



Minnesota Board of Water and Soil Resources.
Minutes.

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.



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

DATE: September 15, 1997

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: September 24, 1997 Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 24, 1997, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Committee Recommendations

1. Waseca County Comprehensive Water Plan: The southern subcommittee of the Board has reviewed the Waseca County Comprehensive Water Plan and recommends approval. DECISION
2. Vadnais Lakes Area WMO Plan: The metro subcommittee of the Board has reviewed the Vadnais Lakes Area WMO Plan and recommends approval. DECISION
3. Gun Club Lake WMO Plan: The metro subcommittee of the Board has reviewed the Gun Club Lake WMO Plan and recommends approval. DECISION
4. Rice Creek Watershed District Plan: The metro subcommittee of the Board has reviewed the Rice Creek Watershed District Plan and recommends approval. DECISION
5. Cass County Comprehensive Wetland Plan: The wetland subcommittee of the Board has reviewed the Cass County Comprehensive Wetland Plan and recommends approval contingent upon the anticipated adoption of the Plan by Cass County in the fall of 1997. DECISION

An equal opportunity employer

Printed on recycled paper

New Business

1. Memorandum of Agreement between the State Review Agencies and BWSR: This agreement is intended to identify and agree to the cooperative roles and responsibilities of the BWSR and the State Review Agencies in the development of Watershed Management Plans in the seven county metropolitan area pursuant to Minnesota Statutes, Chapter 103B.201 to 103B.255. This agreement is in furtherance of one of several general agreements reached by the parties in a meeting held on December 12, 1996, for the purpose of improving watershed plan implementation. The parties agreed to place more effort in working proactively with watershed management organizations during the watershed plan development process to provide better opportunity for consideration of issues of mutual concern. The interagency water plan review group recommends approval. DECISION
2. BWSR Flood Recovery Cost-Share Special Projects: At the June 1997 meeting, the BWSR anticipated the need for SWCDs to provide emergency cost-share assistance in response to the Flood of 1997. It was decided to dedicate remaining unallocated FY98 State Cost-Share Program funds and future rollover funds for this effort. This action has resulted in \$235,000 that is available for flood recovery implementation projects. The Minnesota Recovers Disaster Task Force has forwarded 19 projects to the BWSR for funding consideration. Please refer to the association materials attached. DECISION
3. WaterShed Partners and Media Outreach Project: A \$200,000 special project grant from the Metropolitan Council (Twin City Water Quality Initiative) that BWSR will be administering on behalf of the WaterShed Partners groups for media outreach in the Twin Cities Metropolitan Area. This is an excellent example of a large partnership that is actively working well by partnering state, federal, and local governments with citizen groups, environmental organizations and others. INFORMATION
4. Feedlot Panel Discussion: It was decided at the July Board meeting to have a panel discussion on feedlots. DISCUSSION

Old Business

1. BWSR Draft Strategic Plan: The current version of the BWSR Strategic Plan which is part of your board packet reflects changes and additions suggested at recent board meetings. The plan should be ready for final discussion and adoption. DECISION
2. Red River Valley 20-Year RIM Easement Proposal: The SWCD's from Kittson, Marshall, Polk, Pennington, Red Lake and Norman Counties have requested that the Board authorize them to take applications for limited duration easements in all future sign-ups. Their proposal was discussed at the August board meeting in Crookston, and a copy is included as Attachment 1, for your reference. DECISION
3. Envirothon Update: Susan Tsakakis will give an update on the Envirothon. INFORMATION

If you have any questions or need additional clarification please feel free to give me a call. I look forward to seeing you on the 24th!

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
SEPTEMBER 24, 1997**

PRELIMINARY AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approval of Minutes of August 28, 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, Department of Agriculture
- Kelli Johnson, Department of Health
- Jim Anderson, Minnesota Extension Service
- Rod Sando, Department of Natural Resources
- Peder Larson, Pollution Control Agency

9:30 a.m.

Committee Recommendations

1. Waseca County Comprehensive Water Plan - recommended for approval - DECISION
2. Vadnais Lakes Area WMO Plan - recommended for approval - DECISION
3. Gun Club Lake WMO Plan - recommended for approval - DECISION
4. Rice Creek Watershed District Plan - recommended for approval - DECISION

New Business

1. Memorandum of Agreement between the State Review Agencies and BWSR - Bruce Sandstrom - DECISION
2. BWSR Flood Recovery Cost-Share Special Projects - Wayne Zellmer - DECISION
3. WaterShed Partners and Media Outreach Project - Jim Haertel - INFORMATION
4. Feedlot Panel Discussion - Allan Oehlke - INFORMATION

Noon

Lunch

1:00 p.m.

Old Business

1. Envirothon Update - Susan Tsakakis - INFORMATION
2. Red River Valley 20-Year RIM Easement Proposal - Tim Fredbo - DECISION
3. Cass County Comprehensive Wetland Plan - Dale Krystosek - DECISION
4. BWSR Draft Strategic Plan - Jim Birkholz and Marybeth Block - DECISION

Advisory Comments

1. Rick Reimer, MACDE
2. Vern Wilker, MASWCD
3. Franklin Denn, MAT
4. Ray Bohn, MAWD
5. Bill Hunt, NRCS

Upcoming Meetings

1. All Staff Meeting, October 7-9, 1997, Brainerd
2. BWSR Meeting, October 22, 1997, St. Paul
3. AMC Annual Meeting, November 31-2, 1997, Bloomington
4. MAWD Annual Meeting, December 5-6, Alexandria
5. MASWCD Annual Meeting, December 7-9, Rochester
6. BWSR Meeting, December 17, 1997, St. Paul

Other Board Issues

Adjourn

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
SEPTEMBER 24, 1997**

AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approval of Minutes of August 28, 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, Department of Agriculture
- Kelli Johnson, Department of Health
- Jim Anderson, Minnesota Extension Service
- Rod Sando, Department of Natural Resources
- Peder Larson, Pollution Control Agency

9:30 a.m.

Committee Recommendations

1. Waseca County Comprehensive Water Plan - recommended for approval - DECISION
2. Vadnais Lakes Area WMO Plan - recommended for approval - DECISION
3. Gun Club Lake WMO Plan - recommended for approval - DECISION
4. Rice Creek Watershed District Plan - recommended for approval - DECISION

New Business

1. Memorandum of Agreement between the State Review Agencies and BWSR - Bruce Sandstrom - DECISION
2. BWSR Flood Recovery Cost-Share Special Projects - Wayne Zellmer - DECISION
3. WaterShed Partners and Media Outreach Project - Jim Haertel - INFORMATION
4. Feedlot Panel Discussion - Allan Oehlke - INFORMATION

Noon

Lunch

1:00 p.m.

Old Business

1. Envirothon Update - Susan Tsakakis - INFORMATION
2. Red River Valley 20-Year RIM Easement Proposal - Tim Fredbo - DECISION
3. Cass County Comprehensive Wetland Plan - Dale Krystosek - DECISION
4. BWSR Draft Strategic Plan - Jim Birkholz and Marybeth Block - DECISION

Advisory Comments

1. Rick Reimer, MACDE
2. Vern Wilker, MASWCD
3. Franklin Denn, MAT
4. Ray Bohn, MAWD
5. Bill Hunt, NRCS

Upcoming Meetings

1. All Staff Meeting, October 7-9, 1997, Brainerd
2. BWSR Meeting, October 22, 1997, St. Paul
3. AMC Annual Meeting, November 31-2, 1997, Bloomington
4. MAWD Annual Meeting, December 5-6, Alexandria
5. MASWCD Annual Meeting, December 7-9, Rochester
6. BWSR Meeting, December 17, 1997, St. Paul

Other Board Issues

Adjourn

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

**WASECA COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1997**

(FOR BOARD ACTION)

The Waseca County Comprehensive Local Water Plan was approved by the Minnesota Board of Water and Soil Resources (BWSR) on June 27, 1990 and adopted by Waseca County on November 6, 1990. Waseca County submitted a Plan Update, required in the Plan, to the BWSR on April 9, 1997, at which time the final ninety-day state review process began. The final review period ended July 8, 1997.

A written overview of the Plan Update was prepared by BWSR staff on May 28, 1997 for information and review.

On September 9, 1997, the BWSR Water Plan Review Committee met with BWSR staff and representatives of Waseca County to review and discuss the Plan Update.

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

The Waseca County Local Water Plan Update includes the new requirements. The Plan Update incorporates the watershed approach to water resource management by describing in detail the Cannon and LeSueur River major watersheds in the county. Another new part of the document is the plan implementation schedule which defines the timing, cost, and partners for the actions in the plan. Well sealing, groundwater quality protection, streambank stabilization, wetland mapping —prioritization and restoration, soil conservation and adoption of an updated individual sewage treatment ordinance are seen as a high priority actions for the county. Other actions planned are to provide technical assistance for the development of wellhead protection plans, provide storage areas to reduce peak runoff rates, and enforce shoreland regulations (including bringing individual sewage treatment systems up to code).

BWSR staff has reviewed the Waseca County Comprehensive Local Water Plan Update 1997 to 2007 and find that relevant requirements of law and rule have been satisfied under M.S. 103B and M.C.A.R. 9300.

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 **Vadnais Lake Area**
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 Vadnais Lake Area Watershed Management Organization (VLAWMO) 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. | July 16, 1995 | BWSR receives the VLAWMO draft PLAN with a letter dated June 11, 1995 for review. |
| b. | October 31, 1995 | BWSR provides comments under draft review of the VLAWMO PLAN. |
| c. | June 5, 1996 | BWSR receives response to comments from the VLAWMO in a letter dated June 1996. |
| d. | August 19, 1996 | BWSR provides comments under draft review of the VLAWMO PLAN, MS 103B.231 Subp. 8. |
| e. | November 13, 1996 | VLAWMO holds a public hearing regarding second generation watershed management plan. |
| f. | January 16, 1997 | BWSR provides additional comments on PLAN and JPA contents. |
| g. | February 14, 1997 | BWSR receives comments from the VLAWMO in a letter dated February 13, 1997. |
| h. | February 20, 1997 | BWSR provides a response to the letter from the VLAWMO dated February 13, 1997. |
| i. | April 9, 1997 | BWSR receives VLAWMO final PLAN dated March, 1997 for review and approval pursuant to MS 103B.231 Subd 9. |
| j. | April 16 & 23, 1997 | BWSR publishes a notice of PLAN in the White Bear Press |

- and Quad Press.
- k. June 2, 1997 VLAWMO responds in a letter addressed to Kathleen Roer, Chair BWSR Board dated May 21, 1997.
 - l. September 4, 1997 BWSR receives changes in the VLAWMO Joint Powers Agreement.

2. Summary of Review Comments:

a. MDNR

The DNR provided minor comments on the VLAWMO PLAN. The District has responded to the DNR comments in subsequent drafts. The DNR recommends approval of the plan.

b. Metropolitan Council

The Council's primary concerns were related to ground water protection, non-point source pollution impacts and water resource management. Issues relating to wellhead protection, compliance with the non-point control standards and water resource monitoring were included in the Council's comments. The Council recommends approval of the PLAN once the VLAWMO:

- 1) Provides for the acquisition/development of additional physical and hydrological information;
- 2) Develops a detailed strategy for improving water quality;
- 3) States that it will retain an active role after the adoption and implementation of local water plans;
- 4) Provides specific direction to local units of government for local water plan preparation;
- 5) Provides a brief discussion of the individual lakes and what measure will be taken as part of the management strategy to protect these lakes.

c. MPCA

The MPCA finds the plan consistent with state rules and regulations. The MPCA recommends that the VLAWMO consider their comments prior to the approval of the PLAN by the BWSR.

d. MDA

The MDA comments on the original PLAN and stated that no areas were found to be inconsistent with Minnesota state statutes administered by the Department of Agriculture.

e. MDH

The MDH provided draft comments to BWSR in support of the VLAWMO PLAN.

f. BWSR

The comments provided by the BWSR through the initial draft PLAN centered around developing greater detail and specificity throughout the PLAN. BWSR worked with the VLAWMO Board, staff, and technical advisory committee add clarification to the PLAN. Primary issues that were identified during the review process were ground water, wetland management, VLAWMO policy implementation, and local water plan implementation. The VLAWMO has resolved the ground water, wetland management and policy implementation issues. Currently the VLAWMO is working with the member communities on the local water plan implementation and local procedures with regards to VLAWMO review and approval of projects. One principal of the VLAWMO PLAN was to develop a concise and dynamic PLAN. The VLAWMO fully intends this PLAN to be a working document into the future.

