



Minnesota Board of Water and Soil Resources.
Minutes.

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10/22/97

1 of 2



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Field Offices

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3217 Bemidji Avenue N.
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217 S. 7th Street
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261 Highway 15 S.
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DATE: October 13, 1997

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: October 22, 1997 Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 22, 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:

New Business

1. Feedlot Panel Discussion: This agenda item was recommended at the July BWSR meeting for the September meeting, and rescheduled to October. Focus will be on feedlot regulation issues at the county and township level, including connections with local water plan implementation and land use planning and zoning. **DISCUSSION**
2. 1998 Natural Resources Block Grants: The Natural Resources Block Grant (NRBG) is an annual grant formulated to assist LGUs in implementing four state mandated programs. These programs are: Comprehensive Local Water Planning, the Wetland Conservation Act, DNR Shoreland Management, and the MPCA County Feedlot Program. This grant is allocated to counties. The Board is requested to approve the 1998 NRBG Program and authorize staff to implement this non-competitive grants program. **DECISION**
3. Brown's Creek Watershed District Establishment: BWSR received a petition from Washington County to establish the Brown's Creek Watershed District. The Metro Water Planning Subcommittee presided over the establishment hearing. There was unanimous agreement among those testifying at the hearing that a watershed district should be formed, although there was some testimony that a larger watershed district should be considered. However, there was unanimous consent as to the urgency of forming a watershed district. BWSR, along with two county commissioners, conducted interviews for the first board of managers. The Metro Water Planning Subcommittee recommends establishment of the Brown's Creek Watershed District. The draft findings, conclusions and order will be mailed separately before the board meeting. **DECISION**

4. Metropolitan Airports Commission vs. Coon Creek Watershed District: The Dispute Resolution Committee (DRC) heard an appeal by the Metropolitan Airports Commission (MAC) from a wetland replacement plan decision made by the Coon Creek Watershed District (CCWD). Based on the record and the written and oral briefs in this matter, the DRC recommends the wetland replacement plan decision of the CCWD to deny the MAC wetland replacement plan be affirmed. A copy of the draft order is enclosed. DECISION

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 22nd!

RDH:mja
Enclosures

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
OCTOBER 22, 1997**

PRELIMINARY AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approval of Minutes of September 24, 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.

New Business

1. Feedlot Panel Discussion - Allan Oehlke - INFORMATION
 - Paul Burns, Assistant Director, Agricultural Marketing and Development Division, Minnesota Department of Agriculture
 - Dave Preisler, Executive Director, Minnesota Pork Producers Association
 - Dave Nelson, Supervisor, Feedlot Unit, Water Quality Division, Minnesota Pollution Control Agency
 - Dave Fricke, Executive Director, Minnesota Association of Townships
2. 1998 Natural Resources Block Grants - Wayne Zellmer - DECISION

3. Brown's Creek Watershed District Establishment - Dwain Otte -
DECISION
4. Metropolitan Airports Commission vs. Coon Creek Watershed
District - Marv Tripp - 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. AMC Annual Meeting, November 30 - December 2, Bloomington
2. MAWD Annual Meeting, December 5-6, Alexandria
3. MASWCD Annual Meeting, December 7-9, Rochester
4. BWSR Meeting, December 17, St. Paul

Other Board Issues

Adjourn

Committee meetings will follow the BWSR meeting:

- Administrative Advisory Committee
- Education and Public Relations Committee

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
OCTOBER 22, 1997**

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DECISION
4. Metropolitan Airports Commission vs. Coon Creek Watershed
District - Marv Tripp - DECISION
5. Conservation Reserve Enhancement Program (CREP) - Greg
Larson - DECISION

Advisory Comments

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2. Vern Wilker, MASWCD
3. Franklin Denn, MAT
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1998 NATURAL RESOURCES BLOCK GRANT

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement four state natural resource programs. These four programs are: Comprehensive Local Water Planning, the Wetland Conservation Act, DNR Shoreland Management, and the MPCA Feedlot Permit Program. It is a composite base grant formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the four grant program components.

