRWMO have a fully compliant joint powers agreement (JPA) as part of the final BWSR approval of the PLAN.

The staff of the Metro Region find that the URRWMO watershed plan meets the intent of applicable sections of watershed rule and statute. It is the recommendation of BWSR Metro Region staff that the URRWMO second generation watershed management plan be approved by the BWSR Board.

PJB/cs

cc: Bruce Sandstrom, BWSR (file copy)
Chris Lord, Anoka SWCD
Marcel Jouseau, Metropolitan Council
Ken Wald, MDNR
Celine Lyman, MPCA
Betty Wheeler, MDH
Mark Zabel, MDA
William Larson, Chair - URRWMO Board
Joel Schilling, Short-Elliott-Hendrickson, Inc.

Enclosure: 1) Letter describing amended plan review process, dated October 28, 1996
2) BWSR final comment letter, dated May 14, 1997
3) Watershed Map
4) Executive Summary
5) URRWMO Final Plan letter, dated May 20, 1997
6) URRWMO JPA letter, dated May 27, 1997



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Cedar, MN 55011

Management Plan

approval.

submittal.

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Mr. William Larson, Chair
URRWMO
October 28, 1996
Page 2

The BWSR will work closely with the URRWMO to make final changes to the PLAN to fulfill requests of the state review agencies and Metropolitan Council. The final PLAN will be presented to the BWSR Board for a decision. If you have any questions or need additional information, please contact me at 215-1519.

Sincerely,
Board of Water & Soil Resources



Matt Moore
Board Conservationist

MMM/cs

cc: Bruce Sandstrom, BWSR (file copy)
Jim Haertel, BWSR
Marcel Jouseau, Metropolitan Council
Ken Wald, MDNR
Celine Lyman, MPCA
Betty Wheeler, MDH
Mark Zabel, MDA
Joel Schilling, SEH, Inc.



May 14, 1997

Mr. Bill Larson, Chair
Upper Rum River WMO
19900 Nightingale Street
Cedar, MN 55011

**RE: Upper Rum River Watershed Management Organization Second
Generation Watershed Management Plan.**

Dear Mr. Larson:

The Minnesota Board of Water and Soil Resources (BWSR) would like to thank the Upper Rum River Watershed Management Organization (URRWMO) for your cooperation in preparing the final watershed management plan (PLAN). The BWSR has completed review of the URRWMO PLAN pursuant with Minnesota Statute (MS) 103B.231 Subd. 9. The enclosed comments will serve as the final comment letter to URRWMO as per the amended review process described in the letter, dated October 28, 1996. This letter is also meant as a guidance document for the URRWMO to work with BWSR to resolve the remaining issues stated below. The items listed were discussed and agreed upon at the April 15, 1997 URRWMO meeting. The BWSR will also require that the URRWMO have a fully compliant joint powers agreement (JPA) as part of the final BWSR approval of the PLAN.

The BWSR received the final URRWMO PLAN on January 13, 1997 for review and approval according to MS § 103B.231 Subd. 9. The BWSR published a legal notice according to MS § 103D.105 and 103D.405 (January 24, 29, 31 and February 5, 1997) in the Elk River Star News and Anoka County Union. Anyone wishing to request a public hearing on the PLAN could do so, in writing, within 30 days of the notice. The final day that BWSR accepted requests for a public hearing on the PLAN was March 7, 1997, and no requests were received.

The BWSR Metro Watershed Planning Subcommittee will review the PLAN on Friday June 6, 1997. The Subcommittee invites the URRWMO Board members to give a short presentation on the focus of the PLAN and the overall vision of the URRWMO. An agenda outlining the time and place of the Subcommittee will be sent to the URRWMO prior to the meeting. The URRWMO PLAN will then be brought to the next BWSR Board meeting for a decision by the full board on June 25, 1997. The BWSR Board may disapprove all or parts of a PLAN which it determines is not in conformance with the requirements of sections 103B.205 to 103B.255 and Chapter 103D.

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Mr. Bill Larson, Chair
 Upper Rum River WMO
 May 14, 1997
 Page 2

The review comments below have been summarized and paraphrased for discussion purposes.

COMMENT	DISCUSSION	PROPOSED ACTION
<u>DNR Comments</u> 1. The Goals and Policies section should develop goals and policies more specific to water resource issues of the Upper Rum River. Page 54	The process for identification and analysis of resource problems and opportunities should be included to clearly document the efforts of the URRWMO.	ACTION: "Link" monitoring data collection policy 2.1 to water quality goals 4 & 5.
<u>DNR Comments</u> 2. Implementation - Inter-community flow conflicts should be addressed as part of plan. Page 65	The URRWMO should address inter-community flow management conflicts as part of the hydrologic analysis of projects.	ACTION: The URRWMO will utilize Section IV of the JPA - "Arbitration".
<u>METROPOLITAN COUNCIL</u> 1. The inventory of the physical and hydrological characteristics of the watershed is incomplete. Plan needs a description of any water quantity or quality problems in the area such as flooding or nonpoint source pollution. Additional maps are needed to "fully characterize the watershed", such as subwatershed and critical erosion areas.	The process for identification and analysis of resource problems and opportunities should be included to clearly document the efforts of the URRWMO.	Clarify the process used to determine how problems can be assessed in section III of the PLAN.
<u>METROPOLITAN COUNCIL</u> 2.A. No monitoring. Need to monitor water quality conditions in water bodies including "priority lakes". Need to assess impact on Mississippi. 2.B. Set monitoring programs on at least priority lakes and several streams in the area.	The Anoka Conservation District currently has several monitoring sites within the Rum River Watershed. Volunteer monitoring activities could as be used to determine the goals in the plan are being achieved.	URRWMO will pursue monitoring activities with the Anoka Conservation District and will amend Policy 2i.

Mr. Bill Larson, Chair
 Upper Rum River WMO
 May 14, 1997
 Page 3

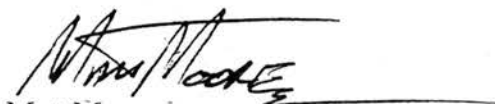
COMMENT	DISCUSSION	PROPOSED ACTION/TIME FRAME
<u>METROPOLITAN COUNCIL</u> 3.A. Policies are very general, plan should go further to provide details to allow the policies to be quantified and measure the effectiveness of their policies. The plan does not identify specific water quality problems. 3.B. Policies "encourages" rather than require. Plan lacks detail on how WMO intends to implement all the statutes or measure the effectiveness of its policies.	The URRWMO should modify policies which are inconsistent with the implementation program.	URRWMO will amend Policy 2i and modify plan to achieve goals 4 and 5.
<u>BWSR Comments</u> Funding of projects	Specific criteria should be developed for determining when funds will be used, what types of projects are included, and specific funding formulas to determine subwatersheds vs. entire watershed costs.	The URRWMO will address project funding through the development of standard processes and in accordance with its JPA.
Water Quality Goals	Link the water quality goals to a monitoring program to allow for the success or failure of the program to be determined.	URRWMO will discuss a coordinated monitoring program with Anoka County Conservation District and amend process for problem assessment in Section III, page 51.
Public Participation	Develop a process by which the URRWMO will enlist public participation in the implementation of the plan and projects.	URRWMO will add language in Section IV, page 80 addressing complaints and public input at annual meetings.
Assessment of Problems and Opportunities	The process for analysis of problems and opportunities should be included to clearly document the efforts of the URRWMO.	Clarify the process used to determine how problems can be assessed.
Implementation Program	Same as under Met Council.	URRWMO will amend Policy 2i and modify plan to achieve goals 4 and 5.

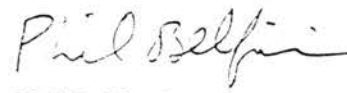
Mr. Bill Larson, Chair
Upper Rum River WMO
May 14, 1997
Page 4

As agreed upon at the last URRWMO meeting, BWSR Metro Staff has met with the plan consultant to negotiate any remaining issues and modifications to the PLAN. The BWSR hopes that by amending the PLAN to address any remaining issues the URRWMO can provide the necessary policy and programs to meet the needs of the local communities and residents in the watershed. The BWSR would like to commend the URRWMO for aggressively amending the PLAN to address comments received as part of the final PLAN review. By working with the existing draft PLAN and amending those areas that could be improved, the URRWMO has developed a document that will be an effective tool in protection of the local resources. The BWSR is also of the position that the groundwater protection, wetland protection and soil erosion and sediment control ordinances will serve as the basis for effective local resource management.

The BWSR would like to thank you for the opportunity to provide comments to the draft PLAN and look forward to working with you in the near future. If you have any questions or would like to discuss these comments further, please contact Matt Moore at 215-1519 or Phil Belfiori at 297-8026.

Sincerely,
Minnesota Board of Water and Soil Resources


Matt Moore
Board Conservationist


Phil Belfiori
Board Conservationist

MMM/cs

c: URRWMO Board Members
Joel Schilling, Short Elliott Hendrickson Inc.
Bruce Sandstrom, BWSR (file copy)
Chris Lord, Anoka SWCD
Marcel Jouseau, Metropolitan Council
Betty Wheeler, MDH
Ken Wald, MDNR
Celine Lyman, MPCA
Mark Zabel, MDA



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May 20, 1997

RE: Upper Rum River WMO
Final Watershed Management Plan
SEH No. A-UPRUM1166.01

MAY 23 1997

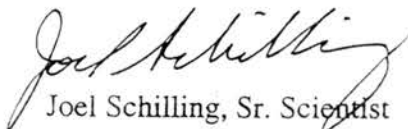
Mr. Matt Moore
Board Conservationist
Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, MN 55107

Dear Mr. Moore:

Enclosed is the Final Upper Rum River Watershed Management Organization's (URRWMO) Watershed Management Plan. The plan contains the revisions agreed upon at our meeting May 1, 1997. The enclosed table summarizes the changes which have been incorporated into the Plan. The changes are shown as strike-outs and underlines in the table. The changes are not explicitly indicated in the text of the Final Plan.

If any questions arise during the review process, please do not hesitate to contact us at 490-2029. We look forward to a favorable review and final action by the BWSR.

Sincerely,
Short Elliott Hendrickson Inc.

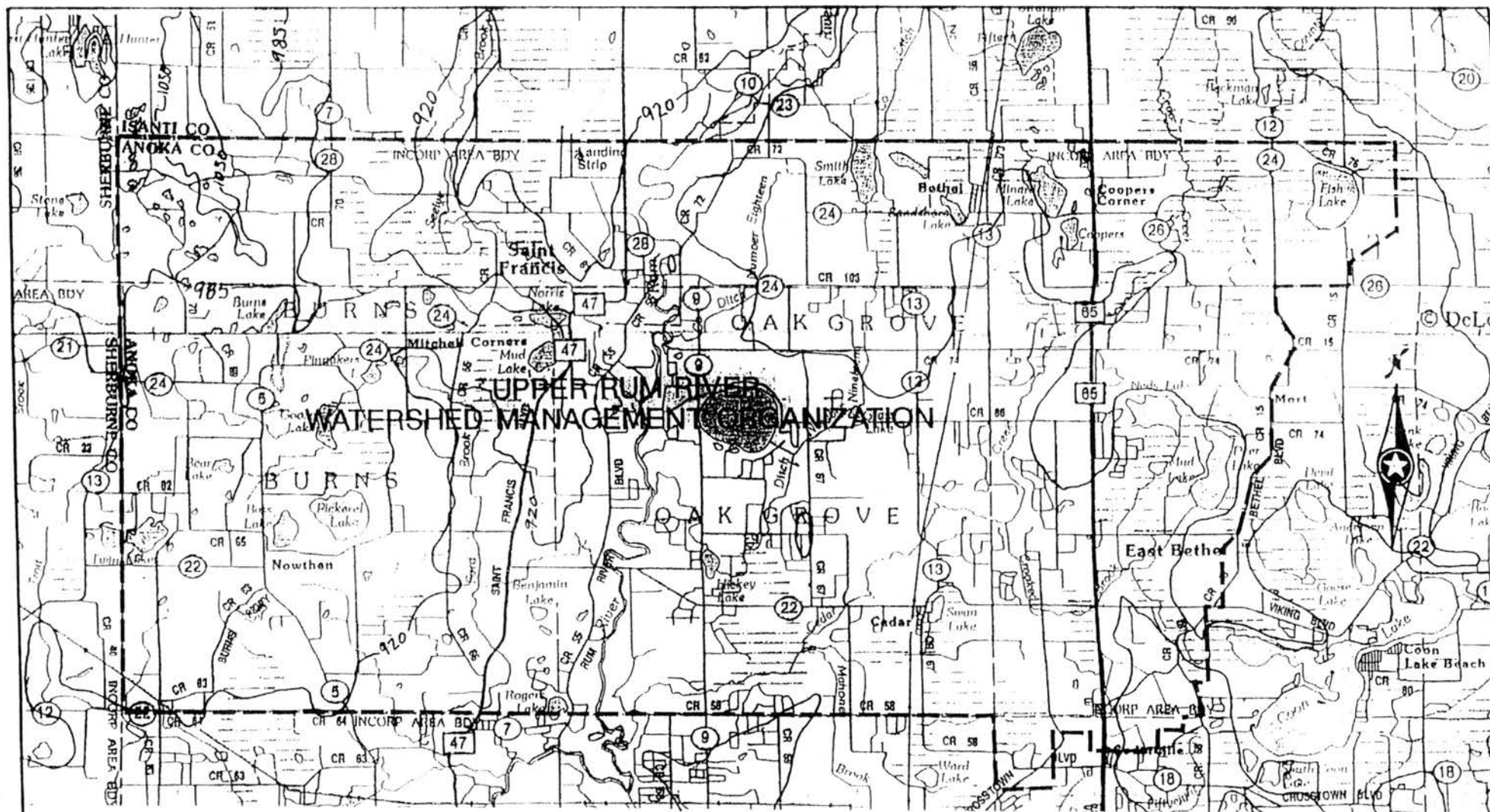

Joel Schilling, Sr. Scientist
Project Manager

Enclosure

c: Mr. William Larson, Chair - URRWMO Board

Location in Plan	Change	Comment
Page 51, Add to end of new ¶ in "Problems"	<u>Future problems will be identified through annual review of monitoring data, review of proposed private and public projects and adherence and implementation of local plans. Reported or identified problems will be discussed by the Board to determine the appropriate action for study and/or resolution.</u>	Met Council comment 1; BWSR Comment re: Assessment of Problems and Opportunities
Page 57, Policy 2i	The URRWMO shall utilize the data and analysis generated by the <u>MPCA's Citizen Lake Monitoring Program, Met Council's Citizen Monitoring Program, the Anoka Conservation District,</u> and other monitoring programs to identify potential water quality problems and ensure <u>maintenance and/or reduction of nutrient and other target pollutant levels in monitored waters and wetlands.</u> The URRWMO may conduct additional monitoring as deemed necessary by the Board to further evaluate potential problems and determine necessary improvements.	DNR comment 1; Met Council comment 2; Met Council comment 3; BWSR Comment re: Implementation Program; BWSR Comment re: Water Quality Goals
Page 65, ¶5	Upon approval and adoption of their Local Plan and necessary ordinances, a local government will have the responsibility to administer the goals, policies, regulatory controls and criteria of the URRWMO Plan. The URRWMO will maintain an oversight role <u>in the review of developments and to oversee management of inter-community flows,</u> even after adoption and implementation of the Local Plans. The URRWMO will return to the interim implementation plan if requested by a local government.	DNR comment 2
Page 80, new ¶1	<u>Sufficient data to characterize several subwatershed areas of the URRWMO does not exist at this time. The Board will pursue sources, such as the County, Anoka Conservation District, etc. to be included in future plan amendments and to determine the goals in the Plan are being achieved.</u>	Met Council comment 1
Page 80, ¶1	The URRWMO encourages all units of state and local government collecting water quality and quantity data to submit the data to the WMO annually, along with state compatibility guidelines. This data, in addition to the data entered into public access data bases, will be reviewed by the URRWMO <u>to determine the need for future data collection programs. The data will also be utilized to ensure maintenance and/or reduction of nutrient and other target pollutant levels in monitored waters and wetlands.</u>	DNR comment 1; Met Council comment 2; Met Council comment 3
Page 80, ¶2	The URRWMO will publish one written communication each year to identify the URRWMO, representatives and responsibilities. <u>The agenda of the Annual Meeting of the Board will include an opportunity for public input regarding WMO activities and identification of problems areas requiring study.</u>	BWSR Comment re: public participation

Page 80, ¶3	The goals and policies of the URRWMO will be enforced upon approval and adoption of the Plan. The URRWMO will administer the Plan until Local Plans are approved and adopted by each of the municipalities within the watershed. The URRWMO will continue its administration of the goals and policies through an oversight role, <u>in the review of developments and to oversee management of inter-community flows, even after adoption and implementation of the Local Plans</u> , unless requested to implement local regulation by a member city or town.	DNR comment 2
Page 80, new section	<u>Financing</u> <u>The emphasis of this plan is on planning and management to prevent future capital expenditures. The URRWMO Board acknowledges that comprehensive studies alone, or in combination with capital improvement projects, may be required to solve water resources problems within the watershed in the future. Future projects will be prioritized according to the Management Priorities established in this section. The URRWMO will consider ad valorem taxes, assessment to specific benefited properties, fees from member cities and towns and grants and in-kind contributions to help fund the implementation of future projects.</u>	BWSR Comments re: Funding of Projects
Page 89, ¶2	Any matters that cannot be resolved between the parties and the URRWMO through <u>Section III, Subdivision 3.6, the rReview and rRecommendations</u> procedures in the Joint Powers Agreement shall be submitted to binding arbitration. The Uniform Arbitration Act (Minnesota Statutes, Section 572.08 - 572.30) shall be followed in submitting all controversies to arbitration.	DNR Comment 2



SCALE 1" = 2 MILES

-920- CONTOUR (N.G.V.D. 1929)

SOURCE: MINNESOTA ATLAS & GAZETTEER



UPPER RUM RIVER
WATERSHED MANAGEMENT ORGANIZATION

TOPOGRAPHIC MAP

FILE NO.
91166
FIGURE NO.
2

4/1/93

EXECUTIVE SUMMARY

The Upper Rum River Watershed Management Plan is the culmination of many URRWMO Board meetings over the period of May 1991 through ~~March 1993~~ October 1996. Over these ~~nearly two~~ five years of development, significant changes occurred at the state and regional level regarding laws, regulations, and guidelines. The 1991 Wetland Conservation Act (WCA) was enacted and amended by the Legislature; the Regional Groundwater Assessment - Anoka Sand Plain was completed by the Minnesota Geological Survey in 1992 ~~under contract with the Minnesota Department of Natural Resources~~; the Board of Water and Soil Resources completed regulations for watershed management plans by WMOs (Minnesota Rules, Chapter 8410) and also for the administration of the WCA (Minnesota Rules, Chapter 8420); and the Metropolitan Council developed a nonpoint source strategy for local governments in response to pollution problems on the Mississippi and Minnesota rivers.