The Citizen Advisory Committee and the Technical Advisory Committee provided comments on the PLAN regarding levy authority, permitting authority, local implementation, and citizen involvement. The BWSR met with representatives from the citizens committee and the technical committee on these issues. The BWSR has committed to working with the VLAWMO citizen advisory committee to further define the issues and develop recommendations and implementation strategies.

The VLAWMO 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 March 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 March 1997, is compliant with MS§103B.
3. The BWSR staff has found that the PLAN, dated March 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 Vadnais Lake Area Watershed Management Organization pursuant to MS§103B.231, Subd. 9 and 103D.401.
6. The Vadnais Lake Area Watershed Management Organization Watershed Management Plan attached to this Order, dated March 1997, states water and water-related problems within the VLAWMO boundaries, possible solutions thereto, general objectives and policies of the VLAWMO, 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 March 1997, as the Watershed Management Plan for the Vadnais Lake Area Watershed Management Organization.
2. That the VLAWMO 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 24th day of September, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Kathleen M. Roer, Chair

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 **Gun Club Lake**
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 Gun Club Lake Watershed Management Organization (GCLWMO) 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. December 16, 1996 BWSR receives the GCLWMO final draft PLAN with a letter dated December 5, 1996 for review pursuant to MS 103B.231 Subd. 8.
 - b. January 31, 1997 BWSR provides comments under final draft review of the GCLWMO PLAN, MS 103B.231 Subp. 8.
 - c. February 20, 1997 BWSR met with GCLWMO to discuss comments in the letter from BWSR dated January 31, 1997.
 - d. April 9, 1997 BWSR receives the GCLWMO final PLAN with a letter dated April 8, 1997 for review pursuant to MS 103B.231 Subd. 9.
 - e. April 20 & 27, 1997 BWSR publishes a notice of PLAN in the Southwest Review.
 - f. 4/25 & 5/2, 1997 BWSR publishes a notice of PLAN in the Dakota County Tribune.

2. Summary of Review Comments:

a. MDNR

The primary comments or recommendations stated by the DNR were that pre-treatment ponds be provided to improve wetland protection, conservation easements be used in conjunction with GCLWMO buffer strip program, and policies be developed to address control of exotics. In response, the GCLWMO Watershed Management Plan (PLAN) has been modified to establish policies relating to pre-treatment of stormwater discharge into DNR waters. The PLAN includes a discussion of native vegetation in regards to buffer strip management. The GCLWMO has also included a policy referencing the DNR management practices for control of exotic species. The DNR stated that they have no objection to the approval of the GCLWMO PLAN in a letter dated January 27, 1997.

b. Metropolitan Council

The Council's primary concerns in the initial review of the PLAN were the need to address the GCLWMO role in water management after adoption of the PLAN and the need to further schedule/prioritize funding for capital projects. The GCLWMO did update the PLAN to include a water monitoring program as part of the implementation program. The GCLWMO also provided schedules for completion and cost to implement the management program. In the final PLAN review, the Council stated that the Plan has addressed all concerns raised in its initial review of the PLAN. The Council recommended approval of the PLAN on February 1, 1997.

c. MPCA

The primary suggestions and informational comments stated by MPCA are the need to develop water quality standards which are consistent with MN Rules Chapter 7050, the compliance of wetland management in the GCLWMO with the WCA/MPCA 401 certification, and the need for MPCA stormwater discharge permits on all land disturbance of five or more acres. In response, the GCLWMO has modified the PLAN to incorporate the MPCA Classification System. The GCLWMO PLAN includes policies addressing the compliance with the Wetland Conservation Act. The PLAN also includes policies to address the MPCA requirements for storm water construction permits. The MPCA recommended approval of the GCLWMO Plan on February 5, 1997.

d. MDA

The MDA's informational comments were to recommend that the GCLWMO integrate with the MDA and the County Agricultural Inspectors on the watershed's noxious weed control program. The MDA also offered technical assistance in management or regulation of agricultural chemicals.

e. MDH

The MDH primary concerns in the initial review of the PLAN includes the need for summary of annual stormwater runoff rates, integration of municipal hydrologic models, clarifying the relationship of ground water resources to water appropriation data, and defining the process underway by the local communities to implement a well head protection plan. In response, the GCLWMO has added tables in the appendix to summarize hydrologic/hydraulic models. The PLAN referenced the county groundwater protection plan and the county geologic atlas to provide detailed information of groundwater resources and pollutant sources. The PLAN has also added a discussion concerning the well head protection program and the development of a ground water model for local aquifers.

f. BWSR

The initial comments from BWSR included the need for model ordinances, wetland management classes in relation of water body classification systems, clearly in defining the LGU and WMO responsibilities with respect to goals/policies, and information of available Flood Insurance Studies for local communities. All comments from the initial plan review were addressed in the final draft GCLWMO PLAN.

The final BWSR review included comments on clarifying the responsibility for implementation of the programs studies and capital improvements components, the need for municipal adoption of wellhead protection program, and adding a public notification process into amendment procedures. In response, the GCLWMO included additional language in the implementation program/priorities section outlining the procedure for undertaking full diagnostic studies and capital improvements. The PLAN has been modified to require that wellhead protection plans be completed as part of the local plans. The amendment procedure section of the PLAN includes a public notification component that is consistent with Minnesota Rules Chapter 8410.

The BWSR will also require that the GCLWMO have a fully compliant joint powers agreement (JPA) as part of the final BWSR approval of the PLAN.

The BWSR would like to commend the GCLWMO on the development of an effective and innovative watershed management PLAN. The BWSR would also like to recognize the GCLWMO in partnership with the City of Eagan as a national leader in Stormwater Management. The GCLWMO has created a PLAN that incorporates the successful local program into a management strategy that addresses the specific water quality issues in the Watershed.

CONCLUSIONS

1. The BWSR staff has reviewed the PLAN, dated April 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 April 1997, is compliant with MS§103B.
3. The BWSR staff has found that the PLAN, dated April 1997, has been review according to MS§103B.231 Subp. 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 Gun Club Lake Watershed Management Organization pursuant to MS§103B.231, Subd. 9 and 103D.401.
6. The Gun Club Lake Watershed Management Organization Watershed Management Plan attached to this Order, dated April 1997, states water and water-related problems within the GCLWMO boundaries, possible solutions thereto, general objectives and policies of the GCLWMO, 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 April 1997, as the Watershed Management Plan for the Gun Club Lake Watershed Management Organization.
2. That the GCLWMO 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 24th day of September, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Kathleen M. Roer, Chair

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 Rice Creek
Watershed District pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9**

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

Whereas, the Board of Commissioners of the Rice Creek Watershed District (RCWD) 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. | August 5, 1996 | BWSR receives the RCWD draft PLAN, dated August 5, 1996 for review pursuant to MS 103B.231 Subd. 7. |
| b. | October 3, 1996 | BWSR provides comments under draft review of the RCWD PLAN, MS 103B.231 Subp. 7. |
| c. | November 5, 1996 | BWSR receives response to comments from the RCWD in a letter dated November 1, 1996. |
| d. | November 13, 1996 | RCWD holds a public hearing regarding second generation watershed management plan. |
| e. | March 27, 1997 | BWSR receives RCWD final draft PLAN for review, dated March 24, 1997 for review pursuant to MS 103B.231 Subd. 8. |
| f. | May 9, 1997 | BWSR provides comments under final draft review of the RCWD PLAN pursuant to MS103B.231 Subp. 8. |
| g. | June 19, 1997 | BWSR receives RCWD final PLAN in a letter dated June 18, 1997 for review and approval pursuant to MS 103B.231 Subd 9. |
| h. | July 1 - 11, 1997 | BWSR publishes a notice of PLAN in several legal newspapers of the RCWD. |

2. Summary of Review Comments:

a. Metropolitan Council

The Metropolitan Council (Met Council) made initial comments with regards to minor error and omissions, wellhead protection and water supply plans, summary of data on lake monitoring, and storm event monitoring. Specifically the Met Council would like the RCWD to take the lead role in ensuring that member communities complete wellhead protection and water supply plans. The Met Council also requested that the RCWD summarize the lake water quality monitoring data and utilize this information to establish target in-lake nutrient concentrations and corresponding pollutant loadings. Lastly the Met Council suggested instituting a storm event monitoring program consistent with Met Council guidance documents.

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

b. MPCA

The MPCA initial comments contained general comments with regards to clarification in areas relating to water quality standards, pollutant sources, erosion and sediment control, priority water bodies, and individual sewage treatment systems.

After subsequent review of the revised draft, the MPCA provided final comments regarding water quality standards and recommended that the RCWD consider these comments in the final PLAN. The MPCA provided the RCWD with clarification of the water quality standards to be incorporated into the PLAN. The MPCA otherwise found the PLAN consistent with state rules and regulations and recommended that the BWSR approve the PLAN.

c. MDA

The MDA provided initial comments pertaining to their concerns with Objective A, Policy A.1 which promotes reducing runoff through infiltration.

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

d. MDH

The MDH did not provide comments on the RCWD PLAN.

e. MDNR

The MDNR provided initial comments on the draft PLAN specific to objectives and policies contained in the PLAN. Comments related to water management, runoff management, public ditch management, flood management, and the capital improvement program.

After subsequent review of the revised draft, the MDNR provide final comments stating the MDNR has no further concerns or comments to offer at this time.

f. BWSR

The BWSR worked with the RCWD through a couple of working sessions to communicate the BWSR comments on the initial review of the RCWD PLAN. The BWSR provided comments on many areas of the PLAN that pertained to Minnesota Rules 8410. A focus in the RCWD PLAN was to create a link between the between the standard to be implemented and the goals as stated in the PLAN.

Under review of the final draft PLAN the BWSR worked with the RCWD to add clarification to three main areas: 1) procedure to address unforeseen problems or opportunities; 2) clarification of the RCWD regulatory role with its member communities and the RCWD preference to maintain its permitting authority; 3) a procedure to lime assessment of resources to data and objectives and policies of the PLAN.

The BWSR did receive a copy of comments from the Ramsey SWCD letter dated April 4, 1997, with regards to the ground water protection section of the PLAN. The BWSR Metro Region recognizes the inconsistent status of ground water plans in the three counties affected by the RCWD. The BWSR has committed to working with the RCWD and the Ramsey SWCD to ensure implementation of the Ramsey Ground Water Plan. The RCWD has also recognized the importance of its role in ground water resources and will revisit the issue.

CONCLUSIONS

1. The BWSR staff has reviewed the PLAN, dated June 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 June 1997, is compliant with MS§103B.
3. The BWSR staff has found that the PLAN, dated June 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 Rice Creek Watershed District pursuant to MS§103B.231, Subd. 9 and

103D.401.