1998 NRBG Schedule

October 22, 1997	BWSR requested to authorize the 1998 NRBG
November 15, 1997	NRBG Program announced in the State Register
	NRBG Application sent to all counties
January 15, 1998	NRBG applications due to Board Conservationists
February 1998	Grant Agreements sent to counties

Selected Program Highlights the 1998 NRBG:

Comprehensive Local Water Planning - \$2,608,646

This component is for implementing comprehensive local water plans. A local levy match is required. This levy is determined from a county's equalized taxable net tax capacity. The grant amount is derived from the formula of \$37,500 - local levy, but all counties are eligible for a minimum of \$18,750.

Wetland Conservation Act - \$1,744,790

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county WCA activity. SWCDs are entitled to receive at least \$5,000 of this grant for performing mandated WCA activities.

DNR Shoreland - \$518,000

This component is for the administration of state approved shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity.

MPCA County Feedlot Program - \$886,175

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local 1:1 cash and/or in-kind match is required. The 1997 legislature adjusted the allocation formula and grant amounts may have increased or decreased in a county.

Proposed base grants for the 1998 NRBG are itemized on the enclosed spreadsheet.

Recommendation

On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to authorize the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

**PROPOSED 1998
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT * (BASED ON LEVEL I INVENTORY)	
AITKIN	5,011	\$32,489	\$19,200	\$12,375	\$6,780	\$70,844
ANOKA	77,480	\$18,750	\$40,500	\$3,000	\$2,490	\$64,740
BECKER	6,865	\$30,635	\$24,200	\$12,321	\$15,210	\$82,366
BELTRAMI	6,501	\$30,999	\$36,000	\$6,317	\$10,410	\$83,726
BENTON	7,425	\$30,075	\$36,000	\$3,771	\$14,730	\$84,576
BIG STONE	1,413	\$36,087	\$10,000	\$3,087	\$3,660	\$52,834
BLUE EARTH	17,061	\$20,439	\$19,200	\$3,722	\$7,980	\$51,341
BROWN	6,491	\$31,009	\$10,000	\$3,070	\$13,590	\$57,669
CARLTON	6,828	\$30,672	\$19,200	\$4,506	\$5,550	\$59,928
CARVER	19,777	\$18,750	\$36,000	\$3,000	\$13,500	\$71,250
CASS	12,116	\$25,384	\$51,000	\$12,275	\$10,710	\$99,369
CHIPPEWA	3,495	\$34,005	\$10,000	\$3,012	\$3,630	\$50,647
CHISAGO	9,604	\$27,896	\$26,700	\$5,671	\$5,910	\$66,177
CLAY	10,364	\$27,136	\$16,700	\$3,378	\$6,990	\$54,204
CLEARWATER	2,672	\$34,828	\$19,200	\$3,630	\$12,000	\$69,658
COOK	3,378	\$34,122	\$12,200	\$4,814	\$150	\$51,286
COTTONWOOD	3,796	\$33,704	\$10,000	\$3,181	\$8,130	\$55,015
CROW WING	22,384	\$18,750	\$36,000	\$21,946	\$5,970	\$82,666
DAKOTA	118,251	\$18,750	\$41,000	\$3,000	\$6,870	\$69,620
DODGE	3,947	\$33,553	\$16,700	\$3,069	\$7,650	\$60,972
DOUGLAS	9,510	\$27,990	\$19,200	\$9,803	\$14,280	\$71,273
FARIBAULT	4,780	\$32,720	\$10,000	\$3,138	\$6,780	\$52,638
FILLMORE	4,527	\$32,973	\$10,000	\$3,089	\$34,965	\$81,027
FREEBORN	7,202	\$30,298	\$10,000	\$3,602	\$9,540	\$53,440
GOODHUE	19,284	\$18,750	\$16,700	\$3,181	\$21,480	\$60,111
GRANT	2,188	\$35,312	\$13,980	\$3,507	\$3,570	\$56,369
HENNEPIN	461,284	\$18,750	\$36,000	\$0	\$4,260	\$59,010
HOUSTON	3,988	\$33,512	\$12,200	\$3,127	\$19,290	\$68,129
HUBBARD	6,363	\$31,137	\$26,700	\$9,677	\$4,470	\$71,984
ISANTI	6,016	\$31,484	\$26,700	\$4,595	\$4,470	\$67,249
ITASCA	15,796	\$21,704	\$36,010	\$11,596	\$5,040	\$74,350
JACKSON	4,378	\$33,122	\$10,000	\$3,455	\$8,220	\$54,797
KANABEC	2,258	\$35,242	\$26,700	\$4,693	\$8,850	\$75,485
KANDIYOHI	10,759	\$26,741	\$19,200	\$7,748	\$12,390	\$66,079
KITSON	2,833	\$34,667	\$16,700	\$3,038	\$3,320	\$57,725
KOOCHICHING	3,083	\$34,417	\$19,200	\$3,123	\$2,310	\$59,050
LAC QUI PARLE	2,328	\$35,172	\$10,000	\$3,017	\$2,340	\$50,529
LAKE	3,095	\$34,405	\$16,700	\$5,295	\$0	\$56,400
LAKE OF THE WOODS	1,002	\$36,498	\$26,700	\$4,007	\$1,770	\$68,975
LE SUEUR	6,145	\$31,355	\$16,700	\$5,643	\$8,220	\$61,918
LINCOLN	1,730	\$35,770	\$10,000	\$3,176	\$10,170	\$59,116