~~Each of these~~ These mandates had a significant effect upon the content of this Watershed Management Plan. Wetlands and water quality have become the focus for the majority of the plan's policies, criteria, and management strategies. The plan includes policies and criteria dealing with the surface water runoff and flooding impacts through recognized detention methods; encroachments, and excavations adversely affecting wetlands will likely be very limited; potential groundwater impacts in high-sensitivity areas are recognized; and the control of soil erosion and sediment was given a priority status. Local government units will be affected by the new model ordinances for wetland protection, soil erosion and sediment control, and groundwater protection.

The plan also describes the statutory requirements for the content of local water management plans. Each of the seven local plans (cities of Bethel, East Bethel, Ham Lake, Oak Grove and St. Francis; and the town of Burns) must contain the minimum information within the Watershed Management Plan. An educational partnership between the Anoka County Extension, Anoka Soil and Water Conservation District, and local governments is recognized as essential over the long term for proper groundwater protection. ~~This plan is considered to be dynamic in content and policy so that it can respond to changes~~ amendments can be added from new technology, information, and the regulatory framework affecting the URRWMO.



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MAY 28 1997

May 27, 1997

Upper Rum River Watershed
Management Organization
SEH A-UPRUM1166.01

Mr. Gerald M. Randall, Attorney at Law
Randall, Dehn & Goodrich
2140 Fourth Avenue North
Anoka, Minnesota 55303

RE: **Amendments to Joint Powers Agreement (JPA)**

Dear Jerry:

Several matters occurred since our last conversation on this matter. The Board of Water and Soil Resources has moved ahead into the final review and approval process involving URRWMO's Watershed Management Plan. In the course of their review, BWSR staff had several suggestions pertaining to the JPA. In addition, the UPRUM Board met Tuesday, May 20th and discussed the matter of indemnification and insurance. Based upon a conversation with Chairperson, Bill Larson on May 21st, the Board has agreed to move ahead with securing such coverage. Therefore, the draft amendment you provided on this matter on January 29, 1997 should be incorporated into the JPA.

In addition, the BWSR staff raised the following matters for consideration by the URRWMO Board:

Suggested amendments (underlined without bolding).

1. Section 2.12 **Meetings**: Meetings of the Organization board will be scheduled on the third Tuesday of the month as needed but at least annually, on a day selected by the board. The annual meeting shall normally be held on the third Tuesday of July at 7:00 p.m. at Oak Grove City Hall. At the annual meeting the board, at a minimum, shall:

- a. elect officers for the next fiscal year.
- b. establish the annual budget and work plan.
- c. hear recommendations on amendments to this agreement and the watershed management plan.
- d. biennially renew or decide on contracts for professional, legal and administrative services.
- e. decide on any monthly meetings that should be cancelled, and
- f. conduct such other business as necessary.

Mr. Randall
page two, 5/27/97

2. Special meetings may be held at the call of the chair or by any three (3) members of the board giving not less than 48 72 hours written notice of the time, place and purpose of such meeting delivered or mailed to the residence of each Organization member.

Comment

The first series of amendments were raised by the BWSR staff and have been taken, in part, from its model JPA provided to me on May 21, 1997. The second amendment provides conformance with M.S. 471.705, Subd. 1C(b).

The only other issue relates to BWSR staff concern regarding nonpayment of annual dues by any party to the JPA. As indicated in Section 3.8 Financial Matters, Subdivision 2 - Operating Funds (Dues), the budget shall be submitted to and ratified by each party prior to implementation. The BWSR staff suggested that language could be inserted referring to M.S. 103B.241 LEVIES which allows both local governments and WMO's to levy a tax to pay for planning and implementation of the watershed plans.

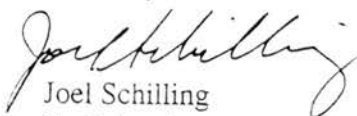
Such language may not be necessary or desirable by the URRWMO board. Therefore, I suggest the following third amendment be added to the JPA, Section 3.8, Subd. 2 after the fourth sentence:

3. "Failure to ratify or pay its share of the budget by any party to this Agreement shall be subject to the procedures in Section 3.6".

This would allow both the board and party to revisit the matter in a fashion that would allow a concern over nonpayment to be dealt in a procedural fashion. If the nonpayment issue is not resolved through the review and recommendation procedure, it then could be submitted to binding arbitration as spelled out in the JPA.

Hopefully, you can review these suggested amendments and provide a revised version to the URRWMO board as soon as possible. The BWSR staff would like to see a revised, but not necessarily executed JPA by the end of June, 1997. Please contact me if you have any questions regarding this matter (490-2029). Thanks for your efforts on this matter.

Sincerely,


Joel Schilling
Sr. Scientist

cc: Bill Larson, URRWMO Chairperson
Matt Moore, BWSR - Board Conservationist

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 **Upper Rum River**
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 Upper Rum River Watershed Management Organization (URRWMO) 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, and Order:

FINDINGS OF FACT

1. **Chronology of Events:**

- | | | |
|----|--------------------|--|
| a. | February 2, 1996 | BWSR provides initial comments and request to meet with the URRWMO on the draft PLAN. |
| b. | February 27, 1996 | BWSR meets with URRWMO to discuss comments on draft PLAN. |
| c. | March 20, 1996 | BWSR provides comments to the URRWMO on the final draft PLAN, 1994, in a letter dated March 20, 1996 |
| d. | October 28, 1996 | BWSR provides URRWMO with the amended review process. |
| e. | January 10, 1997 | BWSR receives response to comments from the URRWMO in a letter dated January 9, 1997. |
| f. | January 13, 1997 | BWSR receives draft PLAN and confirms that review agencies also received the draft PLAN. |
| g. | 1/29/97 & 2/5/97 | BWSR publishes notice of the plan in the Elk River Star News. |
| h. | Jan. 24 & 31, 1997 | BWSR publishes notice of the plan in the Anoka County Union. |
| i. | May 14, 1997 | BWSR provides comments on the URRWMO final draft PLAN. |
| j. | May 1, 1997 | BWSR meets with the URRWMO to discuss comments and |

- k. May 21, 1997 make revisions to the final draft plan. BWSR receives a fax from Bill Larson, URRWMO, stating their intention to update their JPA.
- l. May 23, 1997 BWSR receives URRWMO final PLAN with a letter dated May 20, 1997 for review and approval.
- m. August 13, 1997 BWSR receives hand delivered copy of the final unsigned URRWMO JPA

2. Summary of Review Comments:

a. MDNR

- i. The primary concerns stated by MDNR were development of more specific policies for water resource issues, and further discussion of inter-community flows. In response, the URRWMO has agreed to "link" monitoring data to policies to allow for the ability to measure the success of goals and policies. The URRWMO has also included an arbitration section to the organization's JPA for establishing a process to resolve inter-community issues.

b. Metropolitan Council

- i. The Council's primary concerns were the incomplete inventory of watershed characteristics, description of water quality problems, need for additional resource maps, establishment of a water quality monitoring procedure, and lack of specific and quantified policies.
- ii. The response, The URRWMO has agreed to document a procedure for problem assessment. The URRWMO will also pursue integration with the Anoka County SWCD monitoring program on the Rum River. The Anoka County SWCD currently has several monitor sites on the Rum River. The URRWMO will restate policies to provide more specific "link" to implementation section.
- iii. The Council recommends approval of the URRWMO Plan after the aforementioned concerns have been addressed.

c. MPCA

- i. The MPCA finds that the PLAN is consistent with state rules and regulations and therefore recommends that the BWSR approve this PLAN.

d. MDA

- i. The MDA's informational comments were to recommend that the Plan integrate with the Agricultural Land Preservation Program and to offer assistance in agricultural chemical use and management. The MDA provided final comments that stated upon review of the PLAN no areas were identified as inconsistent with current Minnesota State Statutes

administered through the MDA.

e. MDH

- i. No review has been received.

f. BWSR

- i. The comments from BWSR were to address the process for funding projects, linking goals to the monitoring program, including public participation, documenting the process for problem assessment, and the inconsistency between policies and implementation.
- ii. In response, the URRWMO will address project funding through the development of standard processes in accordance with its JPA. The URRWMO will also pursue a water quality monitoring program by discussing a coordinated monitoring program with Anoka County Conservation District and amend the process for problem assessment. The organization will enlist public participation by adding language which will establish a process to address complaints and public input. The plan will added language to clarify the process for determine problem determination. The URRWMO will restate policies to provide more specific "link" to implementation section (May 14, 1997 letter).
- iii. The final plan review was consistent with the modified process described in the enclosed letter dated October 28, 1996.
- iv. The URRWMO has provided a compliant joint powers agreement (JPA) as part of the final BWSR approval of the PLAN.

CONCLUSIONS

1. The BWSR staff has reviewed the PLAN, dated May 1997, 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 May 1997, is compliant with MS§103B.
3. The BWSR staff has found that the PLAN, dated May 1997, has been review 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 South Washington Watershed District pursuant to MS§103B.231, Subd. 9 and 103D.401.
6. The Upper Rum River Watershed Management Organization Watershed Management Plan attached to this Order, dated May 1997, states water and water-related problems within the URRWMO boundaries, possible solutions thereto, general objectives and policies of the URRWMO, 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 May 1997, as the Watershed Management Plan for the Upper Rum River Watershed Management Organization.
2. That the URRWMO must submit to the Board proof of adoption of the approved watershed management plan, within 120 days of the date of this order.

Dated this 28th day of August, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Kathleen Roer, Chair

OLD BUSINESS #1

August 19, 1997

TO: board members,
FROM: Marybeth Block, Special Projects Coordinator
SUBJECT: Strategic Plan

Marybeth

Attached you will find the final draft of the strategic plan. The following changes have been made to the Draft III copy you reviewed in July:

Presentation format: Although not a professional in desktop publishing, I do believe in making a document attractive and easy to read. Thus you will note that this copy has a grey bar on the left side, sometimes with highlights from the adjacent text. The grey will be of better quality upon final printing. Thanks to Polly Remick for creating the template.

Document editing: I enlisted an experienced editor from outside the agency (and it was done gratis!). I think his suggestions added to the quality and clarity of the document. Please note he had a couple of suggestions for the mission statement which are set off parenthetically. Susan Tsakasis also suggests inserting "to" before the word manage.

Lake Statistics: I got in touch with the office of tourism regarding the lakes statistics in the Economics and Land Use. . . section. The figures cited for business and state revenues generated from water-related activities are the most current. Incidentally, I have seen these same statistics used in the current framing of a lakes budget initiative.

I look forward to finalizing this product for Board adoption in September.



Minnesota
Board of
Water & Soil
Resources

Strategic Plan

FINAL

draft

*cover
choices
=*

FINAL

Contents

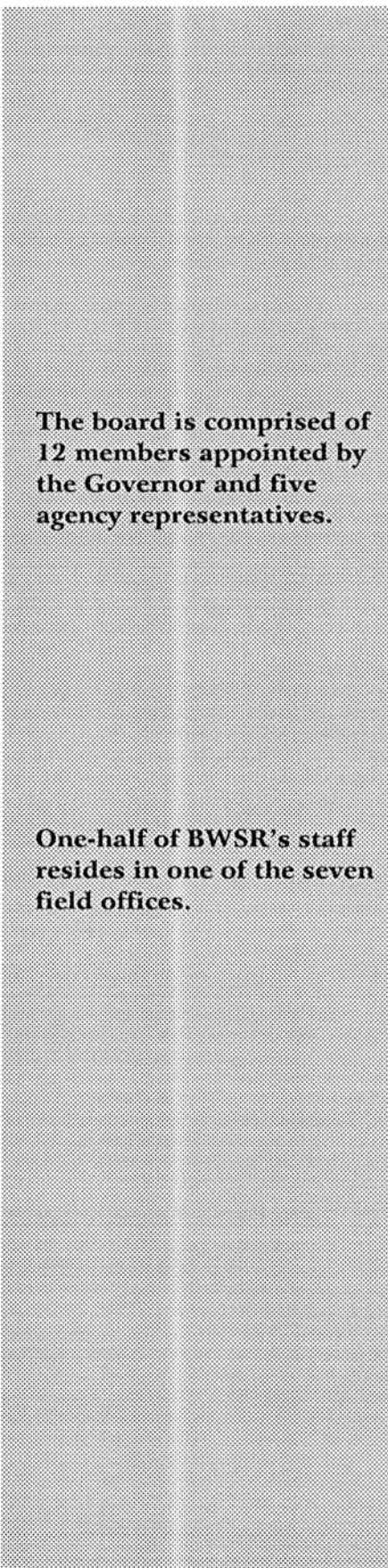
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*add
addresses
of each
of office*

(612) 296-3767

One West Water Street
St. Paul, Minnesota 55107

*add
Executive
Summary
in the front.*



The board is comprised of 12 members appointed by the Governor and five agency representatives.

One-half of BWSR's staff resides in one of the seven field offices.

About the Board

Creation

The Minnesota Board of Water and Soil Resources (BWSR or the Board) was formed in 1987 when the state Soil and Water Conservation Board, the Water Resources Board and the Southern Minnesota Rivers Basin Council were merged into one state agency.

Board Membership

Seventeen voting members serve on the board. The Governor appoints three county commissioners, three soil and water conservation district supervisors, three watershed district representatives and three members of the public to staggered four-year terms. A chair is designated from this group. Five additional members represent the Department of Natural Resources, the Pollution Control Agency, the Department of Health, the Department of Agriculture and the University of Minnesota.

Board Staff

The Board employs an executive director who serves as the head of agency operations. The central office in St. Paul houses nearly one-half of the staff who work in one of four sections: engineering and technical services, land and water, communications or business management. Field offices are located in Bemidji, Brainerd, Duluth, Marshall, New Ulm, Rochester and St. Paul.



This plan describes the agency's mission, tenets and strategies that are fundamental to the Board's work . . .

Plan Purpose

This strategic plan sets forth a foundation upon which agency policy and programs can be crafted to fit the current water and soil management issues. The primary responsibility Board to assist local units of government to manage their water and soil resources. This is accomplished by providing them with technical, financial and administrative assistance. To be effective, the BWSR must be responsive to local concerns and priorities.

This plan describes the agency's mission, basic tenets (principles) as well as the strategies that are fundamental to implementing the Board's work in a manner that is meaningful to local governments. It summarizes the extent and condition of the state's water and soil resources, as well as some of the industries and land uses dependent on those resources. It also examines some of the major trends influencing water and soil resources management and includes a summary of the Board's statutory responsibilities.

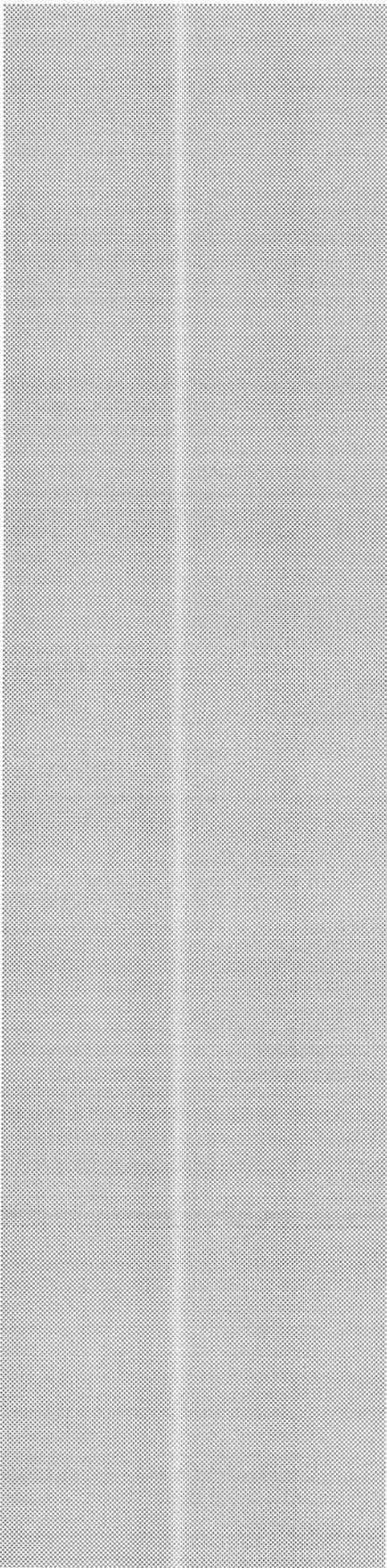
The Board's Mission

The mission of the ~~Minnesota~~ Board of Water and Soil Resources is to assist local governments (to) manage and conserve ~~our~~ (the state's) irreplaceable water and soil resources.