6. The Rice Creek Watershed District Watershed Management Plan attached to this Order, dated June 1997, states water and water-related problems within the RCWD boundaries, possible solutions thereto, general objectives and policies of the RCWD, 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 June, 1997, as the Watershed Management Plan for the Rice Creek Watershed District.
2. That the RCWD 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 24th day of September, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Kathleen M. Roer, Chair

MEMORANDUM OF AGREEMENT
Between the
STATE REVIEW AGENCIES
And the
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

PURPOSE:

This Agreement is intended to identify and agree to the cooperative roles and responsibilities of the Minnesota Board of Water and Soil Resources and the State Review Agencies in the development of Watershed Management Plans in the seven county metropolitan area pursuant to Minnesota Statutes, Chapter 103B.201 to 103B.255. This agreement is in furtherance of one of several general agreements reached by the parties in a meeting held on December 12, 1996 at the History Center for the purpose of improving of watershed plan implementation. At the December 12, 1996 meeting the parties agreed to place more effort in working proactively with watershed management organizations during the watershed plan development process to provide better opportunity for consideration of issues of mutual concern.

COOPERATION:

The BWSR and the State Review Agencies will cooperate and use their reasonable efforts to ensure the most expeditious implementation of the various provisions of this Agreement. The parties agree to, in good faith, undertake resolution of any dispute in an equitable and timely manner.

DEFINITIONS:

Agreement. "Agreement" means this Memorandum of Agreement.

BWSR. "BWSR" means the Board of Water and Soil Resources.

Citizen Advisory Committee (CAC). "Citizen Advisory Committee" means individuals with an interest in watershed management or others appointed by the WMO to provide planning assistance for the development of the WMO watershed management plan.

State Review Agencies. "State Review Agencies" means the Metropolitan Council, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Department of Agriculture and the Board of Water and Soil Resources.

Technical Advisory Committee (TAC). "Technical Advisory Committee" means individuals

identified by the WMO to provide planning assistance for the development of the WMO watershed management plan.

Watershed Management Organization (WMO). Has the meaning found in Minnesota Statutes 103B.205, Subdivision 13.

Watershed management plan. "Watershed management plan" means the Watershed Management Plan prepared by the WMO as required by Minnesota Statutes, section 103B.231, subdivision 1.

AUTHORITIES:

Nothing in this Agreement alters the statutory authorities or responsibilities of the BWSR or State Review Agencies. This Memorandum of Agreement is limited to development of watershed management plans.

THE BWSR WILL:

1. Assist and support WMOs in the development of their watershed management plan to meet requirements set forth in Minnesota Statutes 103B.201 to 103B.255. To assist the WMOs, BWSR will:
 - a. Assist with the identification of information needs.
 - b. Attend and participate in regular meetings of the WMO Boards, TACs and CACs to provide input and guidance on the plan development.
 - c. Review existing plans and studies for potential conflicts and opportunities with the plan update.
 - d. Provide written examples for plan sections to WMOs and agencies.
 - e. Provide the review agencies with a work plan and projected watershed planning schedule so that the State Review Agencies can make arrangements for the appropriate staff to attend and participate in WMO plan development.
2. Provide planning and technical assistance to the WMO needed for the WMO watershed management plan update.
3. Facilitate resolution of any disagreements between the WMO and a State Review Agency(ies).

THE STATE REVIEW AGENCIES WILL:

1. Attend and participate, to the degree practicable, in the meetings of the WMO Board, TACs and CACs to provide input, guidance and review of the watershed plan on issues that are important to the agency.

2. Provide information in their possession to WMOs needed to update the watershed management plan. This includes data, studies, resource management plans and other information that would be relevant to a particular watershed planning effort. The information will be provided in a usable format and in compliance with the state data compatibility guidelines where appropriate.
3. Provide the BWSR the names of all staff who should be notified of any meetings of a WMO, CAC or TAC where the content of a watershed plan will be considered.

BE IT FURTHER MUTUALLY AGREED THAT:

1. **Term.** This Agreement shall be in effect from the date of execution by all parties and shall continue in effect until completion of the priority schedule (attached).
2. This Agreement may be terminated upon mutual consent of the State Review Agencies and BWSR or if either party does not fulfill the obligations contained in this Agreement.
3. The State Review Agencies agree to actively participate in the plan development process to the degree allowed by other workload commitments and will internally promote involvement with watershed planning as a high priority task.
4. **Liability.** Each party to this Agreement shall be liable for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party, its officers, employees or agents.
5. **Modifications.** Any alterations, variations, modifications, or waivers of the provisions of this Agreement will be valid when they have been reduced to writing and signed by authorized representatives of the BWSR and State Review Agencies.
6. **Data Practices.** For purposes of this Agreement, all data collected, created, received, maintained or disseminated shall be governed by the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13 and the Minnesota Rules implementing the Act now in force or hereafter adopted as well as Federal laws on data privacy. The BWSR and State Review Agencies will comply with these statutes and rules.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below:

BOARD OF WATER AND SOIL RESOURCES

Ronald Harnack, Executive Director

Date

METROPOLITAN COUNCIL

(Name & Title)

Date

DEPARTMENT OF NATURAL RESOURCES

(Name & Title)

Date

MN DEPARTMENT OF AGRICULTURE

(Name & Title)

Date

MN DEPARTMENT OF HEALTH

(Name & Title)

Date

MN POLLUTION CONTROL AGENCY

(Name & Title)

Date

BWSR FLOOD RECOVERY SPECIAL PROJECTS

BACKGROUND

At their June 1997 Board Meeting, the BWSR anticipating the need for SWCDs to provide emergency cost share assistance in response to the Flood of 1997. It was decided to dedicate the remaining unallocated FY 98 State Cost Share Program funds, \$117,000, and future returned cost share funds (rollover), to the flood recovery effort. This action has resulted in \$235,000 that is now available to SWCDs to provide assistance for flood recovery. The BWSR did not receive any appropriations from the state legislature's Flood Recovery Special Session.

The Governor's "Minnesota Recovers Disaster Task Force" implemented a procedure to provide flood recovery assistance. This procedure provided an opportunity for LGUs to apply for flood recovery assistance for sedimentation, soil erosion, and water quality projects. Applications for assistance were matched with appropriate state and federal agency programs. It was the Task Force's strategy to utilize federal funding as first priority. The Minnesota Recovers Disaster Task Force has requested the BWSR to consider providing flood recovery assistance for several LGUs.

ISSUE

The Task Force has forwarded to the BWSR nineteen requests from LGUs for project funding consideration. These requests total \$441,006. Board Conservationists provided additional field review of these projects. The BWSR grant program suited to respond to these requests is the State Cost Share Special Projects program.

On September 9, 1997, the Grants Team reviewed these requests for a funding recommendation to the BWSR. These projects were evaluated according to established Special Projects evaluation criteria and their impact on flood recovery. Projects were given a high, medium, or low rating. All high and medium rated projects are recommended for funding. Funding recommendations for three projects in Nicollet, Big Stone, and Yellow Medicine counties, are based on pending funding decisions by other agencies. Please refer to the enclosed spreadsheet for a brief synopsis of this funding recommendation.

IMPACTS

- 1) The BWSR funding of these projects will effectively close the book on BWSR assistance for implementation projects related to the Flood of 1997. Special LWP Challenge Grants (\$150,000) for flood recovery related planning efforts will be brought to the BWSR at a future Meeting.
- 2) The BWSR funding of these projects will affect the extent of a potential FY 99 Special Projects Program as a limited amount of funds is projected to be available.

RECOMMENDATION

On behalf of the Governor's Task Force and BWSR staff, the BWSR is requested to approve these projects for funding as noted on the enclosed spreadsheet.

FY 98 FLOOD RECOVERY SPECIAL PROJECT APPLICATIONS

SWCD	PROJECT	TOTAL COST	FUNDING REQUEST	RATING (H,M,L)	RECOMMENDED FUNDING
BROWN	WENNER RIVERBANK EROSION	\$13,323	\$9,992	M	\$9,992
	STABILIZE ERODING COTTONWOOD RIVERBANK AND PROTECT HOUSE. PROJECT WILL ALSO PROTECT DOWNSTREAM BRIDGE.				
NORMAN	TWIN VALLEY - HEIBERG PARK	\$48,690	\$8,617	H	\$8,617
	STABILIZE ERODING BANKS AND CHANNEL OF MASHAUG CREEK, CONTROL DOWNSTREAM SEDIMENTATION.				
NICOLLET	HARVEY FRUHWIRTH STREAMBANK STABILIZATION		\$11,000	M*	\$11,000
	RIPRAP 100' OF 8 MILE CREEK TO PROTECT FEEDLOT AND BUILDINGS, PROTECT WATER QUALITY.				
NICOLLET	SCHLUMBERGER STREAMBANK STABILIZATION		\$1,500	L	\$0
	CONTROL SEVERE BANK EROSION ON 8 MILE CREEK, PROTECT WATER QUALITY.				
BECKER	BIG DETROIT LAKE SHORELINE EROSION CONTROL	\$15,000	\$12,500	H	\$12,500
	BLUFF UNDERCUTTING CAUSING SEDIMENT AND NUTRIENT LOADING IN LAKE.				
KITSON	TWO RIVER STREAMBANK EROSION	\$30,897	\$23,173	H	\$23,173
	SEVERE STREAMBANK EROSION THREATENING COUNTY BRIDGE 35502 ABUTMENT THREATENING STRUCTURE.				
MURRAY	LAKE WILSON SHORELINE STABILIZATION	\$30,000	\$22,500	H	\$22,500
	2,000' SHORELINE EROSION UNDERMINING BANK AND THREATENING TOWNSHIP ROAD.				
MURRAY	SLAYTON GOLF COURSE STREAMBANK STABILIZATION	\$75,000	\$56,250	L	\$0
	ERODING BANKS OF BEAVER CREEK THREATENING/DAMAGING GOLF COURSE STRUCTURES				
MURRAY	CURRENT LAKE SHORELINE STABILIZATION	\$30,000	\$22,500	L	\$0
	SEVERE SHORELINE EROSION THREATENING COUNTY ROAD.				
LYON	REDWOOD RIVER STREAMBANK STABILIZATION	\$15,000	\$11,250	MH	\$11,250
	EROSION OF REDWOOD RIVERBANKS IS THREATENING A CONDOMINIUM.				
LYON	FOURTH STREET STREAMBANK STABILIZATION	\$15,000	\$11,250	MH	\$11,250
	ERODING COTTONWOOD RIVERBANK THREATENING 30 RESIDENCES AND CONTRIBUTING SEDIMENT TO REDWOOD RIVER.				
LYON	STORMWATER RETENTION POND REPAIR	\$100,000	\$75,000	L	\$0
	REPAIR OF 5 SMALL IMPOUNDMENT STRUCTURES TO RETAIN RUNOFF, REDUCE SEDIMENTATION, AND PROVIDE WILDLIFE HABITAT.				
LAC QUI PARLE	MEHURIN TOWNSHIP ROAD	\$6,433	\$4,825	H	\$4,825
	HIGH WAVE ACTION ERODING TOWNSHIP ROAD FOR 1/4 MILE ON SALT LAKE.				
CHIPPEWA	CHIPPEWA RIVERBANK EROSION	\$23,950	\$17,963	L	\$0
	RIPRAP TO CONTROL CHIPPEWA RIVERBANK EROSION ALONG CROPLAND.				
BIG STONE	BIGSTONE OUTLET	\$100,000	\$75,000	H**	\$44,732
	SEVERE EROSION OCCURRING ON 250' OF BIG STONE LAKE OUTLET. PRIVATE RESIDENCE ALSO THREATENED.				
BIG STONE	BIG STONE LAKE EROSION	\$180,000	\$60,000	H	\$60,000
	REPAIR MULTIPLE ERODING SITES ALONG BIG STONE LAKE SHORELINE IN CITY OF ORTONVILLE.				
YELLOW MEDICINE	MN RIVERBANK EROSION	\$12,274	\$9,206	H***	\$9,206
	REPAIR RIVERBANK EROSION AT TWO ERODED PARK SITES IN CITY OF GRANITE FALLS.				