**PROPOSED 1998
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT * (BASED ON LEVEL I INVENTORY)	
LYON	7,018	\$30,482	\$10,000	\$3,141	\$11,070	\$54,693
MCLEOD	7,766	\$29,734	\$16,700	\$3,429	\$13,320	\$63,183
MAHNOMEN	1,063	\$36,437	\$12,200	\$3,855	\$3,240	\$55,732
MARSHALL	3,895	\$33,605	\$19,200	\$3,000	\$4,800	\$60,605
MARTIN	7,014	\$30,486	\$10,000	\$3,470	\$8,760	\$52,716
MEEKER	4,783	\$32,717	\$19,200	\$5,433	\$12,000	\$69,350
MILLE LACS	3,556	\$33,944	\$19,200	\$5,517	\$11,280	\$69,941
MORRISON	5,751	\$31,749	\$26,700	\$4,526	\$32,010	\$94,985
MOWER	8,103	\$29,397	\$12,200	\$3,746	\$11,730	\$57,073
MURRAY	3,156	\$34,344	\$10,000	\$3,696	\$10,770	\$58,810
NICOLLET	7,397	\$30,103	\$16,700	\$3,077	\$8,850	\$58,730
NOBLES	5,476	\$32,024	\$10,000	\$3,054	\$14,130	\$59,208
NORMAN	2,337	\$35,163	\$12,200	\$3,011	\$3,210	\$53,584
OLMSTED	34,987	\$18,750	\$26,700	\$3,614	\$17,610	\$66,674
OTTER TAIL	14,061	\$23,439	\$33,200	\$20,362	\$40,440	\$117,441
PENNINGTON	2,566	\$34,934	\$16,700	\$3,251	\$3,930	\$58,815
PINE	5,232	\$32,268	\$36,700	\$6,768	\$14,100	\$89,836
PIPESTONE	2,173	\$35,327	\$10,000	\$3,000	\$12,690	\$61,017
POLK	8,445	\$29,055	\$16,700	\$3,967	\$7,890	\$57,612
POPE	2,656	\$34,844	\$15,200	\$4,877	\$11,340	\$66,261
RAMSEY	155,669	\$18,750	\$26,700	\$0	\$30	\$45,480
RED LAKE	933	\$36,567	\$12,200	\$3,297	\$4,590	\$56,654
REDWOOD	5,209	\$32,291	\$10,000	\$3,000	\$11,190	\$56,481
RENVILLE	6,378	\$31,122	\$10,000	\$3,055	\$9,240	\$53,417
RICE	11,970	\$25,530	\$19,200	\$4,806	\$13,110	\$62,646
ROCK	2,939	\$34,561	\$10,000	\$3,000	\$12,180	\$59,741
ROSEAU	3,337	\$34,163	\$26,700	\$3,095	\$8,070	\$72,028
ST. LOUIS (2 SWCD'S)	41,878	\$18,750	\$36,700	\$22,873	\$4,740	\$83,063
SCOTT	24,033	\$18,750	\$36,000	\$3,000	\$8,700	\$66,450
SHERBURNE	25,498	\$18,750	\$36,000	\$5,591	\$4,020	\$64,361
SIBLEY	3,784	\$33,716	\$12,200	\$3,098	\$12,480	\$61,494
STEARNS	29,293	\$18,750	\$51,500	\$10,330	\$58,110	\$138,690
STEELE	8,951	\$28,549	\$12,200	\$3,290	\$9,240	\$53,279
STEVENS	2,494	\$35,006	\$10,000	\$3,130	\$4,620	\$52,756
SWIFT	2,524	\$34,976	\$12,200	\$3,149	\$5,460	\$55,785
TODD	3,254	\$34,246	\$19,200	\$5,660	\$30,450	\$89,556
TRAVERSE	1,935	\$35,565	\$10,000	\$3,218	\$1,560	\$50,343
WABASHA	4,284	\$33,216	\$12,200	\$4,037	\$16,920	\$66,373
WADENA	1,993	\$35,507	\$21,700	\$3,539	\$10,500	\$71,246
WASECA	5,084	\$32,416	\$12,200	\$3,450	\$5,550	\$53,616
WASHINGTON	64,536	\$18,750	\$36,000	\$3,000	\$3,900	\$61,650