Minnesota's

BWSR was formed in 1987 by consolidating three smaller agencies in order to provide more efficient and effective state support to local government. This mission statement communicates the Board's focus on local government: soil and water conservation districts, watershed districts, watershed management organizations, counties, townships and cities. The Board also has strong alliances with environmental organizations, farm groups, state and federal agencies and other groups interested in water and soil stewardship. The Board works to connect these partners with the local units of government best suited to address their particular resource management concern.

While the Board's primary clientele is local governments, its' primary goal is managing and conserving water and soil resources across the state. To achieve this goal, the Board offers technical, administrative and, in some cases, financial support to local governments to help them attain their water and soil resource management goals. Ultimately, all citizens benefit from this grassroots system that protects and conserves water and soil resources.



In 1992, Minnesota Planning authored *Minnesota Milestones: A Report Card for the Future*. In this report describes a vision, drafted by the citizens of Minnesota, for the state in the year 2020. The themes contained therein that pertain to the Board's work are:

- *Our government will be responsive, effective and close to the people.*
- *We will protect and enjoy the natural world.*
- *Our economic activity will create wealth and provide a good standard of living for all our people.*

The Board's mission statement focuses on a government close to the people and the managing and protecting of our state's water and soil resources which provide both wealth and enjoyment to Minnesotans.

 The Board believes that water and soil management is best implemented at the local level, voluntarily and comprehensively and collaboratively.

Stewardship is based on landowners embracing attitudes and methods that preserve and enhance resources for the benefit of themselves and others.

Board Tenets: the Board believes that water and soil management is best implemented . . .

at the local level. Water and soil resource management is primarily a land use issue -- both in terms of the type of land use and the quality of resource management. In Minnesota, land use authority is vested primarily in local units of government. Over the past two decades, the state Legislature has reinforced this authority by passing landmark legislation for local water planning, conservation easements, conservation practice cost-sharing and wetland conservation. These legislative acts identify local units of government as the primary implementors. The federal government has also empowered state and local governments to reduce non-point source pollution and manage water and soil resource. Land use authority is one of the major forces propelling this trend.

Water, soil and other natural resources, as well as associated management issues, vary substantially from one corner of the state to another. Resource management priorities vary widely as well. Local units of government working directly with landowners, resource managers and other citizenry provide a grassroots approach to resource management. This approach tends to be realistic and address the local needs. Citizens know where and to whom to direct their comments about resource management. Resources can be targeted toward high priority problems and watersheds.

State and federal technical and financial assistance provided to and through local government helps maintain a healthy balance between statewide consistency and local flexibility for sound resource management. Involving citizens is essential to successful local resource management, as is integrating other state and federal agencies and programs that relevant to the local resource priorities.

voluntarily. Successful resource management (stewardship) is based on landowners embracing attitudes and methods that preserve and enhance resources for the benefit of themselves and others. More than 77% of the land in Minnesota is privately owned. Landowners tend to feel strongly about their right to manage the land they own as they see fit. They, and all citizens, also perceive the right to have a clean, healthy environment. Education and incentives influence individuals to voluntarily implement resource management practices that protect water and soil resources. Education provides the basis of understanding that helps

Most people want to practice stewardship and they do it most effectively when they possess knowledge, means and choice.

Natural resource issues and problems seldom follow political boundaries or are solvable by the efforts of one individual, group or agency.

Management approaches of state and federal natural resource agencies are compatible and complementary with local government roles.

landowners realize the results of their land use decisions. Incentives may help overcome any restrictions (financial or other) to changing their land use practices.

Most people want to practice stewardship and they do it most effectively when they possess knowledge, means and choice. Regulation is best used sparingly for resource management in order to provide a level playing field and ~~disincentives~~ incentives for those who choose not to do what's right for public health and safety.

comprehensively and collaboratively. The Board strives to encourage and facilitate successful partnerships that promote communication, help all levels of government cooperate, inspire creativity and build trust between partners as well as with the public. Natural resource issues and problems seldom follow political boundaries or are solvable by the efforts of one individual, group or agency. Because of this, local governments are building partnerships that expand their capacity to implement land and water resource protection. There are numerous examples of local governments working with their neighbors to achieve mutual goals. Whether through the creation of new governmental entities, formal joint powers agreements or more informal working arrangements, local governments are helping to bring people and their local political structures together to meet the challenges of managing land and water resources wisely. Local governments are not only addressing their resource priorities, they are helping to achieve state and federal goals by providing a strong local presence as well as a link to private landowners.

The management approaches of the state and federal natural resource agencies are compatible and complementary with local government roles. Three approaches include: The Department of Natural Resources' Ecosystem Based Management, the Minnesota Pollution Control Agency's Basin Management and the Minnesota Department of Agriculture's Agri-Ecoregion. These approaches afford new opportunities for local governments to team up with appropriate agencies to tap into expertise, funding and new collaborations. Local governments are an essential partner to implement natural resource protection initiatives, regardless of the management approach that is used. Effective partnerships with these agencies will enable local governments, whether they are organized along political or watershed boundaries, to assert their implementation responsibilities in an ever more effective fashion.



The Board is committed to promoting the wise use of our state's natural resources to help insure that future generations may also find such satisfaction in Minnesota's quality of life.

Minnesota's resources

Minnesota is rich with natural resources. The wealth generated from these natural resources contributes to the well being of its citizens. A healthy state economy depends on the sound management of soil, water and forest resources. The citizens of Minnesota value the quality of life that the environment and the economy have historically provided. The Board is committed to promoting the wise use of our state's natural resources to help insure that future generations may also find such satisfaction in Minnesota's quality of life.

Water

Water covers about 5 percent of Minnesota's surface area. This percentage encompasses nearly 12,000 lakes and more than 10,000 wetlands. Minnesota's rivers and streams span 25,000 miles. There are approximately 208,000 miles of shoreline in the state.

Minnesota's significant water resources include those found beneath the land surface as well. The 14 major aquifers in the state are of "glacial drift" or "bedrock" origin. Two out of every three Minnesotans rely on groundwater for their domestic water use.

There are many threats to this rich water resource. About 51 percent of the state's wetlands have been drained over the last one hundred years and losses are still occurring (BWSR - Jaschke, 1997). Of the state's lakes, that are less than 5,000 acres in size (99 percent of all lakes) only half fully support swimmable use (MPCA - Heiskary, 1997). Sediment is, by volume the greatest pollutant of our surface water. Displaced nutrients and pesticides which migrate off-site can, and in certain cases do, pose a real threat to the quality of both surface and ground water resources.

The quantity of water in the state is also of concern. "Hydrology" refers to the route precipitation takes on its way to a lake, stream, river or groundwater system. Many factors influence the hydrology of a watershed, including precipitation amounts, soils and the use of the land. Increases in either the rate or quantity of surface water runoff can escalate the transport and delivery of sediment and attached nutrients to the receiving water body and can increase flooding and erosion along water courses.

Conserving soil and enhancing soil quality is fundamental to wise natural resource management.

Water, soil and forest resources are the foundation for Minnesota's main economic industries: agriculture, tourism and forestry.

Soil

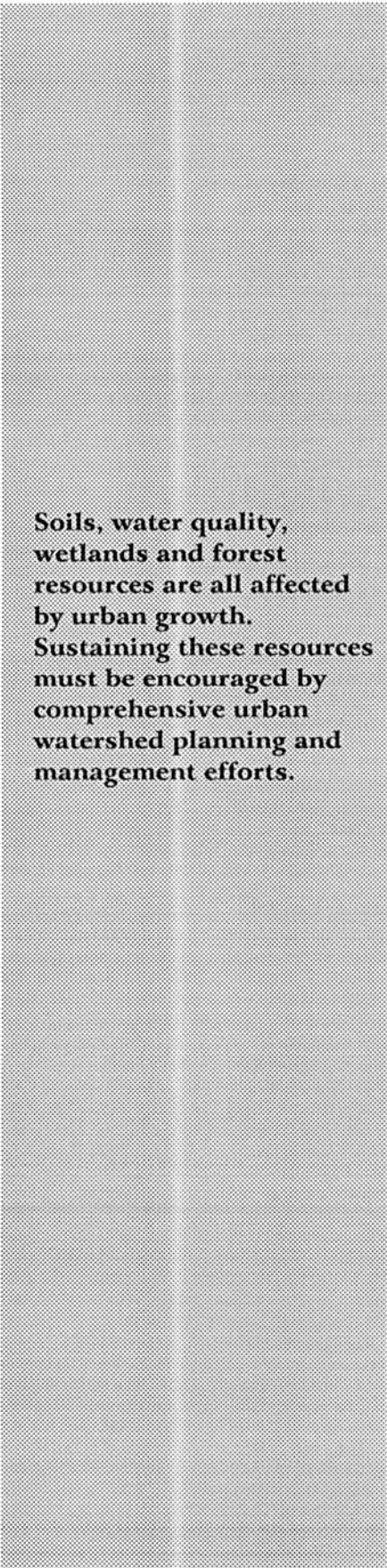
Soil is also a valuable resource in Minnesota. About one-half of Minnesota is covered by soils capable of supporting agricultural uses. Our fertile topsoil and favorable climate make Minnesota one of the outstanding crop producing regions in the United States and in the world. Soil not only functions as a medium in which to grow plants, it regulates the flow of water in the environment and it decomposes organic wastes. Conserving soil and enhancing soil quality is fundamental to wise natural resource management.

Disturbing the natural cover of the land makes it susceptible to soil erosion. The forces of wind and water erode approximately 168 million tons of Minnesota soil annually - only Texas loses more soil from cropland erosion (USDA-NRI, 1992). In urban areas, erosion generated at construction sites is estimated to be as high as 1,100 tons per acre per year (MPCA-Protecting Water Quality in Urban Areas, 10/89).

Economic and Land Uses Dependent on Water and Soil Resources

Water, soil and forest resources are the foundation for Minnesota's main economic industries. The history of Minnesota's development is deeply rooted in *Agriculture*. It remains a dominant land use - nearly 43 percent of Minnesota's surface area in cropland or pastureland (Natural Resource Inventory, 1992 NRCS-USDA). Every region of the state has land devoted to raising crops and livestock, including approximately one half of the seven county metropolitan (metro) area. In 1993, the state ranked seventh in the nation for total cash receipts from crops, livestock and livestock products, with about \$7 billion generated annually from 1991-93 (Minnesota Agricultural Statistics 1996, MDA). In 1996, 162,000 jobs in Minnesota were directly related to farming and food production, and 257,000 more were indirectly related to agriculture (MDA, Commissioner's Office, 1997).

The *Travel and Tourism Industry* is also a significant contributor to Minnesota's economy. The industry generates approximately 133,000 jobs, 2.8 billion in wages and salaries and \$6.9 billion in gross receipts (Minnesota Office of Tourism, April 1996.) Water-related activities are major contributors to the tourism industry with purchases generating \$1.9 billion for businesses and generating about \$128 million for the state from fees and taxes (Minnesota Office of Tourism, Todd, 1989). With a significant portion of the state's economy dependent on water-related outdoor recreation, the need to protect and improve water quality becomes obvious.



Soils, water quality, wetlands and forest resources are all affected by urban growth. Sustaining these resources must be encouraged by comprehensive urban watershed planning and management efforts.

For well over a century, the *Forest Industry* in the state has continued to thrive. According to Minnesota's Forest Resource Plan, the forest products industry directly provides 58,960 jobs in the state. In addition to those jobs, indirect influences generate about 111,000 jobs, \$2.8 billion in employee compensation and \$10.1 billion in total industry output (Minnesota Department of Natural Resources, Division of Forestry, 1995). *Agroforestry* is an important component of the forest industry. Agroforestry means putting trees and shrubs to work in both rural areas and communities. Working trees are trees planted for specific purposes, usually conservation-related. The tree plantings can be designed to serve as a windbreak, a living snow fence, a buffer strip to protect water resources, a high value crop (e.g., nuts, pulp), fuel wood plantations or wildlife habitats.

While *Urban Growth* is not an economic industry per se, the geographic area of the cities of Saint Paul and Minneapolis, along with numerous suburbs of these cities, cannot be overlooked as the economic nucleus of the state. The seven county metro region encompasses only 5 percent of the land in the state, yet it is home to more than one-half of the state's four million residents. About 65 percent of the property value in the state of Minnesota is found within the metro area. Building permits may be seen as indicators of economic growth. Of all the permits applied for in the state during 1990 and 1991, 59 percent were located in the metro area. Soils, water quality, wetlands and forest resources are all affected by urban growth. Sustaining these resources must be encouraged by comprehensive urban watershed planning and management efforts.

Trends affecting water & soil management:

- ✧ Governance close to the citizens.
- ✧ Managing resources at the watershed level.
- ✧ Redefining rural Minnesota.

The Trends Shaping the Future

The Board believes the following trends must be considered when making decisions as to how water and soil resources should be managed in the state.

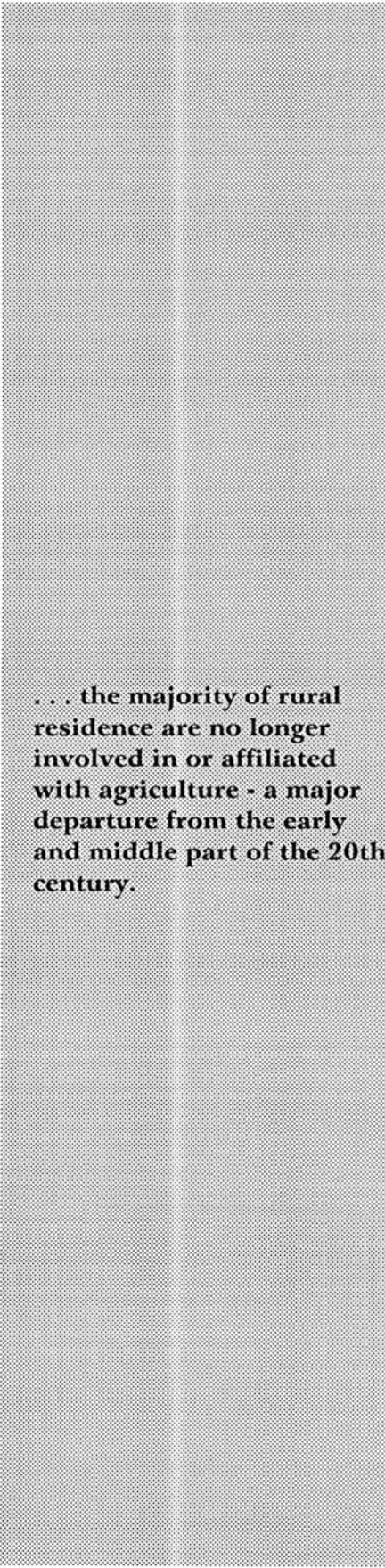
As a society, we continue to move toward *governance close to the citizens*. The Board sees three primary catalysts for placing more authority and responsibility with local units of government:

- an increase in local government budgets and staff relative to state and federal budgets and staff;
- the mingling of country and city; and
- the involvement of citizens in different ways than in the past.

As state and federal budget and staff outlays slow their rate of increase, the responsibilities with which they have been charged with are being passed to local government - often without adequate funding to carry them out. To insure that responsibilities are successfully met, administrative dollars must be passed from the federal government to the states, which can then pass them to the local units of government best equipped to solve the problems. States have the important role of transferring the dollars, programs and policies to local units of government and insuring that those units carry out the responsibilities imparted to them.

Governance at the local level is also being propelled as the country and the city are becoming increasingly intertwined, physically and socially. Increasing numbers of people are moving to the country. Open spaces, bluffslands and woodlands are being developed to home sites. Consequently, rural homeowners, like their urban counterparts, have more interaction with their neighbors. Disputes may arise, particularly regarding land use issues. Local government is called upon first to resolve any such conflicts. Citizens may look to environmental standards and regulations as possible solutions to land use disputes.

Many local citizens are becoming involved in issues pertaining to the environment. They see a healthy environment as economically and socially beneficial to their well being. Per capita income has been steadily rising in Minnesota, as has the number of environmentally-educated citizens. There appears to be a link between these circumstances and the increased involvement of citizens in environmental issues. Some people look to local governmental units as the appropriate body to address environmental problems while others have a mistrust of local government and favor state or federal intervention.



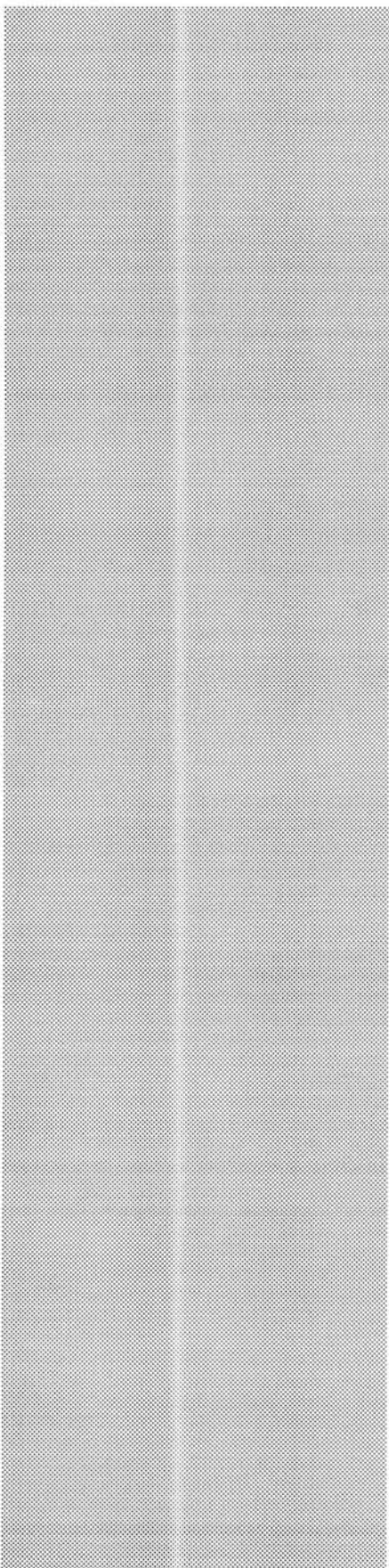
... the majority of rural residence are no longer involved in or affiliated with agriculture - a major departure from the early and middle part of the 20th century.

environmental problems while others have a mistrust of local government and favor state or federal intervention.