FY 98 FLOOD RECOVERY SPECIAL PROJECT APPLICATIONS

SWCD	PROJECT	TOTAL COST	FUNDING REQUEST	RATING (H,M,L)	RECOMMENDED FUNDING
MAR-BEL	SIDE WATER INLET	\$7,940	\$5,955	M	\$5,955
	RE-DESIGN AND INSTALL PIPE TO PREVENT GULLYING DURING HIGH FLOWS, PREVENT SEDIMENTATION OF MUD RIVER.				
MAR-BEL	CROSSING	\$3,365	\$2,525	L	\$0
	REPAIR STRUCTURE OUTLET CROSSING, RE-GRADE ADJACENT AREAS.				
TOTALS		\$706,872	\$441,006		\$235,000

* FUNDING RECOMENDATION BASED ON DENIAL FROM OTHER FUNDING SOURCES.

** FUNDING RECOMMENDATION BASED ON FUNDING DENIAL BY ARMY CORPS OF ENGINEERS.

*** FUNDING RECOMMENDATION BASED ON FUNDING DENIAL FROM FEMA.

H:FY98FRSP

WaterShed Partners and Metropolitan Council Grant for Media Outreach Project-
INFORMATION, Jim Haertel

A \$200,000 special project grant from the Metropolitan Council's Twin Cities Water Quality Initiative will be administered by BWSR for a media outreach project. The actual title of the media outreach project is "Water Quality Action Campaign". Several components of the Campaign will be over viewed for the Board. The Campaign will be undertaken by WaterShed Partners, whose mission is "to promote a public understanding that inspires people to act to protect water quality in their watershed". WaterShed Partners should become a familiar name to most of you in the near future and is comprised of several partners, including: Mississippi National River and Recreation Area (National Park Service-MNRAA), Minnesota Valley National Wildlife Refuge, Corps of Engineers, DNR, PCA, BWSR, MDA, Historical Society, Office of Environmental Assistance, Metropolitan Council, Science Museum, Minnesota Extension/U of M Water Resources Center, Minnesota Project, Center for Global Environmental Education-Hamline University, McKnight Foundation, Anoka County Parks and Recreation, Hennepin County Parks, Minneapolis Parks and Recreation Board, Minneapolis Public Works, St. Paul Public Works, Grass Lake WMO, Ramsey-Washington Metro WD, Minnehaha Creek WD, Friends of the Mississippi River, Friends of the Minnesota Valley, Tarlton Institute for Marine Education, Citizens for a Better Environment, St. Paul Neighborhood Energy Consortium, Water Resources Youth Stewardship Project, Greening the Great River Park, Izaak Walton League, St. Paul Riverfront Corporation, and others.



Minnesota Pollution Control Agency

Feedlot Rule Update

May 1997

Introduction

The MPCA has been in the process of revising Minnesota's animal feedlot rules, (Minn. Rules Chapter 7020). This Update newsletter is to provide information on major activities and issues related to the feedlot rulemaking process. Future Update newsletters will give information, explain proposed changes in the rule and announce public meetings and other opportunities to be heard on this important issue.

presence of earthen basins, and location relative to shoreland. This is being proposed to help the agency focus on facilities that are high-risk pollution feedlots. Conducting a census of existing feedlots would also be important for doing random visits and inspections of feedlots. In addition, registration would be a helpful tool for counties to make decisions regarding land use and zoning issues.

For further information regarding the MPCA feedlot rule revision please contact Don Hauge, MPCA. Feedlot Unit at 612-296-8481 or by e-mail at: Don.Hauge@pcastateminus

Critical Concepts for Proposed Revision of Feedlot Permitting Program

Registration Census Requirement

The proposed permit system would require owners or operators of facilities to provide the agency with basic information about their facility including name, location, number of animal units,

Facilities in Shoreland and/or Containing an Unapproved Earthen Basin

These proposals reflect the agency's philosophy of moving toward more risk-based approaches to environmental protection. Under the proposed rule, a facility in shoreland and/or a facility having an unpermitted basin would need to apply for a permit unless the facility had a permit or a current certificate of compliance when the rule is adopted. Facilities located within/without shoreland and facilities with unpermitted basins are new categories that were not included in the old rules.



Printed on recycled paper containing at least 10 percent fibers from paper recycled by consumers.

Permit-by-Rule (PBR)

This permitting concept is being proposed for the 51-1000 animal unit group. Presumably most facilities in this category will qualify for permit-by-rule status.

Under this approach, the agency would not have to process permits for facilities determined eligible for PBR. If the conditions described in the PBR provisions apply to a facility and they agree to follow them, they are automatically permitted. However, permit-by-rule does not imply that the feedlot owner could operate without concern for the environment. While no permit document is actually issued, the feedlot owner or operator would be expected to know, understand and follow the PBR requirements.

Permit-by-rule is attractive because it is an efficient and inexpensive way to permit facilities without requiring excessive paperwork. Under this rule, many producers could avoid having to fill out a permit application and the agency would save resources required for application review. This permit option makes good sense for facilities that are not likely to create a pollution risk. Facilities located outside of shoreland, that do not have unapproved earthen basins or that have total confinement are the types of facilities which the agency believes can be safely permitted using this method.

Individual and General Permits

Individual and general permits are two types of permitting approaches the agency may use when issuing permits. Individual permits contain provisions to fit the needs of a particular facility, while general permits can be issued to facilities that share many common characteristics with other facilities. The preference is to use general

permits when possible. They take less time to issue and are lower cost than an individual permit.

An important difference between these two type of approaches is related to public notification. (Public notification means that an announcement by the agency of intent to issue a permit must be placed, for comment and formal hearing request, for 30 days prior to final issuance.) Whenever an individual permit is issued, it would, by permit rule requirements, be placed on public notice. General permits are placed on notice only once and that is when the general permit is initially developed by the agency. These public notification differences make it possible to issue general permits in a shorter period of time.

One way to ensure public notification of area residents would be to require the person applying for the permit to notify the ten nearest residents, as well as the county and township before applying for a MPCA feedlot permit.

NPDES Permit

An NPDES permit would be required before either constructing or operating a facility with more than 1,000 animal units. Facilities with 300-1000 animal units that have man-made conveyances creating the potential for discharge to surface waters will also be required to obtain an NPDES permit. A general NPDES permit is less expensive for the agency to issue than an individual NPDES permit. Facilities with more than 1000 animal units currently operating under a certificate of compliance (COC) (which will cease to exist in the rule revision) will be required to apply for an NPDES permit.

Construction Permit

The proposed construction permit would have a function similar to the interim permit, which is

used to prevent or eliminate potential pollution hazards. Under the proposal owners of feedlots located in shoreland or those facilities containing unpermitted earthen basins would be required to submit an application for a permit. This is necessary because facilities in shoreland and those containing unpermitted earthen basins are considered to be a higher environmental risk. If the facility is defined as total confinement, or they have a current certificate of compliance that is an accurate description of the facility they do not have to apply for a construction permit and are automatically covered by permit by rule.

Total Confinement

The proposed permitting system currently states that total confinement barns (meaning there are no outside lots) within shoreland may be deemed permitted under PBR. The primary pollution danger from feedlots in shoreland is runoff. Total confinement should remove this risk and, therefore we believe, PBR may be appropriate.

Land Application

Existing state laws regarding the land application of manure state that manure must be kept from polluting public waters and be applied at rates which do not exceed crop nutrient requirements. In addition, a manure management plan must be submitted with feedlot permit applications. The manure management plan must include manure handling application techniques, and the number of acres available for manure application. A task force has been considering possible rule revisions for the past year and a half. The group is made up of a cross-section of interest groups that include agricultural

producers, producer groups, environmental organizations, county, state and university officials, and private consultants. The proposals being given most serious consideration for facilities with more than 50 animal units include:

- requiring that a manure management plan and records be kept at each livestock facility. Types of records kept would be consistent with best management practices for manure nutrient management.

- specifying that the agronomic rate requirement considers plant available nitrogen, rather than other nutrients.

- requiring special protection measures for land within 300 feet of public waters, including lakes, streams, intermittent streams, unbermed drainage ditches and Minnesota Department of Natural Resources regulated wetlands. Application to frozen snow-covered soils would be prohibited in these special protection areas. Options for manure application to unfrozen soils in this area would include: 1) maintaining 100-foot wide permanent vegetated buffer along the water or channel, or 2) following a combination of practices including preventing soil phosphorus from accumulating, observing a 25-foot setback, and incorporating manure into the soil within 48 hours after application.

- requiring a 50-foot manure application setback from all wells, sinkholes, mines, and quarries.

Manure Storage

The MPCA policies for the construction of manure storage facilities have significantly changed since the rules were last revised in 1978. It is likely that many of these policies will be incorporated into the new rule. Main features under serious consideration include:

- design and construction specifications

for building new or modifying existing storage structures to meet a seepage standard of 1/56 of an inch or less per day.

- requiring professionally engineered plans and specifications or MPCA pre-approved plans and specifications for concrete storage structures smaller than 500,000 gallon capacity and all earthen storage structures or concrete storage structures larger than 500,000 gallons.
- requiring a report that states proper construction practices were followed by the contractor during construction.

Feedlot Odor

Because of rising concern over odors generated from livestock facilities, this aspect of regulation has been an important consideration in the feedlot rule revision. A task force of the Feedlot and Manure Management Advisory Committee was convened in early 1996 to study the issue and make recommendations.

A key recommendation was to provide research and development for the creation of an odor rating guide that counties can use when regulating livestock confinement activities. This research and development would also assist producers in selecting feedlot designs that produce less odor.

Summary

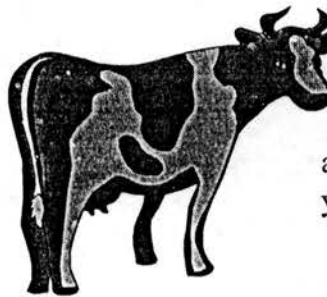
Numerous issues are associated with the

revision of the state feedlot rules.

Therefore many individuals and groups are affected. The MPCA has compiled a list of over 200 interest groups that may potentially be affected by feedlot rule revisions. The number of interest groups affected and the complexity of issues make public participation a major component of this effort. There has already been significant public comment about the rule revision and we encourage the public to continue to comment by telephone or mail. We continue to do our best to come up with reasonable, sensible and responsible rules, and are making every attempt to hear and understand the views and concerns that people have about the proposed rules. We believe people have an obligation to let us know about any concerns

they may have.

Additional public information meetings will be scheduled and announced later this year.



September 10, 1997

TO: Board Members

FR: Tim Fredbo, Easement Program Manager *TF*

RE: Limited Duration RIM Reserve Easements - Red River Valley

ISSUE:

The SWCD's from Kittson, Marshall, Polk, Pennington, Red Lake and Norman counties have requested that the Board authorize them to take applications for limited duration easements in all future sign-ups. Their proposal was discussed at your last meeting in Crookston, and a copy is included as *Attachment 1* for your reference.

BACKGROUND:

The Board approved a similar request last year at the Sept. 25, 1996 meeting (resolution 96-72) on a one year pilot basis. This was approved in response to the flood damage that cropland areas experienced in 1996. Extreme flooding in recent years in the Red River valley has caused severe scour erosion damage to cropland areas that have never experienced damage. These scour areas can no longer be farmed without some extensive earth moving to reshape them. The RIM Reserve program is a viable alternative in these situations as these lands can be retired and seeded down to prevent damage from future flood events.

The SWCD's from the counties in the valley feel that the possibility of limited duration easements (20 year) will enhance the ability of the RIM program to be used in these flood damaged areas with landowners who are opposed to perpetual easements.