**PROPOSED 1998
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

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	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT * (BASED ON LEVEL I INVENTORY)	
WATONWAN	3,099	\$34,401	\$10,000	\$3,136	\$4,650	\$52,187
WILKIN	2,985	\$34,515	\$10,000	\$3,021	\$1,380	\$48,916
WINONA	9,859	\$27,641	\$12,200	\$3,043	\$20,550	\$63,434
WRIGHT	25,577	\$18,750	\$36,000	\$10,716	\$17,370	\$82,836
YELLOW MEDICINE	2,946	\$34,554	\$10,000	\$3,017	\$6,750	\$54,321
MARSHALL-BELTRAMI SWCD			\$5,000			\$5,000
ST. LOUIS RIVER BD.				\$35,000		\$35,000
NORTH SHORE MGMT. BD.				\$50,000		\$50,000
TOTALS	\$1,511,285	\$2,608,646	\$1,744,790	\$518,000	\$886,175	\$5,757,611

* COUNTIES THAT HAVE CONDUCTED A LEVEL II OR III FEEDLOT INVENTORY ARE ELIGIBLE TO RECEIVED \$35 MULTIPLIED BY THE NUMBER OF FEEDLOTS WITH GREATER THAN TEN ANIMAL UNITS.

H:98NRBG

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

Metropolitan Airports Commission,

BWSR File No. 97-5

Appellant,

vs.

DRAFT

ORDER

Coon Creek Watershed District,

Respondent.

This is an appeal by the Metropolitan Airports Commission (MAC) from a wetland replacement plan decision made by the Coon Creek Watershed District (District). The District is the local government unit for the Wetland Conservation Act of 1991 (WCA). On July 14, 1997, the District denied MAC's wetland replacement plan, finding that alternative sites exist for the development of additional airplane hanger space at the Anoka County - Blaine Airport which would have less impact on wetlands than that currently proposed by MAC.