Managing resources at the watershed level is becoming increasingly recognized as a wise management scale. The most efficient use of human and financial resources is to treat problems in the context of an integrated resource management approach. Cumulative impacts on water and soil resources require that we approach problems from a resource, rather than a political, perspective. Watershed level management precipitates ***integration and collaboration of efforts*** and encourages agencies, local units of government and community members work together to craft solutions to natural resource management problems. As competition for financial and technical resources increases, the advantage will go to the projects that have a high level of collaboration among a diverse group of partners.

Redefining of Rural Minnesota. Rural Minnesota is changing. Recent surveys by the USDA indicate that the **majority** of rural residents are no longer involved in or affiliated with agriculture - a major departure from the early and middle part of the 20th century. Those who are involved in agriculture often no longer fit the traditional view of "farmer." In agricultural operations, as in other industries, there is a trend toward specialization and increased size. Many landowners are retired, live or work away from the farm and much of the cropland is rented to others. Of those actively farming, the median age is 58 years - this means that in the next 10-20 years nearly half of all American farmland will most likely change ownership. Fewer people manage larger tracts of land. These acres will continue to account for the bulk of agricultural production and income. Conversely, small tract ownership in agriculture and forested landscapes is also rapidly increasing. The owners of these small parcels have conservation needs on their lands which often require different solutions or approaches than those of larger scale producers.

Finally, ***technology*** has, and will continue to change how we do business. The Board must show leadership to timely adapt new technologies to water and soil management implementation efforts.



Strategies

1. Encourage local resource planning and protection efforts. The Board will accomplish this strategy by continuing to use **comprehensive local water planning** as the primary mean to plan for and implement water and soil resource protection strategies. The local water planning process is an effective way to define the roles and responsibilities of each of the local resource partners in a county or watershed management organization, and for establishing measures of success. This process also enables state and federal agencies to align their programs, authorities, and technical and financial assistance with local government resource priorities, and increase the efficiency of individual efforts.

The Board will continue to assist local units of government to plan and implement their responsibilities using a **watershed-based management** approach. The Board recognizes that implementing watershed protection requires that local units of government take action. Such commitment to action is a political decision by a political body. The Board believes the key to comprehensive watershed resource management is to bring political units together so that problems are not addressed as isolated cases but as part of an integrated and collaborative effort. The result should be a more effective and efficient use of valuable human and financial resources.

2. Support local resource management activities. The Board will accomplish this strategy by providing a forum to foster working relationships among state, regional and local units of government, and to maximize local government effectiveness in attaining mutual land and water management goals. The Board will share information and facilitate discussions with and among local governments to help them build on their successes, initiate new cooperative ventures and explore alternative organizational options. The Board will provide information and education support to local governments outreach efforts.

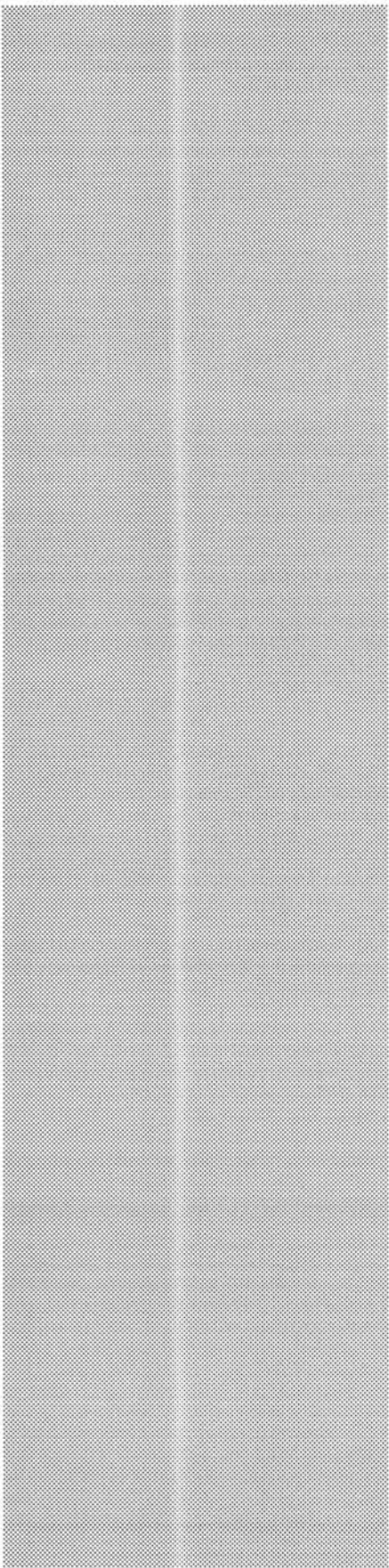
As resource management trends and needs evolve, so must state programs. The Board will work with local units of government to maintain and **enhance the efficiency and effectiveness** of the resource management programs it administers. The Board will involve local units of government and other partners in periodically updating program rules and procedures, including reporting requirements, in order to foster efficient local implementation while maintaining accountability and the ability to measure success. The Board will also periodically assess, in cooperation with the local units of government served, their ability to administer

... the majority of rural residence are no longer involved in or affiliated with agriculture - a major departure from the early and middle part of the 20th century.

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Finally, ***technology*** has, and will continue to change how we do business. The Board will proceed with providing timely leadership to adapt new technologies to water and soil management efforts. Competition for funds to update hardware and software, and to secure the expertise to effectively use them, will intensify. The Board has a responsibility to inform, share and, in some cases, furnish the latest advances in effective electronic communications with local units of government, as well as with cooperating state and federal agencies. Use of tools such as the Internet and technical software can maximize efficiency and accuracy of conservation application and program administration. BWSR and local government decision-makers need access to these technologies to assist in making soil and water management decisions that will support changing societal needs and protect the environment.



programs to effectively address current high priority resource management needs. The Board will strive to allocate financial, technical and administrative support to achieve the best return on the investments of all involved. Innovation, streamlining, flexibility, teamwork, customer service and results will be characteristics promoted within and through the programs administered by the Board.

3. Develop and maintain our capability to deliver competent service to local units of government.

Technical capability in the areas of soil conservation, engineering, wetlands, groundwater, information management, communication, planning and administration are crucial to the mission of the Board. This strategy will be accomplished by developing and maintaining the capability of staff and Board members to provide competent technical and leadership assistance to local units of government for water and soil resource management. The Board will maintain an organization that attracts, develops and maintains highly qualified members, including both generalists and specialists who, together, will effectively carry out the Board's mission.

The Board recognizes the critical relationships between soil conservation, soil quality and water quality and water quantity. The Board will support ongoing efforts and seek opportunities to develop and carry out new initiatives that give local units of government tools to address these issues.

Addendum

Board Responsibilities

The Board of water and soil resources' (Board) responsibilities can be found throughout Minnesota Statutes, Chapter 103, which pertains to water. Listed below are the references to policies or procedures that are germane to the Board. Normal type indicates the text has been transcribed as it appears in the statute. *Italic* text indicates the statute has been paraphrased to highlight the subjects found within the statutory reference.

General Policies

103A.204 Groundwater policy

Outlines the various state agencies' responsibilities in terms of groundwater protection. The Board of water and soil resources has the responsibility to report on groundwater education and outreach with local government officials, local water planning and management, and local cost share programs.

103A.206 Soil and Water Conservation Policy

Improper land use practices have caused serious wind and water erosion of the land of this state, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have the responsibility to implement practices to correct these conditions and conserve the soil and water resources of the state. It is the policy of the state to encourage land occupiers to conserve soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, ensure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands.

103a.209 Marginal, Erodible Land Retirement Policy

It is state policy to encourage the retirement of marginal, highly erodible land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

103A.211 Water law policy

The water law of this state is contained in many statutes that must be considered as a whole to systematically administer water policy for the public welfare. . .

103A.301 to Determination of Water law and Policy

103A.341 *Gives authority for the Board to intervene in a proceeding (a procedure under any of the laws listed in 103A.305, jurisdiction) if a petition is filed with the Board for referral of a question of water policy involved in the proceeding and lays out the procedure the Board follows to make a policy determination.*

General Board Responsibilities

103B.101 Board of Water and Soil Resources. Establishes the Board and defines the following duties:

- 1) *coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;*
- 2) *facilitate communication and coordination among state agencies in cooperation with the environmental quality Board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in soil and water resources management available to the local units of government to the greatest extent possible;*
- 3) *coordinate state and local interests with respect to the study in southwestern Minnesota under U.S. Code, title 16, section 1009;*
- 4) *develop information and education programs designed to increase awareness of water and soil resource problems and awareness of opportunities for local government involvement in preventing or solving them;*
- 5) *provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;*

- 6) *adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and*
- 7) *report to the governor and the legislature by October 15 of each even-numbered year with an assessment of Board programs and recommendations for any program changes and Board membership changes necessary to improve state and local efforts in water and soil resources management.*

In addition to these duties the Board must establish a dispute resolution committee to hear and resolve disputes, appeals and interventions pertaining to water law and policy.

Local Water Planning

103B.201 to Metropolitan Surface Water Management

103B.251 *These sections outline the purpose of water management planning in the metropolitan area and provide direction regarding watershed management organizations and watershed plans. It gives joint powers watershed management organizations the authority to prepare, adopt and implement a plan for the watershed; to review and approve local water management plans; to, under certain conditions, regulate land use; and other authorities pertaining to budgets, assessments and contracts. It requires that the Board adopt rules prescribing minimum requirements for the content of watershed management organization joint powers agreements. A watershed management plan must be prepared for all watersheds wholly or partially within the metropolitan area. The plan must be reviewed by the Board and other state agencies. The Board has the authority to disapprove all or parts of a plan. The watershed management organization is responsible for preparing and implementing the plan. If the watershed management organization is terminated or the Board determines they are not implementing the plan, counties or cities can petition to establish a watershed district under chapter 103D. Persons believing there has been a failure to comply with a plan may request the Board review the plan and its implementation and act according to a procedure established to resolve disputes and making an implementation compliance determination. The Board is directed to adopt rules establishing the requirements for annual financial reports to the Board, standards for annual financial audits and requirements for the content of activity reports.*

103B.252 Groundwater Management

This section outlines the authority and procedures for counties to prepare and adopt groundwater plans including advisory committees, general standards, contents, review, approval, adoption and implementation, amendments and property tax levies.

103B.301 to Comprehensive Local Water Planning and Management

103B.335 *These sections encourage counties outside of the metropolitan area to prepare, adopt and implement a comprehensive water plan. The process must be completed in coordination with local government units and contiguous counties. The Board must review the draft plan and all written comments received regarding the plan in consultation with other state agencies involved in resource management. The Board may disapprove a comprehensive water plan if they determine it is not consistent with state law. The Board shall:*

- 1) *develop guidelines for the contents of the comprehensive plan that provide a flexible approach to meeting the resource needs;*
- 2) *coordinate the planning assistance provided by state agencies;*
- 3) *provide education & information about the planning process;*
- 4) *determine contested cases;*
- 5) *establish a review process;*
- 6) *report to the legislature;*
- 7) *make grants to counties for comprehensive local water planning, implementation of priority actions and sealing of abandoned wells.*

103B.3369 Local Water Resources Protection and Management Program

This section authorizes the Board to provide financial assistance to counties for activities that protect or manage water and related land quality. Outlines how counties request funds, the contracts between the state and the county and what the grants may be used for. It directs the Board to adopt rules and gives guidance regarding what requests the Board will give priority to.

103B.345 Resolution of Disputes

Provides that counties or other local units of government can request the Board to informally, or through a hearing, resolve a dispute pertaining to: 1) the interpretation and implementation of a local comprehensive water plan; 2) two or more counties disagreeing about the apportionment of the costs of a project; or 3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control.

Soil and Water Conservation Districts

103C.401 Duties of the State Board. *The state Board shall:*

- 1) Offer to assist the district Boards to implement their programs . . .*
- 2) Keep the district Boards informed of the activities and experience of other districts and facilitate cooperation and an interchange of advice and experience.*
- 3) Coordinate the programs and activities of the districts with appropriate agencies by advice and consultation.*
- 4) Approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state Board.*
- 5) Secure the cooperation and assistance of agencies in the work of the districts. . .*
- 6) compliance with statewide programs and policies established by the state Board by advice, consultation and approval of grant agreements with the districts.*
- 7) Provide operating funds to districts as provided by the legislature.*

Watershed Districts

103D.101 Board of Water and Soil Resources. *This section authorizes the Board to:*

- 1) Establish a watershed district b) define its boundaries c) appoint the first Board of managers.*
- 2) The Board has the right to hold hearings, subpoena witnesses, examine and cross examine witnesses.*
- 3) The Board must keep and maintain a record of all proceedings.*

Throughout this chapter are procedures to establish the watershed district, to change watershed district boundaries, to consolidate or terminate watershed districts and to appoint managers.

Protection of Water Resources

103C.501 Cost-Sharing Contracts

This section authorizes the state Board to allocate funds to districts to share the cost of conservation practices and says how districts request funds, how the state approves requests and allocates funds and the terms of the contract between the district and the landowner requesting funds. Also requires the state Board to adopt administrative rules.

103F.171 Southern Minnesota Rivers Basin Area II (Study Area II)

This section describes a pilot program to provide technical and financial assistance to local units of government for floodwater retarding and retention, and assigns associated administrative responsibilities.

103F.401 Soil Erosion

to 103F.460 *These sections give local units of government (that have planning and zoning authority) the authority to adopt a soil loss ordinance. It says the Board will adopt a model ordinance and rules to guide local governments to implement soil loss controls, and the Board shall review the model ordinance and rules, in cooperation with local government, every five years.*

103F.461 Groundwater Education

This section states that the Board shall biennially review groundwater education activities with local units of government and develop recommendations for improvement and submit a report containing such information to the environmental quality Board for review. The report must be coordinated with the Minnesota environmental education advisor Board and the pollution control agency. The Board is given the authority to give grants for innovative groundwater education strategies.

103F.501 Reinvest in Minnesota Resources Act

to 103F.515 *These sections authorize the Board to enter into conservation easements with private landowners to keep marginal agricultural land out of crop production to protect soil and water quality and support fish and wildlife habitats. It encourages the retirement of land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production. The act explains 1) eligible land; 2) conservation easements and the nature of the property rights acquired; 3) agreements by a landowner; 4) payments for easement and cover; 5) easement renewal; 6) correction of boundaries; and 7) enforcement.*

103F.515 Permanent Wetlands Preserve Act

to 103F.521 *These sections authorize the Board to enter into conservation easements with private landowners on lands containing type 1,2,3, or 6 wetlands. The act explains 1) easements; 2) the nature of the property rights acquired; 3) payments; 4) cooperation; and 5) technical assistance.*

Protection of Wetlands

103B.3355 Wetland Functions for determining public values

This section outlines how to determine the public values of a wetland based on functions of wetlands for water quality, floodwater and stormwater retention, public recreation, commercial uses, habitats, low-flow augmentation and other public uses. The Board is given the authority to adopt rules citing what methods and criteria will be used to make such determinations.

103F.901 Wetlands Establishment and Restoration Program

to 103F.905 *These sections allow a landowner to apply to restore a wetland on their property provided it is within a Board-designated high priority wetland region and identified as a high priority wetland area in the local comprehensive water plan. It outlines the procedures in which the application is reviewed and approved, and outlines the cost-share assistance available.*

103G.222 Replacement of Wetlands

to 103G.2241 *These sections legislate that wetlands cannot be drained or filled without restoring or creating wetland areas of at least equal public value in accordance with a local comprehensive wetland protection and management plan approved by the Board. The Board must maintain a public list of restoration opportunities within the metropolitan area. Disputes about restoration opportunities for wetland replacement may be appealed to the Board's committee for dispute resolution. For new transportation projects wetland credits may be purchased from the wetland bank (103G.2242). The Board receives reports of wetland impacts on existing public transportation projects and must replace the lost wetland areas.*

103G.2242 Wetland value replacement plans

This section directs the Board to adopt rules governing the approval of wetland value replacement plans and addressing criteria, procedure, timing and location of acceptable replacement wetland values. In addition, the rules may address the establishment and administration of a wetland banking program. Evaluation of replacement plans is done by a technical evaluation panel that includes an employee of the Board. Appeals of replacement plans, exemptions or no-loss decisions may be made to the Board. The Board must decide whether to grant the petition and hear the appeal. All appeals are heard by the committee for dispute resolution of the Board. A wetland heritage advisory committee, established by the governor, will advise the Board on the development of rules and implementation of the program.