FINDINGS:

Results of the 1996 RIM sign-up yielded a total of five 20 year easements, all in Marshall county. These easements encompass 125 acres and will cost the state a total of \$34,171 in easement and associated conservation practice payments. All these easement applications were for flood damaged scour areas. BWSR Board Conservationists in the area encompassed by the original pilot area had \$165,000 available for the 1996 sign-up. Approximately \$22,060 went unused in the region as landowner demand for easements, 20 year or perpetual, did not materialize. The \$22,060 was used to fund easements in other areas of the state where demand for perpetual easements exceeded the supply of available funds.

The RIM Reserve Advisory Committee met on September 3, 1997. A list of the committee members is included as *Attachment 2*. Limited duration easements, as a statewide possibility, was one of the issues discussed at the meeting. Dave Clark, Technician with the Marshall SWCD,

was also in attendance at the meeting. After much discussion, it was the majority consensus of the group that existing BWSR policy of funding only perpetual easement applications should be continued as long as landowner demand continues to exceed the supply of available easement acquisition funds. The committee also felt that other existing programs, such as CRP, could be utilized when landowners desire something less than perpetual.

OPTIONS & STAFF RECOMMENDATIONS:

1. Deny the request from the Area 1 SWCDs (Kittson, Marshall, Polk, Pennington, Red Lake, and Norman).
NOT RECOMMENDED. *Staff does not recommend complete denial of this request as flood damage this past spring in the valley was just as bad, if not worse, than the previous year when the original pilot was approved. The pilot effort should be given one more year to adequately judge the effectiveness of our efforts. We need to work cooperatively with SWCDs to protect their soil and water resources, so option 3 is the recommended course of action.*
2. Approve the request as originally submitted by the Area 1 SWCDs (Attachment 1).
NOT RECOMMENDED. *This request, if approved, would allow limited duration easements for all future RIM sign-ups on all eligible land types. Staff feels that this option is not viable as it would create an inequitable situation with regards to the remainder of the state.*
3. Applications for 20 year easements will be limited to flood damaged areas, and funding priority will be given to perpetual applications.
RECOMMENDED. *The staff feels that the terms of the original pilot should be extended to cover this fall's sign-up. BWSR will assess the program based on benefits to soil conservation, water quality, and wildlife habitat, with special consideration given to the ability of local governments to secure these benefits beyond the term of the easements.*

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.*

RIM RESERVE ADVISORY COMMITTEE

D'Wayne DeZiel, Executive Director, Minnesota Association of SWCD's
Jim Schafer, Minnesota Association of SWCD's
Chris Raddatz, Director of Gov. Affairs, Minnesota Farm Bureau Federation
Chris Leifeld, Director of Gov. Affairs, Farmers Union
Lance Ness, Legislative Director, Fish and Wildlife Legislative Alliance
Cheryl Miller, National Audobon Society
Gabrielle Horner, Director of Government Relations, Nature Conservancy
Roger Peterson, Conservation Programs Coordinator, Ducks Unlimited
Joe Duggan, Pheasants Forever
Mike McGinty, Executive Director, Minnesota Waterfowl Association
Kevin Lines, Farmland Wildlife Program Coordinator, DNR
Paul Burns, Asst. Director Planning, MN Department of Agriculture
Jim Leach, Joint Venture Coordinator, US Fish and Wildlife Service, Ft. Snelling
Roger Mussetter, Ass't State Conservationist, Natural Resources Conservation Service
Dave Moran, Director, MN Conservation Federation
Greg Anderson, USDA Farm Service Agency, St. Paul
Larry Himanga, Forestry Incentives Specialist, DNR
Tom Kalahar, District Technician, Renville SWCD
Greg Bengston, Engineering Technician, Wright SWCD
Darren Newville, District Technician, Martin SWCD
Dave Clark, District Technician, Marshall SWCD
Barbara Cobb, Board Member, MN Board of Water and Soil Resources

Board Resolution No. _____

WHEREAS, Cass County has taken this opportunity to submit their Comprehensive Wetland Protection and Management Plan ("Plan") to the Board of Water and Soil Resources (BWSR) for review and comment at the Board's September 1997 regular meeting; and

WHEREAS, Mr. John Sumption, Cass County wetlands coordinator, gave the Board a preliminary overview of the Plan at the April 23rd Board meeting; and

WHEREAS, Cass County was one of ten counties in Minnesota selected in 1995 to participate in a joint regulatory program (General Permit #17) with the U.S. Army Corps of Engineers to streamline the regulatory processing of wetland related permits. As part of this program, BWSR provided funding to Cass County and others toward development of a Plan; and

WHEREAS, Cass County initiated a plan which utilizes a Geographic Information System (GIS) based model to assess specific functions and values of various wetland types proposed for impacts within the county. This model accounts for fish and wildlife habitat, flood proneness, groundwater sensitivity, cultural resources, wetland uniqueness, and rare and endangered species. The plan is a product of a technical committee comprised of lake associations, regulatory agencies, and resource specialists with specific knowledge about the county's natural resources. The Plan has been developed with the goal of providing a mechanism to guide future wetland decisions within the County; and

WHEREAS, Staff from the MDNR-Sections of Wildlife, Fisheries, Waters, Ecological Services and Enforcement actively participated in the planning process. Staff from the MPCA were invited to participate in the process but did not actively do so. Other agencies (US Army Corps, NRCS, Leech Lake Tribe) participated to various degrees providing comments as they deemed necessary. Cass County incorporated all comments received deemed relevant to the improvement of the Plan; and

WHEREAS, the Plan becomes effective after adoption of the final plan into the official control which is the Cass County Wetland Ordinance.

NOW THEREFORE, The Board endorses the Plan contingent upon the following conditions:

- minor changes*
1. Modification of Article 3, Section 3.03, (C)(3) to decouple the Cass Wetland Bank replacement option from the alternative standards adopted under the Wetland Conservation Act (MN Rule 8420.0650); and
 2. Modification of Article 3, Section 3.03, (C)(2) to explain that replacement ratio variations above 1:1 result from the additional local requirements of Article 4 while the flexibility to have a replacement ratio below 1:1 comes from the alternative standards adopted under the Wetland Conservation Act (MN Rule 8420.0650), and that together no-net-loss of public values is achieved; and
 3. Adoption and continued existence of the model within a legally enforceable ordinance.

FURTHERMORE, the Board directs staff, in conjunction with the Attorney General's Office, to assist Cass County in finalizing the Plan including, but not limited to; providing suggested language that fulfills the contingencies noted above, other specific suggestions on improvements to the ordinance, general suggestions on legal considerations related to the ordinance, and noting the parts of the plan that are more restrictive than state law.

Signature _____
Kathleen Roer, Chair
MN Board of Water and Soil Resources

Date _____

s:cass.res

MEMO



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

An equal opportunity employer

Printed on recycled paper

DATE: September 11, 1997

TO: BWSR Wetland Subcommittee

FROM: Daniel Eklund, Wetland Specialist
Dale Krystosek, Board Conservationist
John Jaschke, WCA Program Manager

SUBJECT: Final Comprehensive Wetland Management Plan - CASS CO.

Cass County has taken this opportunity to submit their Comprehensive Local Wetland Management Plan ("Plan") to the Board of Water and Soil Resources for approval at the Board's September 1997 regular meeting. Cass County will adopt the plan during the fall of (Oct./Nov.) 1997.

Background

Cass County was one of ten counties in Minnesota selected in 1995 to participate in a joint regulatory program (General Permit #17) with the U.S. Army Corps of Engineers to streamline the regulatory processing of wetland related permits. As part of this program, the Minnesota Board of Water and Soil Resources (BWSR) provided funding to Cass County and others toward development of a Plan.

Cass County initiated a plan which utilizes a Geographic Information System (GIS) based model to assess specific functions and values of various wetland types proposed for impacts within the county. This model accounts for fish and wildlife habitat, flood proneness, groundwater sensitivity, cultural resources, wetland uniqueness, and rare and endangered species. The plan is a product of a technical committee comprised of lake associations, regulatory agencies, and resource specialists with specific knowledge about the county's natural resources. The Plan has been developed with the goal of providing a mechanism to guide future wetland decisions within the County.

Agency Comments

Staff from the MDNR-Sections of Wildlife, Fisheries, Waters, Ecological Services and Enforcement actively participated in the planning process. Staff from the MPCA were invited to participate in the process but did not actively do so. Other agencies (i.e., US Army Corps, NRCS, Leech Lake Tribe) participated to various degrees providing comments as they deemed necessary. Cass County incorporated all comments received deemed relevant to the improvement of the Plan.

Legal Process

MN Rule 8420.0650, Subpart 3 states in part that:

- A. The plan is deemed approved in 60 days after the local government unit submits the final plan to the board, unless the board disagrees with the plan as provided in item D.
- B. The board may not disapprove the plan if the board determines the plan meets requirements of this part.
- C. In its review of the plan, the board shall advise the local government unit of those elements of the plan that are more restrictive than state law and rules.
- D. If the board disagrees with the plan or any element of the plan, the board shall, in writing, notify the local government unit of the plan deficiencies and suggest changes...

MN Rule 8420.0650, Subpart 4 States:

- A. The plan becomes effective in subpart 3...after adoption of the plan into the official control of the local government unit.
- B. After the effective date of the Plan, a local government unit shall make replacement decisions consistent with the plan.

BWSR Staff Comments/Recommendations

The initial comments from BWSR staff included need for BWSR to review the consistency and accuracy of the model in defining the functions and values of particular wetlands. Additionally, several comments were made by the MN Attorney General's office and BWSR Program staff regarding the portions of the proposed ordinance to ensure it was consistent with WCA. Additionally, the section concerning enforcement of the ordinance was clarified to ensure local enforcement was properly coordinated with the separate responsibilities of the zoning code and the WCA. All requirements of the WCA rule regarding replacement plan content and notice have been fulfilled. BWSR staff have submitted no additional comments to the final Plan.

The Plan complies with all the requirements of the Wetland Conservation Act. The Plan creates an evaluation system that accurately measures a particular wetland's contribution to the surrounding landscape. The Plan's strength is its effective and feasible implementation program for the management of the local wetland resource. It is the position of the BWSR staff that the Plan should be used as a "model" for other northern counties with greater than 80% presettlement wetland base. The BWSR field staff and program staff **recommend that the BWSR approve the plan.** This approval should be contingent upon the anticipated adoption of the Plan by Cass County in the fall of 1997.

c: BWSR Staff: Ron Harnack, Greg Larson, Ron Shelito
 BWSR Board Members



MEMORANDUM

September 2, 1997

To: BWSR Wetland Committee

From: John Jaschke, WCA Program Manager *J.J.*

RE: CASS COUNTY CoWProMP

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

An equal opportunity employer

Printed on recycled paper

Attached is a copy of Cass County's Comprehensive Wetland Protection and Management Plan (CoWProMP). This plan, which consists of an ordinance based on a functional analysis model, has been in development for over a year and has involved a diverse group of natural resource experts from federal, state and local government offices that have responsibilities in Cass County.

Pending an affirmative decision at the county level to proceed and a positive recommendation from your committee, this plan will be on the September 24th Board meeting agenda as a consent item. Mr. John Sumption, Cass County Wetlands Administrator, gave the Board an overview of the plan at the April 23rd meeting. If you have any questions about the plan's process or outcomes please contact me at (612) 297-3432, Board Conservationist Dale Krystosek at (218) 755-4235 or John Sumption at (218) 547-7256.

BWSR staff and the Attorney General's office have reviewed previous drafts of the plan and will make a final recommendation to your committee on this final draft prior to the September 24th meeting.