103G.2243 Local comprehensive wetland protection and management plans

This section provides an alternative to replacement plans as required in 103G.2242 and public value criteria in 103B.3355. Local governments can develop and seek Board approval of a local comprehensive wetland protection and management plan follows the general requirements and plan contents identified in this section.

103G.237 Compensation for loss of private use

This section authorizes the Board to compensate landowners for the loss of private use provided they meet eligibility requirements and apply for compensation.

103G.2373 Annual wetlands report

This section requires the Board and the commissioner of the department of natural resources jointly prepare a report to the legislature regarding the status of implementing state laws and programs relating to wetlands, the quantity, quality, acreage, types and public value of wetlands in the state and the changes in those figures from the previous reporting year.

August 13, 1997

TO: Board Members

FR: Tim Fredbo, Easement Program Manager



RE: Land Exchange, RIM Easement 74-02-93-02

BACKGROUND:

Robert Cole is requesting a land exchange on his 35.7 acre wetland restoration easement in the NE corner of Section 7, Medford Twp., in Steele County. A copy of his June 16, 1997 letter is included as *Attachment 1*. The purpose of Mr. Cole's request is to accommodate the sale of his property to a prospective buyer, Terry Yule, who needs a larger building site than the existing 2 acres available.

Mr. Cole, along with Mr. Yule, wants to remove 6.6 acres from the current easement area and replace it with 6.8 acres of adjacent marginal cropland, and 2 acres of existing grassland (8.8 acres total). These acreages are not consistent with the acreage figures contained in Mr. Cole's letter because the area has been revised based on negotiations with the DNR and SWCD. The area to be released from our RIM easement has been reduced from 7.5 acres to 6.6 acres. The most recent proposal with current acreages is included as *Attachment 2*. Mr. Cole has agreed to establish native grasses, at his expense, on parcel C as per a conservation plan developed by the SWCD.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

RIM rules require that the local SWCD Board and the DNR Area Wildlife Manager consider a landowners request to alter an easement area. The Steele SWCD Board considered the Cole request at their June 4, 1997 meeting. Mr. Cole's request was endorsed by the Board as long as the area added would be seeded to native grasses and MR. Cole bear the responsibility for any costs involved. A copy of their minutes is included as *Attachment 3*.

Jeanine Vorland, DNR Area Wildlife Manager, has also considered the Cole's request (*Attachment 4*). It is her belief that this proposed change to the easement area will decrease the value of the RIM parcel for wildlife due to the more fragmented shape of the easement area and the increased residential development on the site. Ms. Vorland also states in her letter that the proposed easement configuration will be less able to buffer the wetland from non-point source pollution. As a result of the DNR's concerns, Cole and Yule have reduced the size of the area to be released by .9 acres and increased the marginal cropland acres to be added to the easement area (area C) by 1.3 acres. This results in a net gain of 2.2 perpetual easement acres.

FINDINGS:

The acreage exchange being proposed, while not wholly endorsed by the DNR Wildlife Manager, does offer some distinct benefits:

1. Total perpetual easement area will be increasing by 2.2 acres, from 35.7 to 37.9, at no additional cost.
2. By moving the building site to area A, direct runoff from any future residential land-use activities will no longer drain directly to the restored wetland as they would with development of parcel B. More than 90% of the proposed non-easement area (areas A and D) would be outside the restored wetlands drainage area.
3. Taking area C under easement would be good use of this land as it is quite marginal with steep erodible slopes that are currently being row cropped.
4. By agreeing to the easement configuration as proposed, we would be effectively limiting the potential for future building around the restored wetland to one site instead of two. If the land exchange being proposed is not approved, the potential exists for both sites B and C to be developed if someone else purchases the property.

The DNR Area Wildlife Manager has concerns, but the reconfigured easement will still provide more than adequate habitat. The easement will still meet specifications for habitat size and configuration as contained in the field office technical guide NRCS practice standards for "Wildlife Upland habitat Management", and "Wildlife Wetland Habitat Management". The RIM program requires that NRCS standards and specifications be used when establishing conservation cover practices on easement land. The reconfigured easement will also limit future development activities to one site which equates to less potential for wildlife disturbance.

STAFF RECOMMENDATION:

Approve of Mr. Cole's request to reconfigure his easement area. We will be satisfying the needs of our easement program landowner, while still achieving the soil erosion, water quality and wildlife habitat management goals established for the RIM program.

RECEIVED

JUN 17 1997

June 16, 1997

Board of Water & Soil Resources
Attn: Mr. Tim Fredbo
Dept. of Agriculture
One West Water St. Suite #200
St. Paul, MN 55107

Dear Mr. Fredbo:

I am writing in regard to my RIM Reserve Easement No. 74-02-93-02 located in Section 7 of Medford Township.

Due to a change in my future plans for my property which adjoins the Easement Area, I am requesting that my easement be amended as follows and as indicated on the enclosed photo.

Release: Area A consisting of 7.5 acres from the easement.

Include: Areas B and C consisting of 7.5 acres in the easement area. Area B presently consists of a 1.0 acre tree planting and 1.0 acre of cool season grasses. Area C which is 5.5 acres is presently cropland. I am willing to establish native grasses on the 1.0 acre of Area B and the 5.5 acres of Area C, if my request is granted.

I have worked with Dan Arndt, SWCD Manager, on this proposal and he is familiar with it. If you have any detailed questions about my proposal, you can call myself (507-451-1387) or Dan (507-451-6730).

Please advise me to your decision.

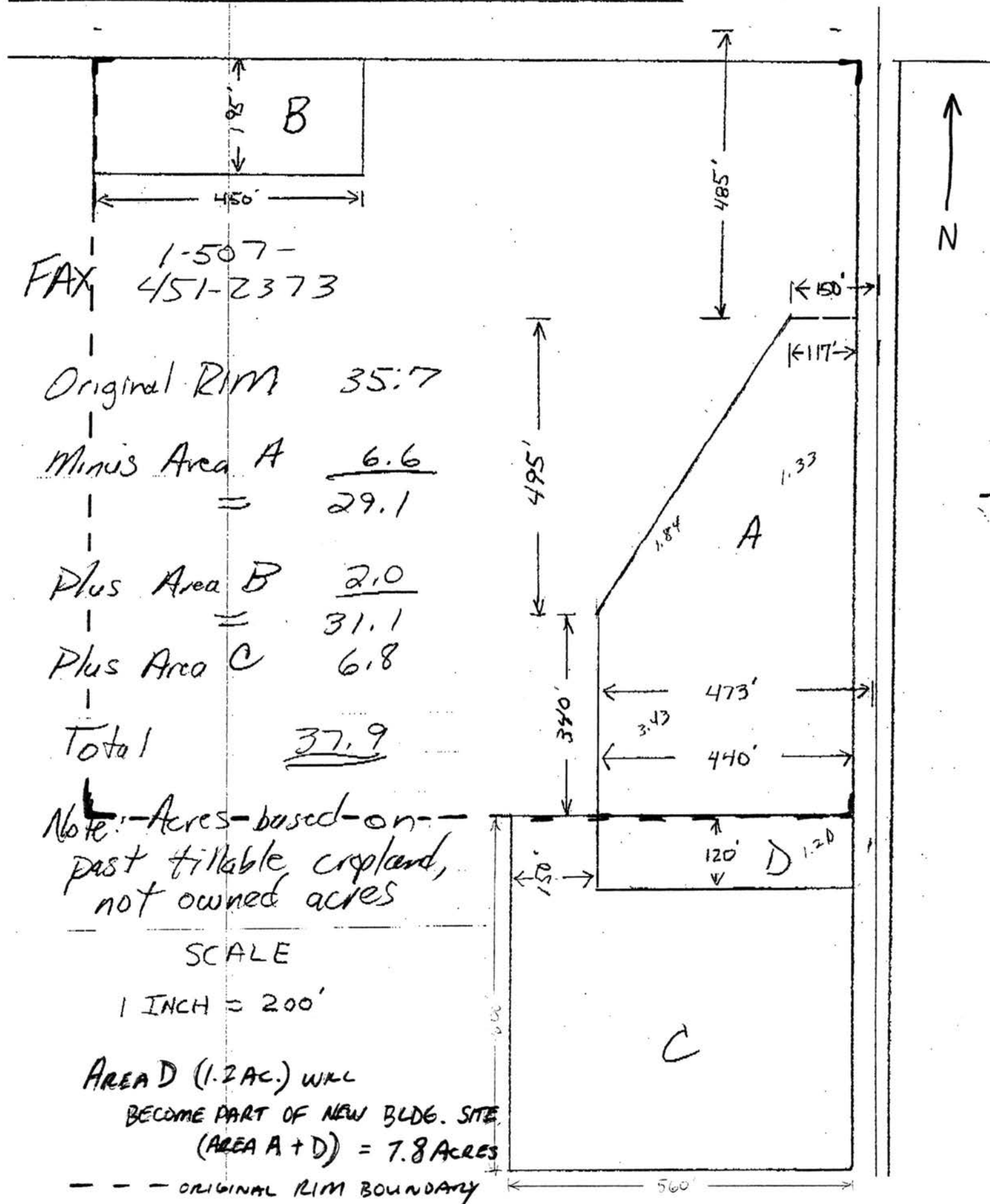
Sincerely,



Robert Cole
7596 NW 40th Street
Owatonna, MN 55060

Kodori Corp

Rim Reserve Easement 74-02-93-02



Steele Co. Soil & Water Cons. Dist. Bd. of Supervisors Mtg. June 4, 1997 Page 3

5. State Cost-Share (97) : Eric Gulbransen presented 2(97) James Ebeling for \$1,586.62 and 3(97) to Robert Cole for \$2,450.87.

Cary Berg - 2(96) for \$5,683.32. Moved by Ihlenfeld, seconded by Stadheim to pay these amounts for state cost-share. Affirmative: Ihlenfeld, Klecker, Stadheim and Wilker. Opposed: none. Carried.
6. Protected Permits: Dan Arndt presented 3 protected permits: #97-5081 for the MN DNR Wildlife for a repair structure or dam; #97-5087 - City of Owatonna for bridge in Mineral Springs Park to replace the drive through water roadway; #97-5088 - City of Owatonna - to construct a new walk-way bridge at north end of Riverwood Drive. Dan will be looking at two of these sites for further determinations.
-  7. RIM Easement Amendment - Robert Cole: Cole is asking to take out a portion of his easement land (7.5 acres) and replace it with another 7.5 acres adjacent to the RIM site. After much discussion it was moved by Wilker, seconded by Ihlenfeld to accept this if he promises to pay any hidden costs that may arise and also to seed it down to native grasses. Affirmative: Ihlenfeld, Klecker, Stadheim and Wilker. Opposed: none. Carried.
8. Steele Co. Conservation Tour: A tour for supervisors, FSA committee people, agency people and staff will be held on June 24th starting about 2:30 p.m.
9. Dodge SWCD 50th Anniversary Tour: On June 18th there will be a tour observing the Dodge SWCD's 50th anniversary. Supervisors and staff are invited. There are four signed up to attend now, if more would like to go please call Sue and she will call in for registrations.
10. Resolutions Meeting, June 26th: It will be held at the Olmsted County Fair grounds at 7:30. Posters will be judged. Resolutions from Area 7 will be discussed. Steele County will put together a resolution addressing lowering RIM & Wetland Reserve land taxes in the state.
11. Handouts: Sue Condon handed out material found in the manuals (duties of the SWCD officers and the SWCD responsibilities for a board meeting.) She stated that if the supervisors did not have these current pages in their manuals, to please bring in the manuals so they can be updated.

Staff Reports: Eric reported that there is now a need for storage for the tree planter. Gary Wilson volunteered storage space for the planter.

Agency Reports: Noel informed the supervisors that R. Brent Pannell is now working in the office. He is a trainee from Oklahoma and will be here during the summer months.



Minnesota Department of Natural Resources
Owatonna Area Wildlife Office
8485 Rose Street
Owatonna, Minnesota
(507) 455-5841
(507) 455-5870

ATTACHMENT 4
RECEIVED

JUL 07 1997

30 June 1997

File No: 1640-002-74

Dan Arndt
Steele County Soil and Water Conservationist
235 Cedardale Drive SE
Owatonna, Minnesota 55060

Dear Dan:

Re: Proposed Changes to RIM Reserve Easement 74-02-93-02, Section 7, Medford Township, Steele County, Robert Cole

I have reviewed the changes proposed for RIM Reserve Easement 74-02-93-02 in Section 7, Medford Township. The proposal is to release 7.5 acres from the existing easement and replace these acres with 2 acres northwest of the existing easement and 5.5 acres south of the existing easement. Six and one half acres of the new easement area would be replanted to native grasses.

I believe the proposed changes will significantly decrease the value of the RIM reserve tract for wildlife. Currently, the conservation easement protects a 35.7 acre block of habitat with a minimal amount of edge. While the acres of habitat would be replaced, the proposal calls for a much more fragmented cover area, resulting in narrow strips of cover and significant increases in edge to habitat ratio. This type of fragmentation tends to be deleterious for many species of wildlife, particularly ground nesting birds such as mallards and blue-winged teal. Strip habitats are easier for predators to search and are more vulnerable to intrusions from people and pets. While planting native grasses is a very desirable cover practice, I doubt that it would mitigate for the lost habitat value caused by the redesign of the reserve acres. In addition, the strip cover is less able to buffer the wetland from pollution.

Residential development adjacent to natural habitat areas generally diminishes the value of these areas for wildlife, primarily due to disturbance caused by people and pets. If development is to take place, it is probably better to group building sites to concentrate the negative impacts to a smaller proportion of the unit. The existing easement configuration does a much better job of protecting the wetland and wildlife habitat values of the area.

Thank you for the opportunity to comment. Feel free to contact me if you have questions or need more information.

Sincerely,

Jeanine Vorland
Area Wildlife Manager

JV

c: Minnesota Water and Soil Resources Board Members



NEW BUSINESS #2

A Proposal to Gain Funding for Limited Duration R.I.M. Easements on Riparian Sites

Recent flooding in the Red River Valley has caused severe damage in the riparian areas adjacent to rivers, coulees and drainage systems. In addition to the problems the eroded areas present, the resulting sediment poses its own set of problems related to water quality and sediment deposits.

ARGUMENT: The R.I.M. program has a lot to offer in the protection of these very vulnerable sites. However with the emphasis being put on perpetual easements this program has experienced very limited acceptance in Northwestern Minnesota. Reasons for this non-acceptance range from the general lack of interest of land owners because of the permanency of one's decision (many first and second generation owners), to the concern of the county commissioners of it's effect on the values and the tax base, to the large amounts of public lands within the counties.

Although these easements would be of limited duration, the resource protection they would provide would be of more value than perpetual easements in some cases: Examples: 1.) Management Techniques limited duration easement sites would receive a greater degree of management to allow for future use options, 2.) Environmental Value of the Sites Offered - generally, only the most marginal land is offered for perpetual easements, while higher value land (both environmentally and economically) may be enrolled in limited duration easements.

RECOMMENDATIONS: Due to the fact that these areas are in need of protection and perpetual easements are not being widely accepted plus by the response shown last year by land owners in the limited duration easements offered in certain counties in The Red River Valley, we recommend that limited duration riparian R.I.M. applications be considered in all future sign ups, regardless of flood damages or other natural disasters.

Partnering with other local government units will be pursued such as Watershed Districts, County Emergency Services and SRF Joint Powers Boards. Outcomes of this partnering will include defining the locations of major concern, additional technical assistance and financial assistance.

Although this proposal is for limited duration easements, perpetual easements will still be a priority so long as the resource protection is greater. We recommend that these easements be considered just as important as perpetual easements. All easements should be considered on the basis of the value of resource protection they provide, rather than on the contract life.

**We would like to thank the BWSR for allowing limited duration easements on flood damaged land in the Red River Valley this past year. By allowing 20 year easements for riparian areas under the R.I.M. program, these areas will be benefiting from reduced erosion and sedimentation and less nutrient runoff while providing wildlife habitat.*

FY 98 NON POINT ENGINEERING ASSISTANCE BASE GRANTS

BACKGROUND

Non Point Engineering Assistance (NPEA) funds were first appropriated to the BWSR for FY 95, coinciding with the launching of the State Revolving Fund (SRF) Loan Program for non point pollution abatement. These NPEA funds were then granted to the 11 newly organized SWCD joint powers boards (JPB). It is the intent of the BWSR to fully fund the employment of an engineer and technician in each JPB, to the extent that funds will allow.

FY 95 and 96 appropriations to BWSR were allocated equally to all 11 JPBs in the form of grants and equipment. Because of factors including, the uneven statewide allocation of SRF loans, the reluctance or difficulty of some JPBs to hire or retain staff, and differences in JPB operating costs, some JPBs had to operate on very tight budgets while others had large fund balances at the end of the FY.

FY 97 grants were related to the costs associated for the length of time a JPB had employed an engineer and technician and calculating the amount of additional funds the JPB needed for FY 97. The BWSR and staff received criticism of this allocation, mainly because JPBs felt they did not have the opportunity to provide input into the allocation process and BWSR staff did not adequately communicate with them NPEA program expectations.

ISSUE

Beginning early last winter, the BWSR convened the NPEA Committee. This action began a series of meetings with representatives of all JPBs, the MASWCD, and the MDA. The primary purpose of this Committee was cooperatively to determine the FY 98-99 NPEA allocation procedure/method to recommend to the BWSR. On May 30, 1997, this Committee recommended an allocation procedure for BWSR consideration.

The basis of this proposed allocation procedure is to annually reconcile base grants by reducing current grants by any portion of past grants that remain unspent. This procedure will prevent JPBs from building up large fund balances that are not utilized for providing local technical assistance. During NPEA Committee meetings, it was successfully communicated to the JPBs that BWSR fully intends to annually fund the cost of employing an engineer and technician, to the extent that funds will allow. The allocation procedure also includes the following features:

- * Each JPB will complete and submit a one page annual budget request form (enclosed) and a financial report, which must be approved by their Board Conservationist and the BWSR SWCD Accounting Coordinator, respectively. Budget requests are then reviewed by Central Office staff.

- * All JPBs will receive \$18,373 (\$202,103 total) as a preliminary FY 98 base grant. The source of these funds is from remaining unspent FY 97 MPCA NRBG funds. The MPCA approved using these funds for NPEA because JPBs provide considerable feedlot assistance. (These grants have already been allocated because they became no longer available to BWSR after June 30,

1997.) This is a one-time only grant.

* All JPBs will be allowed \$5,500 for administrative expenses. This is the maximum amount of the grant that can be used for administration. It is up to the JPB to decide how this amount will be spent. The BWSR will not be involved in micro-managing JPB administration costs.

* Any remaining BWSR base grant funds from a previous year will be subtracted from the FY 98 request.

* All JPBs will be allowed a \$30,000 operating reserve. The primary purpose of this reserve is to pay for operating expenses between future grants and to pay for emergency expenses. This is a \$10,000 increase over the FY 97 grant and is for one-time only.

* The FY 97 NPEA base grant agreement expires August 31, 1997. This grant agreement will be extended to June 30, 1998. This extension will allow unspent FY 97 grant funds to be used in FY 98, instead of having to be returned to the State Treasurer.

* All grant agreements will begin at the start of the fiscal year (July 1, 1997) and end two years later (June 30, 1999). The two-year grant agreement provides a one year grant period overlap that allows unspent funds from a prior grant to be utilized during the current grant year, thus, current grants can be annually reconciled.

* This Committee will continue to meet at least twice a year to communicate NPEA program issues.

AVAILABLE FY 98-99 BIENNIUM NPEA FUNDS

A) JPB Balances on 6/30/97	\$ 350,324
B) 96-97 NRBG Balance from MPCA	202,103
C) Legislative Appropriation	2,080,000
D) 1997 Legislative Appropriation Increase	<u>180,000</u>
Total	\$2,812,427

Total of FY 98 Approved Base Grants **\$1,070,597**

Remaining FY 98-99 Biennium Balance **\$1,741,830**

If FY 99 JPB budgets are similar to FY 98 budgets, a projected balance of approximately \$445,000 would be remaining after FY 99 base grant allocations. This amount would be available for a potential challenge grant in FY 99. The NPEA Committee will be meeting again on November 13, 1997. Additional NPEA issues will be covered including potential NPEA challenge grant options for this biennium.

Staff requests that the BWSR approve this procedure and the FY 98 NPEA Base Grants as summarized on the enclosed spreadsheet.

FY 98 NPEA BASE GRANT SUMMARY

JPB	AMOUNT REQUESTED	AMOUNT APPROVED	+	OPERATING RESERVE	+	ADMIN. EXPENSES	-	BASE GRANT BAL. ON 6/30/97	-	PRELIM. BASE GRANT	=	BASE GRANT
1	\$105,500	\$105,500		\$30,000		\$5,500		\$27,340		\$18,373		\$95,287
2	\$106,136	\$104,536		\$30,000		\$5,500		\$27,868		\$18,373		\$93,795
3	\$110,407	\$110,407		\$30,000		\$5,500		\$12,399		\$18,373		\$115,135
4	\$99,210	\$99,210		\$30,000		\$5,500		\$41,404		\$18,373		\$74,933
5	\$140,144	\$137,144		\$30,000		\$5,500		\$35,487		\$18,373		\$118,784
6	\$115,027	\$115,027		\$30,000		\$5,500		\$13,932		\$18,373		\$118,222
7	\$107,435	\$105,135		\$30,000		\$5,500		\$56,151		\$18,373		\$66,111
8	\$116,479	\$114,679		\$30,000		\$5,500		\$35,450		\$18,373		\$96,356
9	\$130,050	\$119,050		\$30,000		\$5,500		\$34,975		\$18,373		\$101,202
10	\$111,988	\$111,988		\$30,000		\$5,500		\$55,417		\$18,373		\$73,698
11	\$109,848	\$109,848		\$30,000		\$5,500		\$9,901		\$18,373		\$117,074
TOTALS	\$1,252,224	\$1,232,524		\$330,000		\$60,500		\$350,324		\$202,103		\$1,070,597

H:FY98NPEABG

**FY 98 NON POINT ENGINEERING ASSISTANCE
BASE GRANT REQUEST**

For Period July 1, 1997 through June 30, 1998

Name of Joint Powers Board _____

Designated Fiscal Agent of Joint Powers Board _____

Host SWCD for Base Grant:

Engineer _____ Technician _____

List your **non-administrative base grant** funding needs for the period July 1, 1997 to June 30, 1998:

EXPENSES

Personal Services

Engineer Salary _____ Date Hired _____

FICA _____

PERA _____

Health Insurance _____

Technician Salary _____ Date Hired _____

FICA _____

PERA _____

Health Insurance _____

Eng. Contract Services _____

***Other Services and Charges**

Employee Expenses _____ (mileage, meals, lodging)

Employee Training _____

Rent _____

Telephone _____

Postage _____

Vehicle Expense _____

Office Insurance _____

Unemployment Ins. _____

Audit Fee _____

Misc. Other Serv. & Chg. _____

***Supplies**

Office _____

Field _____

***Equipment**

Office _____

Field _____

TOTAL _____

*Itemize if any individual item in a category is over \$500.

NOTE: DO NOT INCLUDE ANY CHALLENGE GRANT EXPENSES ON THIS FORM FOR STAFF OR EQUIPMENT.

This form must be received by your Board Conservationist by July 31, 1997.

JOINT POWERS BOARD

1995-1996 NONPOINT ENGINEERING PROGRESS REPORT *

Northwestern MN JPB

SWCD	Landowner	Project
East Polk	Munter	Waste Management System
East Polk	Olson	Waste Management System
East Polk	Landsverk	Waste Management System
East Polk	Rolf	Waste Storage Pond
East Polk	Woodside Township	Grade Stabilization Structure
Marshall	Kujava	Grassed Waterway
Marshall	Gerszewski	Streambank & Shoreline Protection
Marshall	Wawrzyniak	Grassed Waterway
Marshall	Larson	Critical Area Planting
Marshall	Nowacki	Grassed Waterway
Marshall	Melgaard	Grassed Waterway
Marshall	Harstad	Grassed Waterway
Marshall	McGlynn	Grassed Waterway
Marshall	Potucek	Grassed Waterway
Marshall	Gostanczik	Grassed Waterway
Marshall-Beltrami	Srnsky	Surface Drainage-Field Ditch
Marshall-Beltrami	Wiseth	Irrigation Land Leveling
Marshall-Beltrami	Lappegaard	Surface Drainage-Field Ditch
Marshall-Beltrami	Vigen	Surface Drainage-Field Ditch
Marshall-Beltrami	Stanley	Waste Management System
Pennington	Naplin	Diversion
Pennington	Yaggie	Streambank & Shoreline Protection
Red Lake	Schmitz	Grade Stabilization Structure
Red Lake	Bachand	Grassed Waterway
Red Lake	Rock	Grade Stabilization Structure
Red Lake	Schafer	Stream Channel Stabilization
Roseau	Erickson	Waste Storage Structure
Roseau	Foss	Waste Storage Structure
West Polk	City of Climax	Streambank & Shoreline Protection
West Polk	City of Climax	Streambank & Shoreline Protection
West Polk	City of East Grand Forks	Streambank & Shoreline Protection
West Polk	Hoppe	Waste Management System

Num. 9 JPB

SWCD	Landowner	Project
Cottonwood	Quiring	Waste Management System
Cottonwood	Dairy	Waste Management System
Cottonwood	Tibodeau	Waste Management System
Cottonwood	Therkilsen	Waste Management System
Jackson	Beerman	Waste Management System
Lincoln	Richmond	Waste Management System
Lincoln	Weber	Waste Management System
Lincoln	Engel	Waste Management System
Lincoln	Bednarek	Waste Management System
Lincoln	Lund	Waste Management System
Lyon	Wakefield	Waste Storage Structure

*Projects completed or in progress as of 12-31-96.

Murray	Loosbrock	Grassed Waterway
Murray	Johlf	Grassed Waterway
Murray	Onken	Grassed Waterway
Murray	Spielman	Waste Management System
Murray	Kooiker	Waste Management System
Murray	Hart	Waste Management System
Murray	Miller	Waste Storage Structure
Nobles	Kremer	Waste Management System
Pipestone	Steuck	Waste Management System
Pipestone	Freeman	Waste Storage Structure
Redwood	Schwanke	Waste Management System
Redwood	Fennern	Waste Management System
Rock	Kramer	Grassed Waterway
Rock	Binford	Waste Management System
Rock	Leuthold, J	Waste Management System
Rock	Leuthold, L	Waste Management System
Rock	Sjaarda	Grassed Waterway
Rock	Kracht	Waste Management System

Area 2, North Central JPB

SWCD	Landowner	Project
Beltrami	Hensley	Access Road & Sediment Basin
Beltrami	Diamond Point Park, City of Bemidji	Stormwater Retention Basin
Beltrami	Garland	Waste Management System
Beltrami	Bemidji/Beltrami County Airport	Access Road
Clearwater	Engebretson	Diversions, Access Road
Clearwater	Aakre	Grassed Waterway
Clearwater	Emmel	Streambank & Shoreline Protection
Clearwater	Bromeling	Streambank & Shoreline Protection
Hubbard	Malm	Waste Management System
Hubbard	Prairie Sky Farms	Waste Storage Pond
Hubbard	Becker Farms	Waste Storage Structure
Itasca	Stolte	Streambank & Shoreline Protection
Itasca	Lundeen	Streambank & Shoreline Protection
Itasca	Steward	Streambank & Shoreline Protection
Koochiching	Loman Park, Koochiching County Parks & Forestry Dept.	Well
Koochiching	Nelson Park, Koochiching County Parks & Forestry Dept.	Streambank & Shoreline Protection
Koochiching	Larson	Pond
Koochiching	Hilke	Streambank & Shoreline Protection
Koochiching	Einarson	Streambank & Shoreline Protection
Lake of the Woods	Fauhaber	Access Road
Wadena	Stocking Lake Association	Streambank & Shoreline Protection

Joint Powers Board 3

SWCD	Landowner	Project
Carlton	Davis	Waste Management System
Carlton	Portage	Channel Vegetation
Carlton	Lake	Runoff Management System
Carlton	Lakesh BMP WKSP	Education-Equipment
Carlton	Dahl	Spring Development
Carlton	Habighorst	Pond

Carlton	Kachinski	Waste Management System
Carlton	Larson/Whele	Grade Stabilization Structure
Carlton	Potlatch	Streambank & Shoreline Protection
Carlton	Smith	Waste Storage Structure
Carlton	Anderson	Diversion
Cook	Czekanski	Streambank & Shoreline Protection
Cook	Mathieson	Streambank & Shoreline Protection
Cook	Sanden	Streambank & Shoreline Protection
Cook	Lutsen	Subsurface Drain
Cook	Hedstrom	Lined Waterway or Outlet
Cook	Benson	Streambank & Shoreline Protection
Cook	Martinson	Runoff Management System
Lake	Lake County FG	Access Road
Lake	Boetcher	Dam, Multi-Purpose
Lake	Moland	Streambank & Shoreline Protection
Lake	Johnson	Dam, Multi-Purpose
Lake	City of Two Harbors	Streambank & Shoreline Protection
Lake	Christianson	Lined Waterway or Outlet
Lake	Klein	Dam, Multi-Purpose
Lake	City of Two Harbors	Lined Waterway or Outlet
N.St.Louis	Side Lake Group	Road Construction Practices
N.St.Louis	City of Biwabik	Water & Sediment-Control Basin
N.St.Louis	City of Tower	Streambank & Shoreline Protection
S.St.Louis	Haney	Grade Stabilization Structure
S.St.Louis	Fond Du Lac	Grassed Waterway
S.St.Louis	Rose	Waste Storage Structure
S.St.Louis	City of Duluth	Grade Stabilization Structure
S.St.Louis	Triebauser	Waste Management System
S.St.Louis	City of Duluth	Streambank & Shoreline Protection
S.St.Louis	Defoe	Dam, Multi-Purpose
S.St.Louis	Huberty	Dam, Multi-Purpose
S.St.Louis	Island Lake	Streambank & Shoreline Protection
S.St.Louis	Wargin	Filter Strip
S.St.Louis	Simik	Waste Management System
S.St.Louis	Oleziak	Pond

West Central Minnesota

SWCD	Landowner	Project
Becker	Lewis	Streambank & Shoreline Protection
Becker	Wiltowski	Waste Management System
Becker	Frielev	Streambank & Shoreline Protection
Becker	Gray	Streambank & Shoreline Protection
Becker	Hastings	Grassed Waterway
Becker	White Earth Lake Association	Streambank & Shoreline Protection
Becker	Madson Grove Resort	Streambank & Shoreline Protection
Becker	Hanson	Critical or Sensitive Area Protection
Becker	MDNR	Critical or Sensitive Area Protection
Becker	Oslund	Lined Waterway or Outlet
Clay	Zillmer	Streambank & Shoreline Protection
Clay	Green, H	Streambank & Shoreline Protection
Clay	Green, O	Streambank & Shoreline Protection
Clay	Wanglzillmer	Waste Management System
Clay	Dullea	Waste Management System
Clay	Swanson	Waste Management System

Clay	Wambach	Critical or Sensitive Area Protection
East Otter Tail	Pittman	Streambank & Shoreline Protection
East Otter Tail	Heinle	Waste Management System
East Otter Tail	Sayres	Streambank & Shoreline Protection
East Otter Tail	Buresh	Waste Management System
Grant	Long	Wetland Restoration
Grant	Werk, R	Waste Management System
Grant	Werk, G	Wetland Restoration
Grant	Werk, R	Waste Management System
Grant	Lakeside Cemetary Assoc.	Streambank & Shoreline Protection
Mahnomen	Bisek	Waste Management System
Mahnomen	Scherping	Water & Sediment-Control Basin
Norman	Kroshus	Streambank & Shoreline Protection
Norman	Turnquist	Grade Stabilization Structure
Norman	Gilbertson	Critical or Sensitive Area Protection
Norman	Dahlen	Waste Management System
Norman	City of Twin Valley	Stream Channel Stabilization
Norman	Brainard	Pond
Norman	Nelson	Streambank & Shoreline Protection
Norman	Gilman	Streambank & Shoreline Protection
Traverse	Maudal	Streambank & Shoreline Protection
Traverse	Pederson	Waste Management System
Traverse	Mitheness	Streambank & Shoreline Protection
West Otter Tail	Yaggie	Wetland Restoration
West Otter Tail	Hogseth-Rasmussen	Grassed-Waterway
Wilkin	Langfield	Waste Management System
Wilkin	Devine	Streambank & Shoreline Protection

IMPACK 6

SWCD	Landowner	Project
Aitkin	Krueger	Streambank & Shoreline Protection
Aitkin	Kimes & Grimm	Streambank & Shoreline Protection
Aitkin	Vondrashek	Streambank & Shoreline Protection
Aitkin	Schroder	Streambank & Shoreline Protection
Aitkin	Cluett	Streambank & Shoreline Protection
Aitkin	Makaraitis	Streambank & Shoreline Protection
Chisago	Tangen	Wetland Restoration
Chisago	Martin	Wetland Restoration
Chisago	Molton	Diversion
Chisago	City of Harris	Runoff Management System
Chisago	Sandberg Brothers	Waste Management System
Chisago	Hudak	Waste Storage Pond
Isanti	Dwight	Waste Storage Pond
Isanti	Haubenschlid	Waste Storage Pond
Isanti	Bengston	Waste Storage Pond
Kanabec	Oslund	Streambank & Shoreline Protection
Kanabec	Volner	Streambank & Shoreline Protection
Kanabec	Felger	Filter Strip & Sediment Basin
Kanabec	Schumacher	Waste Storage Pond
Kanabec	Rosnow	Stream Channel Stabilization
Kanabec	Johnson	Grassed Waterway
Kanabec	Fischer	Waste Storage Pond
Kanabec	Belkhelm	Waste Storage Pond
Kanabec	Narveson	Waste Storage Structure

Kanabec	Persson	Waste Storage Structure
Kanabec	Narveson	Filter Strip
Mille Lacs	Borgholm Township	Runoff Management System
Mille Lacs	Borgholm Township	Runoff Management System
Mille Lacs	Beckstrom	Waste Storage Pond
Mille Lacs	City of Bock	Waste Treatment Lagoon
Mille Lacs	Rahm	Filter Strip & Sediment Basin
Pine	Baker	Streambank & Shoreline Protection
Pine	Johnson	Water & Sediment-Control Basin
Pine	Garrity	Grade Stabilization Structure
Pine	Foster	Streambank & Shoreline Protection
Pine	Harris	Waste Storage Structure