Attachment

c: Matt Seltzer, Attorney General's Office
John Sumption, Cass County
Dale Krystosek, BWSR-Bemidji
Dan Eklund, BWSR-Brainerd
Ron Shelito, BWSR-Brainerd
Ron Harnack, BWSR-St. Paul
Mary Jo Anderson, BWSR-St. Paul
Greg Larson, BWSR-St. Paul
Mick Weburg, US Army Corps of Engineers-St. Paul
Larry Zdon, MN Pollution Control Agency-St. Paul
Doug Norris, Dept. of Natural Resources-St. Paul
BWSR Northern Region Water Planning Committee

**CASS COUNTY ENVIRONMENTAL SERVICES
CASS COUNTY COURTHOUSE
PO BOX 3000
WALKER, MN. 56484
(218) 547-7256**

RECEIVED

AUG 07 1997

August 1, 1997

MEMORANDUM

TO: Cass County Inter-agency Wetland Technical Committee, Board of Water and Soil Resources, Department of Natural Resources, Pollution Control Agency, Cass County Environmental Services Citizen Advisory Committee, Cass County Municipalities, Leech Lake Reservation-Division of Resource Management, Cass County Commissioners, Cass County Lake Associations, Interested Citizens

FROM: John Sumption, Cass Wetlands Act Administrator

RE: Wetland Model and Ordinance

Please find enclosed final copies of the Cass County Wetland Function Analysis Model and the proposed Cass County Wetland Ordinance.

In accordance with Minnesota Rules 8420.0650, Subpart 3, this shall serve as an official request for BWSR review and comment. The local hearing and enactment process will begin within 60 days.

Thank you for your help in developing and reviewing this plan and ordinance.

1
2
3
4
5
6 CASS COUNTY ENVIRONMENTAL SERVICES
7
8
9
10
11
12
13
14

15
16 CASS COUNTY WETLAND ORDINANCE
17
18
19
20
21
22
23
24
25

26
27 *REVISION DRAFT*
28
29
30

31
32 7/31/97 VERSION
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

TABLE OF CONTENTS

1		
2	ARTICLE 1 TITLE AND PURPOSE.....	3
3	SECTION 1.01. TITLE.....	3
4	SECTION 1.02. PURPOSE.....	3
5	SECTION 1.03. INTERPRETATION.....	3
6	SECTION 1.04. SEVERABILITY.....	3
7	SECTION 1.05. ABROGATION AND GREATER RESTRICTIONS .	3
8	SECTION 1.06. RESPONSIBILITY TO OBTAIN OTHER PERMITS.....	4
9	ARTICLE 2 DEFINITIONS	4
10	SECTION 2.01 INCORPORATION BY REFERENCE.	4
11	SECTION 2.02 ADDITIONAL DEFINITIONS.....	4
12	ARTICLE 3 STATE WETLAND CONSERVATION ACT PROGRAM.....	5
13	SECTION 3.01. INTRODUCTION.....	5
14	SECTION 3.02. STATE STANDARDS.	5
15	SECTION 3.03. ALTERNATIVE STANDARDS.	6
16	(A) CLASSIFICATION OF WETLANDS.....	6
17	(B) SEQUENCING.....	6
18	(C) REPLACEMENT.....	7
19	(D) EXPANSION OF EXEMPTIONS IN A GREATER THAN 80 PERCENT AREA.	7
20	SECTION 3.04 APPEALS.....	8
21	SECTION 3.05. ENFORCEMENT.	8
22	ARTICLE 4 ADDITIONAL LOCAL REQUIREMENTS	8
23	SECTION 4.01. REPLACEMENT RATIOS AND COUNTY WETLAND VALUE REPLACEMENT FUND.....	8
24	SECTION 4.02. NO BUILD SITUATIONS.....	9
25	SECTION 4.02. JUDICIAL REVIEW.....	10
26	SECTION 4.03. ENFORCEMENT.....	10
27	SECTION 4.04 REVIEW OF WETLAND MODEL AND ORDINANCE.	10
28	ARTICLE 5 ADOPTION	11
29	APPENDIX A.....	12
30		
31		

CASS COUNTY WETLAND PROTECTION ORDINANCE

ARTICLE 1 TITLE AND PURPOSE

Section 1.01. Title

This Ordinance shall be known, cited, and referred to as the Cass County Wetland Protection Ordinance. When referred to herein, it shall be known as "this Ordinance."

Section 1.02. Purpose.

This Ordinance is adopted for the purpose of:

- (A) Adopting certain alternative standards that shall apply to determinations by Cass County in its capacity as the local government unit for the state wetland conservation act program;
- (B) Adopting the state wetland conservation act program by reference as part of Cass County's official controls to provide an additional means for enforcement of the requirements of the state wetland conservation act program;
- (C) Adopting administrative procedures for performance of Cass County's responsibilities as the local government unit for the state wetland conservation act program that shall apply in addition to the administrative procedures set forth in the Wetland Conservation Act and Wetland Conservation Act Rules; and
- (D) Adopting as part of Cass County's official controls additional local requirements for the conservation of wetlands that are more restrictive than the requirements of the state wetland conservation act program.

Section 1.03. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Section 1.04. Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected.

Section 1.05. Abrogation and Greater Restrictions .

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the

provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Section 1.06. Responsibility to Obtain Other Permits.

Approval of an exemption or replacement plan under the terms of this ordinance and the Wetland Conservation Act does not express or imply approval by any other regulating jurisdiction. It is an applicant's sole responsibility to contact all other federal, state, or local agencies to make sure all necessary permits and approvals are granted concerning applicant's project.

ARTICLE 2 DEFINITIONS

Section 2.01 Incorporation by reference.

Terms used in this Ordinance which are defined in the Wetland Conservation Act or the Wetland Conservation Act Rules shall have the meanings given there, unless otherwise defined in this Ordinance.

Section 2.02 Additional Definitions

For purposes of this Ordinance, the following terms shall have the following meanings:

Board means the Board of Water and Soil Resources under Minnesota Statutes, section 103B.101.

City. means a home rule charter or statutory city.

Commissioner. means the commissioner of the Department of Natural Resources.

County Board. means the Cass County Board of Commissioners

Day. means working days when used in a time period of 15 days or less and calendar days when used in a time period greater than 15 days. The day of the event shall not be used in counting any period of time.

Department or ESD. means the Cass County Environmental Services Department unless otherwise provided herein.

Model means the Cass County Wetland Functional Assessment Model which will serve as the local wetland plan in accordance with Minn. Stat. § 103G.2243 and Minn. R. 8420.0650 and which is herein adopted by reference.

No Build Situation. means an instance in which a proposed wetland impact is not allowed due to the existence, in the proposed project area or in an adjacent area, of cultural resources, special habitats, or rare and endangered species.

1 **State wetland conservation act program.** means the program for the conservation of wetlands
2 pursuant to the Wetland Conservation Act and the Wetland Conservation Act Rules, subject to
3 alternative standards adopted by a local government unit under an approved local comprehensive
4 wetland protection and management plan.

5
6 **Technical Evaluation Panel** means a panel of wetland delineators representing Cass County
7 ESD, Cass SWCD, the Board of Water and Soil Resources, and other resource professionals
8 which makes technical determinations in relation to the provisions of this Ordinance.

9
10 **Wetland Conservation Act** means 1991 Minn. Laws ch. 354, as amended by 1993 Minn. Laws
11 ch. 175, 1994 Minn. Laws ch. 627, 1996 Minn. Laws ch. 462, and by any subsequent
12 amendments.

13
14 **Wetland Conservation Act Rules.** means the rules adopted by the Board of Water and Soil
15 Resources to implement the Wetland Conservation Act, Minn. R. ch. 8420 (1995), as amended by
16 20 Minn. Reg. 2629 (June 10, 1996), and by any subsequent amendments.

17 18 **ARTICLE 3 STATE WETLAND CONSERVATION ACT PROGRAM**

19 20 **Section 3.01. Introduction.**

21 Cass County serves as the local government unit for the implementation of the state
22 wetland conservation act program. The state wetland conservation act program requires that
23 persons proposing to impact wetlands by draining or filling have demonstrated that the activity
24 impacting a wetland has complied with all of the following principles in descending order or priority:

- 25 A. avoid direct or indirect impacts to the wetland that may destroy or diminish the wetland
- 26 B. minimize the impact to the wetland by limiting the degree or magnitude of the wetland
27 activity and its implementation
- 28 C. rectify the impact by repairing, rehabilitating, or restoring the affected wetland
- 29 D. reduces or eliminates the impact to the wetland over time by preservation and
30 maintenance operations; and
- 31 E. replaces unavoidable impacts to the wetland by restoring or, if wetland restoration
32 opportunities are not reasonably available, creating substitute wetland areas having
33 equal or greater public value.

34 As the local government unit for the state wetland conservation act program, Cass County
35 is responsible for approving replacement plans and making other determinations specified by the
36 Wetland Conservation Act and the Wetland Conservation Act Rules. Article 3 pertains to
37 determinations by Cass County in its capacity as the local government unit for the state wetland
38 conservation act program.

39 40 **Section 3.02. State Standards.**

41 Cass County, in fulfillment of its responsibilities as the local government unit for the state
42 wetland conservation act program, shall make exemption, no-loss, replacement plan, and banking
43 determinations in accordance with the Wetland Conservation Act and the Wetland Conservation
44 Act Rules, except as expressly provided in Section 3.03 of this Ordinance pertaining to alternative
45 standards.

1
2 **Section 3.03. Alternative Standards.**

3 Pursuant to Minn. Stat. § 103G.2243, subd. 2 and Minn. R. 8420.0650, subp. 2, a local
4 government unit which has adopted an approved comprehensive wetland protection and
5 management plan may vary certain standards that would otherwise apply to local government unit
6 determinations under the Wetland Conservation Act and the Wetland Conservation Act Rules. In
7 accordance with the model, the following alternative standards shall apply to determinations made
8 by Cass County in its capacity as local government unit for the state wetland conservation act
9 program:
10

11 **(A) Classification of wetlands.**

12
13 1. Authority for alternative standard. Minn. Stat. § 103G.2243, subd. 2(1) and Minn.
14 R. 8420.0650, subp. 2(A) provide that a local government unit which has adopted an approved
15 comprehensive wetland protection and management plan may provide for classification of
16 wetlands in the plan area based upon an inventory of wetlands, an assessment of the wetland
17 functions, and the resulting public value of the wetlands.
18

19 2. Findings in support of alternative standard. Cass County makes the following findings in
20 support of its alternative standard for classification of wetlands:
21

22 **The Cass County Wetland Functional Assessment Model assigns specific**
23 **locally-derived values to all wetlands in the County. Wetlands are rated for**
24 **uniqueness, surface and groundwater quality protection, fisheries habitat,**
25 **wildlife habitat, cultural resources, rare and endangered species, and flood**
26 **attenuation. (see appendix A)**
27

28 3. Alternative Standard. Wetlands shall be classified for purposes of the application of the
29 alternative standards in Sections 3.03(B), 3.03(C), 3.03(D), and 3.03(E) of this Ordinance
30 **according to the Cass County Wetland Functional Assessment Model.**
31

32 **(B) Sequencing.**

33
34 1. Authority for alternative standard. Minn. Stat. § 103G.2243, subd. 2(2) and Minn.
35 R. 8420.0650, subp. 2(B) provide that a local government unit which has adopted an approved
36 comprehensive wetland protection and management plan may vary the application of the
37 sequencing standards in Minn. Stat. § 103G.222, subd. 1(b) for projects based on the
38 classification of wetlands and criteria set forth in the plan.
39

40 2. Findings in support of alternative standard. Pursuant to the model, Cass County makes the
41 following findings in support of its alternative standard for sequencing:
42

43 **The analysis provided by the model has determined that allowing flexibility**
44 **in sequencing for wetlands scoring 11 or less will not result in a net loss of**
45 **wetland functions and values.**
46

3. Alternative standard. The application of the sequencing standards in Minn. Stat. § 103G.222, subd. 1(b) shall be varied as follows:

For projects impacting wetland areas which scores 11 or less on the model as verified by the technical panel, the Department may provide an on-site sequencing determination without written documentation from the applicant.

(C) Replacement.

1. Authority for alternative standard. Minn. Stat. § 103G.2243, subd. 2(3) and Minn. R. 8420.0650, subp. 2(C) provide that a local government unit which has adopted an approved comprehensive wetland protection and management plan may vary the replacement standards of Minn. Stat. § 103G.222, subd. 1(f)-(g), based on the classification of wetlands and criteria set forth in the plan.

2. Findings in support of alternative standard. Pursuant to the model, Cass County makes the following findings in support of its alternative standard for replacement:

The analysis provided by the model has determined that variations in the replacement ratio are warranted to provide additional protection for critical wetlands which score higher, while allowing less than 1:1 replacement on other less critical wetlands.

3. Alternative standard. The replacement standards in Minn. Stat. § 103G.222, subd. 1(f)-(g) shall be varied as follows:

Replacement wetlands must be of a size sufficient to ensure that they provide equal or greater public value than the wetland that was drained or filled. The minimum size of the replacement wetland must be determined by the score for the impacted wetland as calculated by the model or the technical evaluation panel. See Section 4.01 for wetland model score implications.

(D) Expansion of exemptions in a greater than 80 percent area.

1. Authority for alternative standard. Minn. Stat. § 103G.2243, subd. 2(5) and Minn. R. 8420.0650, subp. 2(E) provide that a local government unit in a greater than 80 percent area which has adopted an approved comprehensive wetland protection and management plan may, based on the classification of wetlands and criteria set forth in the plan, expand the application of the exemptions in Minn. Stat. § 103G.2241, subd. 1(a)(4), to also include nonagricultural land, provided there is no net loss of wetland values.

2. Findings in support of alternative standard. Pursuant to the model, Cass County makes the following findings in support of its alternative standard for expansion of the exemptions in Minn. Stat. § 103G.2241, subd. 1(a)(4):

The analysis provided by the model has determined that allowing expansion in the application of exemption #1, WCA Rules 8420.0122, Subp.

1 **1, Item D(1), for wetlands scoring 11 or less will not result in a net loss of**
2 **wetland functions and values.**

3
4 3. Alternative standard. The exemptions in Minn. Stat. § 103G.2241, subd. 1(a)(4) shall be
5 expanded as follows:

6
7 **Application of exemption #1, WCA Rules 8420.0122, Subp. 1, Item D(1),**
8 **which states that no replacement plan is required for activities in a type 1**
9 **wetland on agricultural land (except for bottomland hardwood type 1**
10 **wetlands) and activities in a type 2 or type 6 wetland that is less than two**
11 **acres in size and located on agricultural land, is hereby expanded to apply**
12 **to nonagricultural land, provided that the subject wetland has scored 11 or**
13 **less using the Model.**

14 **Section 3.04 *Appeals.***

15 Exemption, no-loss, replacement plan, and banking determinations made by Cass County
16 in its capacity as the local government unit for the state wetland conservation act program may be
17 appealed to the Board of Water and Soil Resources pursuant to and in accordance with Minn.
18 Stat. § 103G.2242, subd. 9 and Minn. R. 8420.0250.

19 **Section 3.05. *Enforcement.***

20 The state wetland conservation act program is enforceable pursuant to and in accordance
21 with Minn. Stat. § 103G.2372 and Minn. R. 8420.0290. In order to provide an additional means for
22 the enforcement of the requirements of the state wetland conservation act program, the Wetland
23 Conservation Act and the Wetland Conservation Rules, subject to the alternative standards set
24 forth in Section 3.03 of this Ordinance, are hereby incorporated by reference as a part of Cass
25 County's official controls. Violations of the Wetland Conservation Act and the Wetland
26 Conservation Act Rules, subject to the alternative standards set forth in Section 3.03 of this
27 Ordinance, shall be deemed to be violations of Cass County's official controls and may be
28 enforced by Cass County in the same manner as any other violations of Cass County's official
29 controls. Such enforcement of Cass County's official controls shall be in addition to enforcement
30 under Minn. Stat. § 103G.2372 and Minn. R. 8420.0290 and shall not be deemed to amend,
31 supersede, preempt, or otherwise alter enforcement under Minn. Stat. § 103G.2372 and
32 Minn. R. 8420.0290.

34 **ARTICLE 4 ADDITIONAL LOCAL REQUIREMENTS**

35
36 Cass County finds that it is desirable to impose additional local requirements for the
37 conservation of wetlands that are more restrictive than the requirements of the state wetland
38 conservation act program implemented pursuant to and in accordance with Article 3 of this
39 Ordinance. This Article 4 adopts additional local requirements as part of the governing body's
40 official controls.

41 **Section 4.01. *Replacement Ratios and County Wetland Value Replacement Fund***

42
43 A. Replacement wetlands must be of a size sufficient to ensure that they provide equal
44 or greater public value than the wetland that was drained or filled. The minimum size of the

replacement wetland must be determined by the score for the impacted wetland as calculated by the model or the technical evaluation panel according to the following table:

REPLACEMENT RATIOS

<u>SCORE</u>	<u>REPLACEMENT RATIO</u>
8-11	0.5:1
12-14	1:1
15-17	2:1
18-19	3:1
20-21	4:1
22-24	5:1

B. The scores generated by the Model shall not be final. The technical evaluation panel may review, evaluate, and/or amend the score generated by the model based on a site inspection. A technical panel review will be conducted if:

1. The score generated by the model is 18 or more.
2. The wetlands in question was previously unidentified.
3. Requested by an applicant or technical evaluation panel member.

C. Modified scores will be determined based on the criterion in the model and on site specific factors. Two of the three members of the panel must vote for the chosen score. The technical evaluation panel recommendation on the score will be forwarded to the Department for consideration in processing the replacement plan application.

D. When replacement is to be accomplished using the Cass County Wetland Bank, revenue received for all replacement in excess of the 1:1 ratio required to satisfy the provisions of WCA shall be placed in a Cass County Wetland Value Replacement Fund. This fund will be available to landowners and local and state agencies for projects to restore and/or replace wetland functions and values, or enhance water quality within Cass County. Application will be made on forms provided by the Department.

Section 4.02. No Build Situations

A. When so indicated by the criterion in the model or the recommendation of the technical evaluation panel, certain areas may be designated as no build situations. These include but are not limited to:

1. Known cultural resource sites
2. Rare and endangered species sites
3. Critical wildlife habitats

B. A variance from part A of this section may be granted by the Cass County Board of Adjustment upon application and only in accordance with Minnesota Statutes, Chapter 394 as applicable. Sections 4.5 and 4.6 of the Ordinance for the Management of Shoreland Areas, Cass County, Minnesota (effective October 3, 1996) are hereby incorporated herein for the purpose of administering said variances (See Appendix A).

1 **Section 4.02. *Judicial Review.***

2 The application of the additional local requirements in Section 4 of this Ordinance by the
3 governing body is subject to judicial review in district court of Cass County in the same manner
4 and in accordance with the same procedures applicable to judicial review of other decisions under
5 the Cass County Environmental Service Department's official controls.
6

7 **Section 4.03. *Enforcement.***

8 Violations of the additional local requirements in Section 4 of this Ordinance are enforceable in
9 the same manner as other violations of the Cass County Environmental Service Department's
10 official controls.
11

12 **Section 4.04 *Review of Wetland Model and Ordinance.***

13 In accordance with the no net loss requirements of the Wetland Conservation Act of 1991,
14 Laws 1991, chapter 354, as amended by Laws 1993, chapter 175; Laws 1994, chapter 627; and
15 Laws 1996, chapter 462, and Minnesota Rules, Chapter 8420.0100, a review of the Cass County
16 Wetland Functional Assessment Model and the Cass County Wetland Protection Ordinance shall
17 be conducted every five years. The review will be conducted by an inter-agency technical team
18 consisting of representatives from Cass County, the Department of Natural Resources, the
19 Minnesota Pollution Control Agency, the Leech Lake Reservation Division of Resource
20 Management, the Board of Water and Soil Resources, the U. S. Forest Service, the Natural
21 Resources Conservation Service, Townships, and local lake associations.

22 If this review reveals that the no net loss goal is not being met, revision of relevant parts of the
23 model and ordinance shall be made to bring the program into compliance with the Wetlands Act.

1 **ARTICLE 5 ADOPTION**

2
3 **THE COUNTY OF CASS HERE BY ORDAINS THAT:**

4
5 **THE CASS COUNTY WETLAND ORDINANCE IS HEREBY ADOPTED BY THE CASS COUNTY**
6 **BOARD OF COMMISSIONERS ON THIS**

7
8 _____ Day of _____, 1997.

9
10
11 _____
12 **Chairman, Cass County Board of Commissioners**

13
14
15 **ATTEST:**

16
17 _____
18 **ROBERT L. YOCHUM, Cass County Administrator**

19
20
21
22 **EFFECTIVE DATE: _____, 1997**

23 **4.5 CASS COUNTY BOARD OF ADJUSTMENT**
24
25

APPENDIX A

BOARD OF ADJUSTMENT, VARIANCES, AND APPEALS (From the Ordinance for the Management of Shoreland Areas, Cass County, Minnesota, Effective October 3, 1996)

4.51 Duties of the Cass County Board of Adjustment. The Board of Adjustment is hereby established and vested with such authority as in hereinafter provided and as provided by Minnesota Statutes, Chapter 394, Laws of 1959 as amended. A Board of Adjustment consisting of five members, one of whom is a member of the Cass County Planning Advisory Commission, shall be created by resolution of the Cass County Board of Commissioners. The members of the Board may serve without compensation except that they shall be paid for necessary expenses in the conduct of the business of the Board.

4.52 Term of Office The Board of Adjustment members shall be appointed by the Cass County Board of Commissioners as prescribed in Minnesota Statutes 394.27, subdivision 1 through 9.

4.53 Powers The Board of Adjustment shall hear and decide appeals and make interpretations of the Ordinance or Zoning Map, where it is alleged there is an error in any order, requirements, decision or determination made by the Environmental Services Department in the enforcement of this Ordinance, in exercising such power, the Cass County Board of Adjustment may affirm wholly or partially, or may modify the order, requirements, decision or determination and may direct the issuance of a permit.

It may authorize, upon appeal in specific cases, a variance from the terms of the ordinance in keeping the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance shall create undue hardship.

Shall hear and decide upon matters referred to it by the Environmental Services Department upon which it is required to pass under the Ordinance.

Shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. A Chairman and Vice-Chairman shall be elected from among the members of the Cass County Board of Adjustment. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings are open to the public.

4.6 VARIANCE

4.61 Variance Criteria. A variance may be granted by the Cass County Board of Adjustment upon application and only in accordance with Minnesota Statutes, Chapter 394 as applicable. Any person may make an application to the Board of Adjustment for a variance from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and where the hardship is of a non-economic nature. No application for a variance will be accepted from landowners or on property on which there are current or past unresolved violations outstanding. A variance may not circumvent the general purposes and intent of this ordinance. In no case shall a variance be granted which the board determines will:

A. Allow any use that is prohibited in the zoning district in which the subject property is located; or

INTEROFFICE MEMORANDUM

September 15, 1997

TO: board members, strategic planning team members,

FROM: Marybeth Block, Special Projects Coordinator



SUBJECT: Strategic Plan Adoption

Attached please find the final copy of the strategic plan. The following changes were made to the final draft discussed at the August board meeting:

- ✧ The sidebars were edited or added to on the cover and pages 5, 12-15.
- ✧ The addresses and phones number of all BWSR offices was added to the sidebar on page 2.
- ✧ An executive summary was added.
- ✧ The language was changed in the last sentence of the second paragraph on page 8 (Regulation is best used . . .).

The adoption of the plan is a decision item before the board. The strategic planning team has a meeting scheduled on October 1 to discuss printing, distribution and support materials needed.