Num. 7 Minnesota River Source

SWCD	Landowner	Project
Big Stone	Moen	Grassed Waterway
Big Stone	Haukos	Water & Sediment-Control Basin
Big Stone	Kveene	Wetland Restoration
Big Stone	Walters	Waste Storage Structure
Big Stone	Moberg	Waste Storage Pond
Big Stone	Kellen	Waste Storage Pond
Chippewa	Bunn	Fire Break
Chippewa	Lopez	Waste Storage Structure
Chippewa	Moon	Waste Storage Pond & Filter Strip
Chippewa	Welling Estate	Terrace
Chippewa	Meyer	Waste Storage Structure
Chippewa	Priebe	Waste Storage Pond
Chippewa	Nordstrom	Waste Storage Structure
Chippewa	Gustad	Grassed Waterway
Chippewa	Wolf	Filter Strip
Chippewa	Weckworth	Waste Storage Structure & Filter Strip
Chippewa	Tuininga	Grassed Waterway
Chippewa	Kanten	Waste Storage Structure
Lac Qui Parle	Brehmer	Filter Strip
Lac Qui Parle	Croat	Waste Storage Pond
Lac Qui Parle	Nesvold	Waste Storage Pond
Lac Qui Parle	Patzer	Wetland Restoration
Lac Qui Parle	Mueller	Waste Storage Structure & Waste Storage Pond
Lac Qui Parle	Lundy	Waste Storage Structure
Pope	Billehus	Waste Storage Pond
Pope	Strand	Waste Storage Pond & Filter Strip
Pope	Braaten	Waste Storage Pond
Renville	Homan	Waste Storage Structure
Renville	Maresch	Waste Storage Pond
Renville	Waulkan	Waste Storage Pond
Renville	Rauenhorst	Wetland Restoration
Renville	Hillman	Waste Storage Structure & Waste Storage Pond
Renville	Lee	Waste Storage Pond & Waste Storage Structure
Swift	Ostby	Waste Storage Pond
Swift	Skarsten	Dam, Multi-Purpose
Swift	Golden	Grade Stabilization Structure
Swift	Magnuson	Grassed Waterway

Joint Powers Board Area 8

SWCD	Landowner	Project
Carver	Steinhagen	Waste Storage Pond
Dakota	Hall	Waste Storage Pond
Dakota	Benson	Diversion
Dakota	Braun	Grassed Waterway
Dakota	Moorhouse	Waste Storage Pond
General	Coords. For	Computer Modeling
General	SRF Newsletter #1	Education-Media
Hennepin	Camp Ihduhapi	Streambank & Shoreline Protection
Hennepin	Lake Sarah	Fencing & Livestock Exclusion
Hennepin	City of Bloomington	Streambank & Shoreline Protection
Hennepin	City of Bloomington	Streambank & Shoreline Protection
Hennepin	Hydrology Projects	Water Control for Lake/Wetland
Ramsey	Salvation Army	Grade Stabilization Structure
Scott	Kaiser	Streambank & Shoreline Protection
Scott	Helena Township	Streambank & Shoreline Protection
Scott	Simcox	Water & Sediment-Control Basin
Scott	Simek	Waste Storage Pond
Scott	Swaggert	Streambank & Shoreline Protection
Washington	Kismet Basin	Drainage System Modification & Regulating Reservoir
Washington	Goose Lake	Regulating Water in Drainage Systems
Washington	Tanners Lake	Streambank & Shoreline Protection
Washington	Herman	Diversion

Joint Powers Board Zone 10

SWCD	Landowner	Project
Blue Earth	Hinker	Terrace
Blue Earth	City of Mankato	Grade Stabilization Structure
Blue Earth	Freyberg	Structure for Water Control
Blue Earth	Matzke	Filter Strip
Blue Earth	Hollersch	Filter Strip
Blue Earth	Kraus	Structure for Water Control
Blue Earth	Oswald	Grade Stabilization Structure
Blue Earth	Carey	Waste Storage Pond
Blue Earth	Annis	Grade Stabilization Structure
Brown	Roiger	Waste Storage Pond
Faribault	Gradal	Filter Strip
Le Sueur	Friesen	Waste Storage Pond
Martin	Rolling Hills Partnership	Structure for Water Control
Nicollet	Schrrarer	Filter Strip
Nicollet	Braun	Filter Strip
Nicollet	Wenninger	Filter Strip
Nicollet	Belgrade Township	Streambank & Shoreline Protection
Sibley	Kurtzweg	Waste Storage Pond
Wantonwan	Anderson	Pond
Wantonwan	Sandmeyer	Diversion
Wantonwan	Stocz	Grade Stabilization Structure
Wantonwan	Eischen	Waste Storage Pond
Wantonwan	Swanson	Waste Management System
Waseca	Gekeler	Wetland Restoration
Waseca	Lorentz	Waste Storage Pond

Waseca	Morgan	Waste Storage Pond
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SE SWCD Technical Support JPB (Area 11)

SWCD	Landowner	Project
Dodge	Pyfferoen	Waste Storage Structure
Fillmore	Schmidt	Filter Strip
Fillmore	Michael	Filter Strip
Freeborn	Wangen	Grassed Waterway
Freeborn	Wangen	Diversion
Freeborn	Wangen	Grade Stabilization Structure
Freeborn	Hanson	Grade Stabilization Structure
Freeborn	Hanson	Grassed Waterway
Goodhue	Zemke	Waste Storage Pond
Goodhue	Zumbrota Livestock	Filter Strip
Goodhue	Zumbrota Livestock	Waste Storage Pond
Goodhue	Rostad	Filter Strip
Goodhue	Flom	Waste Storage Pond
Goodhue	Gadient	Waste Storage Pond
Goodhue	Matthees	Filter Strip
Mower	Klaehn	Waste Storage Structure
Mower	Reuter	Waste Storage Structure
Mower	Freese	Sediment Basin
Mower	Freese	Filter Strip
Olmsted	Meyerhoffer	Waste Storage Structure
Olmsted	Tentis	Waste Storage Pond
Olmsted	Welter	Waste Storage Structure
Olmsted	Andring	Waste Storage Structure
Olmsted	Borst Farms	Waste Storage Pond
Olmsted	Hinckley	Waste Storage Pond
Rice	Kalina	Waste Storage Pond
Rice	Malecha	Waste Storage Pond
Rice	Becker	Waste Storage Structure
Rice	Doban	Filter Strip
Wabasha	Clark	Waste Storage Pond
Wabasha	Kranz	Waste Storage Pond
Winona	Kranebusch	Waste Storage Pond
Winona	Kalmes	Waste Storage Pond
Winona	Greden	Waste Storage Pond

Central MN JPA Engineering

SWCD	Landowner	Project
Benton	Schumann	Filter Strip
Benton	Skroch	Filter Strip
Benton	Adelman	Grassed Waterway
Benton	Moliter	Waste Storage Pond
Benton	Hackett	Waste Storage Pond
Benton	Popp	Grassed Waterway
Benton	Nelson	Wetland Restoration
Benton	Scheel	Waste Storage Pond
Benton	Locate/Monument	Wetland Restoration
Benton	Scapanski, G	Waste Storage Pond
Benton	Uderman	Waste Storage Pond
Benton	Malikowski	Waste Storage Pond

Benton	Scapanski, S	Waste Storage Pond
Benton	Bartel	Waste Storage Pond
Benton	Jensen	Wetland Restoration
Benton	Pflipsen	Wetland Restoration
Benton	Robak	Filter Strip
Benton	Fernholz	Filter Strip
McLeod	Rolf	Wetland Restoration
McLeod	Matthews	Waste Storage Pond
McLeod	City of Silver Lake	Streambank & Shoreline Protection
McLeod	Glencoe-Silver Lake Schools	Streambank & Shoreline Protection
Meeker	Ecker	Waste Storage Pond
Meeker	Rubis	Wetland Restoration
Meeker	Strate	Waste Storage Pond
Meeker	RIM Wetland Restorations	Wetland Restoration
Morrison	Petron	Waste Storage Structure
Morrison	Deterding	Streambank & Shoreline Protection
Morrison	Gross	Waste Storage Pond
Morrison	Flege	Diversion
Morrison	Wilzek	Streambank & Shoreline Protection
Morrison	Gwost	Streambank & Shoreline Protection
Morrison	Stuckmayer	Waste Storage Pond
Morrison	Toddco	Water & Sediment-Control Basin
Morrison	Kruzel	Waste Storage Pond
Morrison	Larson	Streambank & Shoreline Protection
Morrison	Hobson	Wetland Restoration
Morrison	Shoquist	Critical Area Planting
Morrison	Etzel	Pipeline
Morrison	Douchette	Streambank & Shoreline Protection
Morrison	Fishtrap Lake Campground	Water & Sediment-Control Basin
Morrison	Yorek	Waste Storage Pond
Morrison	Klisch	Diversion
Morrison	Zilliak	Streambank & Shoreline Protection
Morrison	Gorka	Streambank & Shoreline Protection
Morrison	Kasper	Pond
Sherburne	Travelers Country Club	Streambank & Shoreline Protection
Sherburne	Elk lake Shoreline Protection	Streambank & Shoreline Protection
Stearns	Elfering	Wetland Creation
Stearns	Welle	Water & Sediment-Control Basin
Stearns	Luekam	Water & Sediment-Control Basin
Stearns	Fulstrom	Streambank & Shoreline Protection
Stearns	Schmidt	Streambank & Shoreline Protection
Stearns	Timp	Underground Outlet
Stearns	Desmaris	Streambank & Shoreline Protection
Stearns	Eull	Water & Sediment-Control Basin
Stearns	Pflueger	Waste Storage Pond
Stearns	Buermann	Streambank & Shoreline Protection
Stearns	Gregory	Waste Storage Pond
Stearns	Styles	Wetland Restoration
Stearns	Schultz	Waste Storage Pond
Stearns	Kennedy	Streambank & Shoreline Protection
Stearns	Walz	Waste Storage Pond
Stearns	Molitor	Waste Storage Pond
Stearns	Mathies	Water & Sediment-Control Basin
Stearns	Haust	Grassed Waterway
Stearns	Yonke	Underground Outlet
Stearns	Kuechle	Waste Storage Pond

Stearns	Overman	Waste Storage Pond
Stearns	Wesbur	Water & Sediment-Control Basin
Stearns	Trout	Streambank & Shoreline Protection
Stearns	Felling	Waste Storage Pond
Stearns	Thelen	Waste Storage Pond
Stearns	Niewind	Water & Sediment-Control Basin
Stearns	Shosted	Streambank & Shoreline Protection
Stearns	Miller	Water & Sediment-Control Basin
Stearns	Boecker	Water & Sediment-Control Basin
Stearns	Gibson	Subsurface Drain
Stearns	Dowell	Underground Outlet
Stearns	Weller	Streambank & Shoreline Protection
Stearns	Scherer	Waste Storage Pond
Stearns	Goebel	Waste Storage Pond
Stearns	Ainali	Waste Storage Pond
Stearns	Blommel	Filter Strip
Stearns	Paynesville Township	Underground Outlet
Stearns	Ruprecht	Water & Sediment-Control Basin
Stearns	Schramel	Grassed Waterway
Stearns	Riley	Streambank & Shoreline Protection
Stearns	Ruhland	Streambank & Shoreline Protection
Stearns	Schroeder	Waste Storage Pond
Stearns	Libbesmeir	Water & Sediment-Control Basin
Stearns	Feldewerd	Waste Storage Pond
Stearns	Salzl	Waste Storage Pond
Stearns	Wakefield Township	Water & Sediment-Control Basin
Stearns	Schroden	Underground Outlet
Stearns	Ridgway	Streambank & Shoreline Protection
Stearns	Overman	Waste Storage Pond
Stearns	Funk	Waste Storage Pond
Todd	Primus	Waste Storage Pond
Todd	Kjeldahl	Streambank & Shoreline Protection
Todd	Rhode	Waste Storage Pond
Todd	Bruder	Waste Storage Pond
Todd	Cattle Crossing Culvert Analysis	Livestock Exclusion
Todd	Wagner	Streambank & Shoreline Protection
Todd	Bruesehoff	Streambank & Shoreline Protection
Todd	Maki	Streambank & Shoreline Protection
Todd	Peterson	Waste Storage Pond
Wright	Colbjorsen Wetland Restoration Topo Survey & Plan	Wetland Restoration
Wright	Bauman	Waste Storage Pond
Wright	Ramsey Lake Gully Stabilization Plan Review	Streambank & Shoreline Protection
Wright	AWCF Plan Review	Waste Storage Pond
Wright	Rockford Storm Water Basin & Outlet Plan Review	Water & Sediment-Control Basin



MEMORANDUM

August 14, 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
(218) 723-4752
Fax (218) 723-4794

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

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

Southern Region:

261 Highway 15 S.
New Ulm, MN 56073-8915
(507) 359-6074
Fax (507) 359-6018

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

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

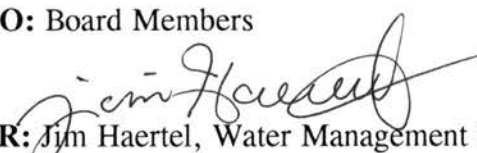
Metro Region:

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

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TO: Board Members

FR:  Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Washington County Establishment Petition for
Brown's Creek Watershed District

Washington County has submitted a petition (enclosed) to establish a watershed district in the Brown's Creek watershed, pursuant the Minn. Stat. § 103D.205. The area had previously been in a joint powers agreement watershed management organization (WMO), however, the Brown's Creek WMO was terminated. Subsequently, BWSR notified Washington County of their obligations, the County fulfilled its responsibilities on a temporary basis and now petition for establishment of a watershed district.

Parts of the Brown's Creek watershed have, and presently are, experiencing high water problems. Further, Brown's Creek is a trout stream. Recognizing the pressing need and complexities of the matter, the Legislative Commission on Minnesota Resources (LCMR) approved a grant to study the problem.

Staff have determined the petition is proper and recommend the Board order an establishment hearing that the Metro Water Planning Subcommittee presides over. The hearing would be held at the City of Stillwater City Hall on Wednesday, September 17, 1997 starting at 10:00AM. Please see the enclosed draft Order.

If you have any questions, please contact me.

Enclosures - Petition and Draft Order

c: Ron Harnack, Jim Birkholz, Doug Thomas, Bruce Sandstrom, Matt Moore
Matt Seltzer

OFFICE OF WASHINGTON COUNTY ATTORNEY



Washington County Government Center
14900 61st Street North — P.O. Box 6
Stillwater, MN 55082-0006

RECEIVED

JUL 31 1997



July 30, 1997

Board of Soil and Water Resources
1 West Water Street, Suite 200
St. Paul, MN 55107

Re: Establishment Petition for Brown's Creek Watershed District

Gentlemen:

Enclosed for filing is Washington County's Petition for the Establishment of the Brown's Creek Watershed District, together with receipts signed by the Washington County Auditor/Treasurer, Commissioner of Natural Resources and Director, Division of Waters, Department of Natural Resources as required by Minn. Stat. § 103D.205.

Once the Board determines that they have jurisdiction over this matter, I would appreciate it if I could be contacted with regards to the time, date and location of the hearing.

Our County Administrator will be sending a letter to the various cities and towns affected by the proposed watershed district, soliciting their nominations for supervisors, as required by Minn. Stat. § 103D.225, subd. 4(b).

Very truly yours,

RICHARD M. ARNEY, COUNTY ATTORNEY
WASHINGTON COUNTY, MINNESOTA

A handwritten signature in dark ink, appearing to read "Howard R. Turrentine".

Howard R. Turrentine
Assistant County Attorney

HRT/sf

cc: James R. Schug
Konrad Koosman

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
1 West Water Street, Suite 200
St. Paul, MN 55107

In the Matter of the Petition for the
Establishment of the Brown's Creek
Watershed District (Washington County)

ESTABLISHMENT PETITION

TO: Board of Water and Soil Resources, 1 West Water Street, Suite 200, St. Paul,
MN 55107

Washington County having one hundred percent (100%) of the property within
the proposed Watershed District does hereby petition the Board of Water and Soil
Resources for the establishment of a Watershed District pursuant to MINN. STAT.
CHAPT. 103D as amended.

I.

The name of the proposed Watershed District shall be the Brown's Creek
Watershed District.

II.

The territory to be included in the Watershed District is as set forth on the map
attached hereto as Exhibit A and made a part hereof. The territory consists of a total
of 28.3 square miles, of which 2.1 square miles are located within the City of
Stillwater, 3.7 square miles are located within the Town of Stillwater, 3.2 square miles
are located within the Town of May, 3.4 square miles are located within the City of
Hugo, 15.1 square miles are located within the City of Grant, .4 square miles are
located within the City of Oak Park Heights, .2 square miles are located within the

City of Lake Elmo, and .2 square miles are located within the Town of Baytown. The January 2, 1997 Assessor's determination of taxable market value for the property located within the District is \$537,640,000. The proposed Watershed District is entirely within the metropolitan area.

III.

Once established, this district could be enlarged to add contiguous area, if such enlargement would be for the public welfare and public interest and the purposes of MINN. STAT. § 103B.205 to 103B.255 and 103D.261 would be served.

IV.

Prior to August 8, 1996, a Brown's Creek Watershed Management Plan was being administered by the local units of government with territory in the watershed under a Joint Powers Agreement pursuant to MINN. STAT. § 103B.211. On August 26, 1996 pursuant to MINN. STAT. § 103B.231, SUBD. 3, the Board of Water and Soil Resources determined that this Brown's Creek Water Management Organization was not implementing the watershed management plan. The members of the Brown's Creek Watershed Management Organization, by individual resolutions, then terminated the organization. By letter dated September 12, 1996, the Board of Water and Soil Resources notified the County of its obligations under MINN. STAT. § 103B.231. On January 14, 1997, by Board resolution, Washington County agreed to fulfill the County's responsibilities on a temporary basis.

V.