*State and Local Government
Working Together*



Strategic Plan

Central Office:

One West Water Street
St. Paul, MN 55107
(612) 296-3767
(612) 297-5615 (Fax)

Field Offices:

Metropolitan Region:

One West Water Street
St. Paul, MN 55107
(612) 296-282-9969
(612) 297-5615 (fax)

Northern Region:

394 S. Lake Avenue, Rm 403
Duluth, MN 55802
(218) 723-4752
(218) 723-4794 (fax)

3217 Bemidji Ave. N.
Bemidji, MN 56601
(218) 755-4235
(218) 755-4201 (fax)

217 7th St. S., Ste. 202
Brainerd, MN 56401
(218) 828-2383
(218) 828-6036 (fax)

Southern Region:

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

40-16th St., SE, Ste A
Rochester MN 55904
(507) 285-7458
(507) 280-2875 (fax)

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

Contents

Executive Summary	3
About the Board	4
Plan Purpose	5
Board Mission	5
Board Tenets	7
Minnesota's Resources	9
Economic and Land Use Implications	10
Trends Shaping the Future	12
Strategies	14
 Addendum:	
Statutory Responsibilities	16-19

Executive Summary

This strategic plan sets forth a foundation upon which BWSR policy and programs can be framed. The plan communicates the basic tenets the Board believes are fundamental to carrying out its mission to assist local units of government to manage and conserve their irreplaceable water and soil resources:

Local Implementation: Local units of government working directly with landowners, resource management agencies and citizens to provide a grassroots approach to water and soil protection efforts.

Voluntary Implementation: Education and incentives influence individuals to voluntarily implement resource management practices that protect water and soil resources.

Comprehensive and Collaborative Management: Natural resource issues and problems seldom follow political boundaries or are solvable by the efforts of one individual, group or agency. Local governments help bring people and their local political structures together to meet the challenges of managing soil and water resources wisely.

In keeping with those tenets the Board will strive to accomplish the following strategies:

✓ **Encourage local resource planning and protection efforts by:**

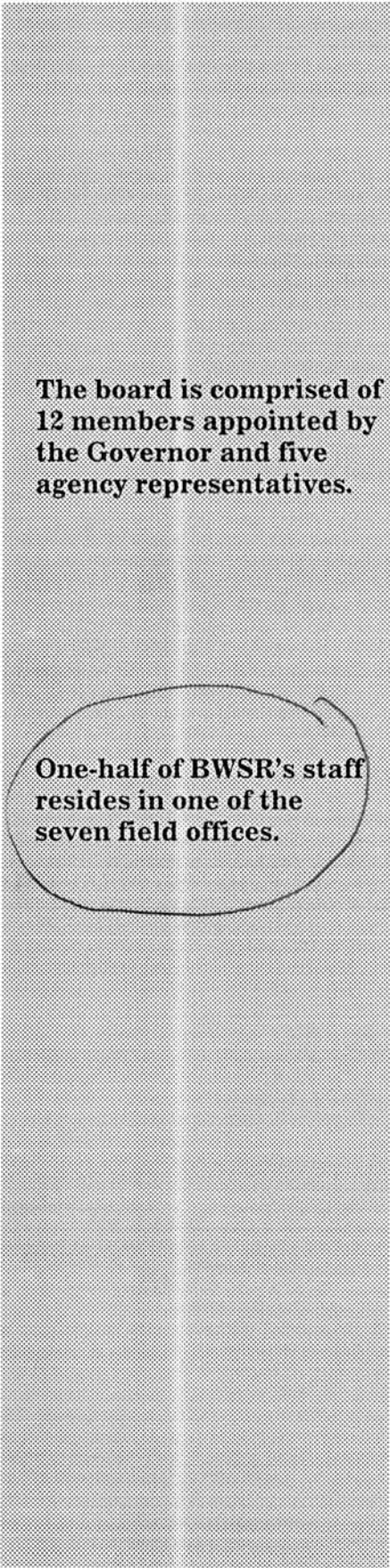
- ❖ continuing to use the Comprehensive Local Water Planning process; and
- ❖ using a watershed based management approach.

✓ **Support local resource management activities by:**

- ❖ providing a forum to foster working relationships; and
- ❖ enhancing the effectiveness of BWSR programs.

✓ **Develop and maintain the capability to deliver competent service to local units of government, especially:**

- ❖ soil conservation, engineering, wetlands, groundwater, information management, communication, planning and administration.



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 . . .

The board has strong alliances and works to connect these partners with the local unit of government best suited to address their particular resource management concern.

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 of the Board is 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.

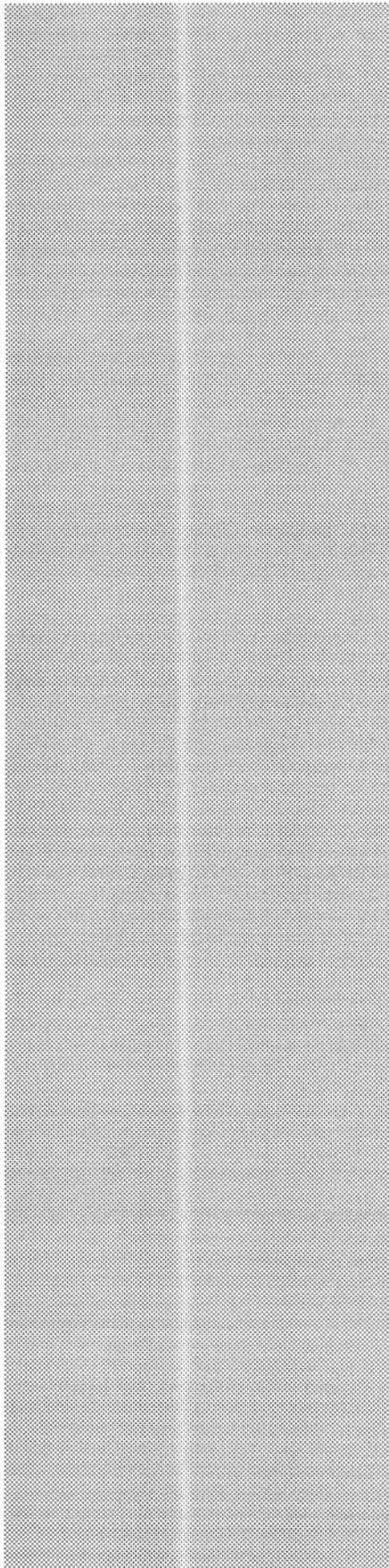
This plan describes the agency's mission, basic tenets (principles) as well as the strategies that are fundamental to implementing the Board's work in a manner that is meaningful to local governments. It summarizes the extent and condition of the state's water and soil resources, as well as some of the 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 their irreplaceable water and soil resources.

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, 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 for those whose actions threaten 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 ensure 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 states 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

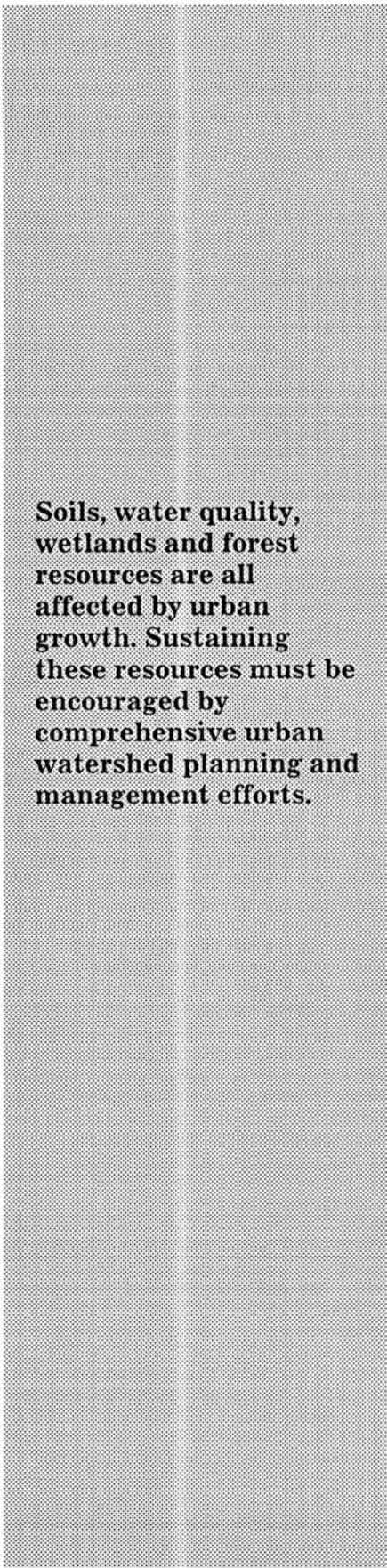
Soil is also a valuable resource in Minnesota. About one-half of Minnesota is covered by soils capable of supporting agricultural uses. Our fertile topsoil and favorable climate make Minnesota one of the outstanding crop producing regions in the United States and in the world. Soil not only functions 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 country and the city are becoming increasingly intertwined, physically and socially.

Many local citizens are becoming involved in issues pertaining to the environment.

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 ensure 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 ensuring 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, blufflands 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.

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.

... 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.

The Board will continue its commitment to provide timely leadership to adapt new technologies to water and soil management efforts.

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 small parcels have conservation needs on their lands that 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 will continue its commitment to provide timely leadership to adapt new technologies pertaining 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.

The Board will continue to use comprehensive local water planning as the primary means to plan for and implement water and soil resource protection strategies.

The Board will encourage and assist local governments to use a watershed-based resource management approach.

The Board will strive to allocate financial, technical and administrative support to achieve the best return on the investments of all involved.

Strategies

1. Encourage local resource planning and protection efforts.

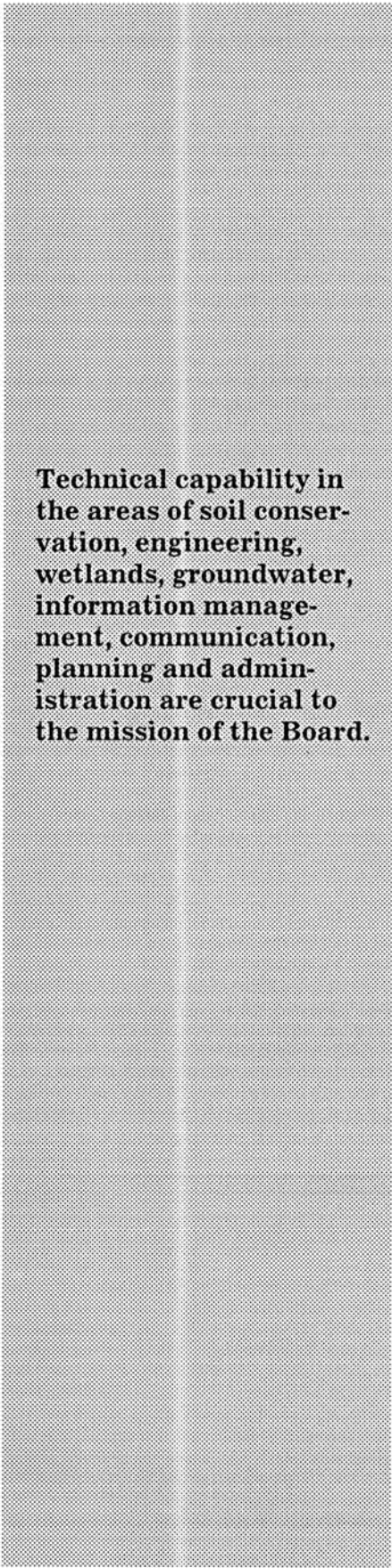
The Board will accomplish this strategy by continuing to use **comprehensive local water planning** as the primary mean to plan for and implement water and soil resource protection strategies. The local water planning process is an effective way to define the roles and responsibilities of each of the 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 educational support to local government's 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



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.

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 the 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 acquires; 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.