The reasons why the proposed Watershed District and contemplated

improvements are necessary and the reasons why the proposed Watershed District and contemplated improvements would be conducive to the public health and public welfare or would accomplish any of the purposes in MINN. STAT. § 103B.201 are as follows:

MINN. STAT. § 103B.231, SUBD. 1(A) requires a watershed management Plan for all watersheds within the metropolitan area. MINN. STAT. § 103B.231 provides that if a Water Management Organization located outside of Hennepin and Ramsey Counties is terminated or the Board of Water and Soil Resources determines that the Watershed Management Plan is not being implemented, the county containing the watershed unit shall prepare, adopt and implement the watershed plan. Rather than giving the County the full authority of a Watershed Management Organization as specified in MINN. STAT. § 103B.211 to 103B.255, which includes the powers of eminent domain and the authority to construct drainage systems, the legislature has restricted the County's powers to only the planning, review, permitting and financing authority specified in MINN. STAT. § 103B.211 to 103B.255. This limits the County's ability to fully implement the purpose of the Metropolitan Water Management Program as set forth in MINN. STAT. § 103B.201 to 103B.55.

The Kismet Basin and Goggins/School Section Lake areas of the Watershed District have and will continue to suffer flooding damage. Urban development is increasing and rural development continues to take place in the watershed. Washington County, acting as the Temporary Water Management Organization, has determined that the 1990 Brown's Creek Watershed Management Plan is inadequate

to deal with these issues and that the County's powers as a Watershed Management Organization are inadequate to fully deal with these issues.

A Watershed District organized under MINN. STAT. CHAPT. 103D has the statutory authority to make the necessary amendments to the plan and fully implement them, consistent with MINN. STAT. § 103B.231 and the Minnesota Rules.

The contemplated improvements in the proposed Watershed District include amending the 1990 Brown's Creek Watershed Management Plan to include capital improvement programs and projects to deal with the Kismet and Goggins/School Section Lake flooding, as well as standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed, to bring about conformance with the Watershed Plan. In addition, the watershed district could become involved in ecosystem monitoring, environmental impact studies, second generation plans focused on resource protection, rather than storm water management, implementing alternative watershed management practices and hydraulic and hydrology studies.

VI.

The Petition to establish this watershed district is noncontroversial, as that term is defined in MINN. STAT. § 103D.105.

VII

The number of managers for this Watershed District shall be five (5), being appointed from a list of nominees who will be submitted before the end of the establishment hearing.

WHEREFORE, Washington County requests that the Board of Water and Soil Resources grant the following relief:

1. That the Petition be deemed noncontroversial and the hearing proceed under MINN. STAT. § 103D.105, SUBD. 2.
2. That the Watershed District be established as proposed and given the corporate name of Brown's Creek Watershed District.
3. That the Watershed District have all the powers, duties and purposes provided by law.
4. That the boundaries of the Watershed District be as proposed.
5. That the first Board of Managers be established according to law.

Date: July 17th 1997

RICHARD M. ARNEY, COUNTY ATTORNEY
WASHINGTON COUNTY, MINNESOTA

By 
Howard R. Turrentine
Assistant Washington County Attorney
Washington County Government Center
14900 - 61st Street No.
Stillwater, Minnesota 55082
(612) 430-6116
Attorney Registration No. 111351

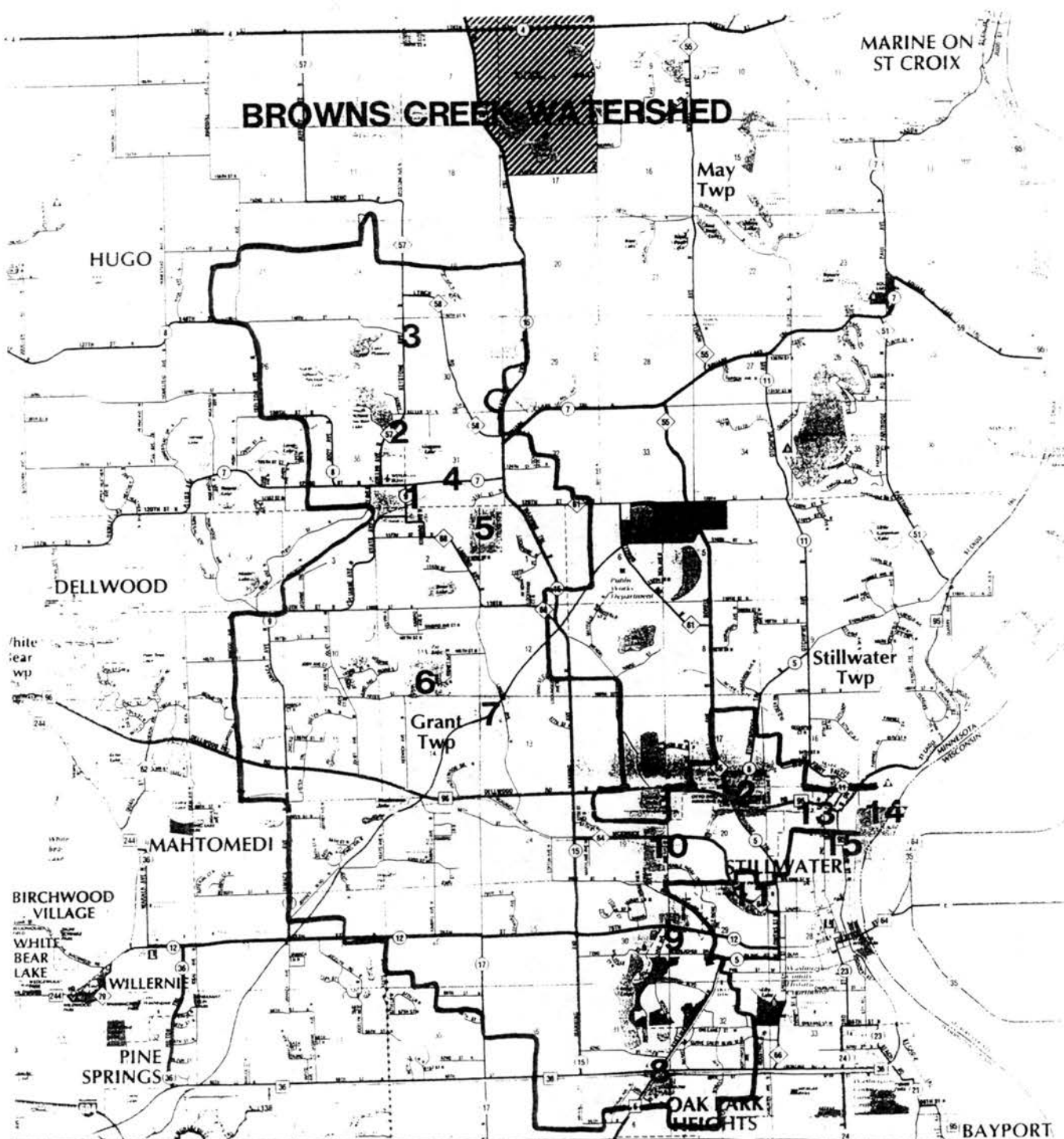


EXHIBIT A

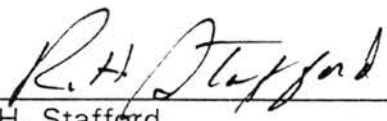
STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
1 West Water Street, Suite 200
St. Paul, MN 55107

In the Matter of the Petition for the
Establishment of the Brown's Creek)
Watershed District)
(Washington County))

RECEIPT OF WATERSHED DISTRICT
ESTABLISHMENT PETITION BY
WASHINGTON COUNTY
AUDITOR/TREASURER

TO: BOARD OF WATER AND SOIL RESOURCES, 1 WEST WATER STREET,
SUITE 200, ST. PAUL, MN 55107

On behalf of the Washington County Auditor/Treasurer, I hereby acknowledge
receipt of a copy of the Watershed District Establishment Petition in the above entitled
matter this 23 day of July, 1997.



R. H. Stafford
Washington County Auditor/Treasurer

Same

Relationship to Entity and Authority to
Receipt for the Petition pursuant to
MINN. STAT. § 103D.205, SUBD. 4

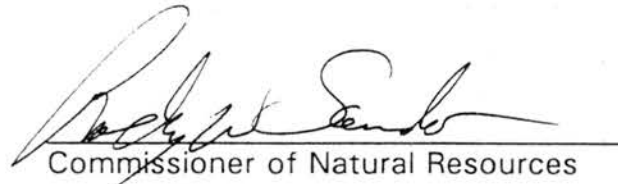
STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
1 West Water Street, Suite 200
St. Paul, MN 55107

In the Matter of the Petition for the
Establishment of the Brown's Creek)
Watershed District)
(Washington County))

RECEIPT OF WATERSHED DISTRICT
ESTABLISHMENT PETITION BY
COMMISSIONER OF NATURAL
RESOURCES

TO: BOARD OF WATER AND SOIL RESOURCES, 1 WEST WATER STREET,
SUITE 200, ST. PAUL, MN 55107

On behalf of the Commissioner of Natural Resources, I hereby acknowledge
receipt of a copy of the Watershed District Establishment Petition in the above entitled
matter this 22nd day of JULY, 1997.



Commissioner of Natural Resources

SAMC
Relationship to Entity and Authority to
Receipt for the Petition pursuant to
MINN. STAT. § 103D.205, SUBD. 4

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
1 West Water Street, Suite 200
St. Paul, MN 55107

In the Matter of the Petition for the
Establishment of the Brown's Creek)
Watershed District)
(Washington County))

RECEIPT OF WATERSHED DISTRICT
ESTABLISHMENT PETITION BY
DIRECTOR OF DIVISION OF WATERS OF
DEPARTMENT OF NATURAL RESOURCES

TO: BOARD OF WATER AND SOIL RESOURCES, 1 WEST WATER STREET,
SUITE 200, ST. PAUL, MN 55107

On behalf of the Director of Division of Waters of Department of Natural
Resources, I hereby acknowledge receipt of a copy of the Watershed District
Establishment Petition in the above entitled matter this 22nd day of
JULY, 1997.



Director, Division of Waters
Department of Natural Resources

SAME

Relationship to Entity and Authority to
Receipt for the Petition pursuant to
MINN. STAT. § 103D.205, SUBD. 4

DRAFT

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

DRAFT

In the Matter of the establishment petition by
Washington County for the Brown's Creek
Watershed District pursuant to Minnesota Statutes
Section 103D.221, Subdivision 1

**ORDER
ESTABLISHMENT
HEARING**

Whereas, the County Attorney for Washington County filed a Petition with the Board of Water and Soil Resources dated July 17, 1997, to establish a watershed district in the Brown's Creek watershed pursuant to Minn. Stat. § 103D.205, and;

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

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

FINDINGS OF FACT

1. **District Name.** The name of the proposed watershed district shall be the "Brown's Creek Watershed District".
2. **Property Description.** The territory to be included in the Watershed District is as set forth on the map attached hereto as "Exhibit A" and made a part hereof. Total area of the proposed watershed district is 28.3 square miles, with 2.1 square miles in the City of Stillwater, 3.7 square miles in the Town of Stillwater, 3.2 square miles in the Town of May, 3.4 square miles in the City of Hugo, 15.1 square miles in the City of Grant, 0.4 square miles in the City of Oak Park Heights, 0.2 square miles in the City of Lake Elmo, and 0.2 square miles in the Town of Baytown.
3. **Necessity for Watershed District.** Minn. Stat. § 103B.231, Subd. 1(a) requires a watershed management plan for all watersheds within the metropolitan area. Since the Browns Creek joint powers agreement watershed management organization was terminated, Minn. Stat. § 103B.231, Subd. 3(b) requires the County to prepare, adopt and implement the watershed management plan. Washington County determined that the 1990 Brown's Creek Watershed Management Plan was inadequate and that the County does not have the full authorities of a watershed management organization.

DRAFT

DRAFT

4. **Contemplated Improvements.** The Kismet Basin and Goggins/School Section Lake areas of the proposed watershed district have and will continue to suffer flood damage. Urban development is increasing and rural development continues to take place in the watershed. The contemplated improvements in the proposed watershed district include amending the 1990 Brown's Creek Watershed Management Plan to include capital improvement programs and projects to deal with the Kismet and Goggins/School Section Lake flooding, as well as standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed, to bring about conformance with the watershed management plan. In addition, the proposed watershed district could become involved in ecosystem monitoring, environmental impact studies, second generation watershed management plans focused on resource protection rather than stormwater management, implementing alternative watershed management practices, and hydraulic studies.
5. **Number of Managers.** The number of managers proposed for the proposed watershed district is five (5).
6. **Signatures.** The petition was signed by Washington County in compliance with Minn. Stat. § 103D.211, Subd. 3 (1) & (2).
7. **Filing.** The petition was filed with the Washington County Auditor, the Commissioner of the Department of Natural Resources and the Director of the Division of Waters.
8. **Hearing Location.** In consideration of the requirements for scheduling the hearing, parking and handicap accessibility, the hearing should be held at the City of Stillwater City Hall, 216 North Fourth Street, Stillwater, Minnesota, which is in very close proximity to the proposed watershed district boundary and within the same county.
9. **Hearing Panel.** The petition states that the petition is noncontroversial as defined in Minn. Stat. § 103D.105. Therefore, holding the hearing before an administrative law judge is not deemed necessary. The Metro Water Planning Subcommittee should preside over the hearing due to their familiarity with the issues.
10. **Hearing Time.** The principal people involved with the hearing have been coordinated with such that the hearing should be held on Wednesday, September 17, 1997, starting at 10:00AM. Setting the hearing accordingly would allow sufficient time to publish the required notices and hold the hearing within the required 35 day time period.

DRAFT

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 ordering a watershed district establishment hearing.

ORDER

The Board hereby orders that the hearing on the establishment petition for the Brown's Creek Watershed District be heard by the Metro Water Planning Subcommittee on Wednesday, September 17, 1997, starting at 10:00 AM at the City of Stillwater City Hall, 216 North Fourth Street, Stillwater, Minnesota.

Dated this ____th day of August, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Kathleen M. Roer, Chair

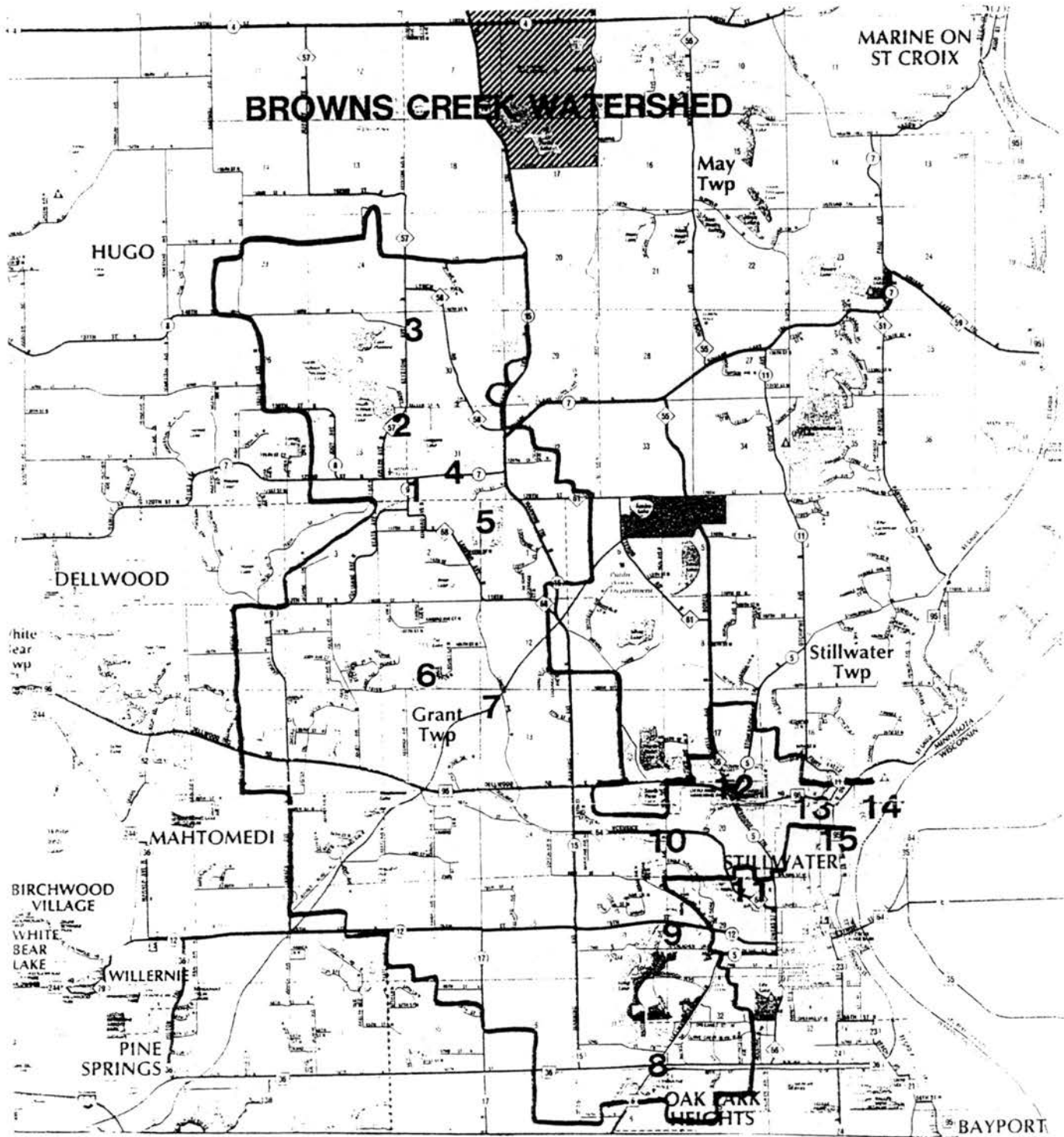


EXHIBIT A