On October 2, 1997, the Dispute Resolution Committee (DRC) of the Minnesota Board of Water and Soil Resources (BWSR) heard oral arguments. Thaddeus R. Lightfoot, Esq. and Lowell Rothschild, Esq., Oppenheimer, Wolff & Donnelly, Suite 3400, 45 South Seventh Street, Minneapolis, Minnesota 55402, appeared on behalf of MAC. Harold H. Sheff, Esq., Smith, Gendler, Shell, Sheff & Ford, P.A., 3350 First Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55408, and Michelle J. Ulrich, Esq., Michelle J. Ulrich, P.A. 1561 Lincoln Avenue, St. Paul, Minnesota 55105, appeared on behalf of the District.

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The parties agree that the record upon which the District based its decision consists of the following: Exhibits 1 through 27 as identified in the table of contents of the document entitled "Administrative Record of The Coon Creek Watershed District, In the Matter of the Metropolitan Airports Commission v. Coon Creek Watershed District;" and Exhibits 1 through 3 identified in the document entitled "Supplement to Administrative Record of The Coon Creek Watershed District, In the Matter of the Metropolitan Airports Commission v. Coon Creek Watershed District," dated August 28, 1997.

Following oral arguments on the merits, the DRC unanimously adopted a resolution recommending that the District's action be affirmed.

At a meeting held on October 22, 1997, BWSR unanimously adopted a resolution to accept the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

Based upon the entire record of these proceedings, BWSR makes the following:

ORDER

1. The July 14, 1997, decision of the Coon Creek Watershed District denying the application of the Metropolitan Airports Commission for a wetland replacement plan is affirmed.
2. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: October ____, 1997

Minnesota Board of Water and Soil Resources

DRAFT

By: _____
Its Chair

MEMORANDUM

DRAFT

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

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

We find that this standard is satisfied and therefore affirm the decision of the District.

MAC first argues that we may exercise de novo review of the District's decision, as opposed to applying the "clearly erroneous" standard, because the District's decision involves the application of law to facts. The District on the other hand argues that we should apply the "clearly erroneous" standard of review. The above-quoted rule acknowledges that a decision of a local government involves a mix of both law and fact, and that this standard of review is applied to the record.

The District denied MAC's application by finding that there were feasible and prudent alternatives to the construction of the additional airplane hangers at the western end of the airport, known as the West Building Area. MAC argues that the District applied the incorrect rule provision to reach this conclusion. We find that the District properly applied the rules found at Minn. R. 8420.0520, subp. 3.C(2) in reaching its determination that feasible and prudent alternatives exist. In addition, the record reflects that the Northern Building Area and the East Building Area are feasible alternatives for airport expansion and, in fact, MAC's future plans encompass airport expansion in these areas. MAC argues that the Northern and East Building Areas would be more expensive to develop than the proposed Western Building Area. While this may be true, the rule clearly states that "[e]conomic considerations alone do not make an alternative not feasible and prudent." Minn. R. 8420.0520, subp. 3.C(2)(e) (1995) amended by

DRAFT

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20 Minn. Reg. 2629 (June 10, 1996). MAC's own plans for future airport expansion support the District's conclusion that these sites are feasible and prudent alternatives.

Lastly, MAC argues that the District placed additional requirements upon MAC which are not found in rule. The record does not support MAC's contentions. While it appears from the record that the District encouraged MAC to develop a Comprehensive Plan, the decision to deny the application was based upon the required alternatives analysis.

DRAFT

OVERVIEW OF THE LE SUEUR COUNTY COMPREHENSIVE WATER PLAN UPDATE - 1995

INTRODUCTION AND PHYSICAL DESCRIPTION OF THE COUNTY

Le Sueur County is located in southcentral Minnesota adjacent to the seven county metropolitan area. The population of Le Sueur County is expected to increase over the next five years with the major growth areas being in the northeast and northwest corners of the county where Metropolitan growth is influencing development and in the southwest corner of the county which is readily accessible to the Mankato area. The first region includes the cities of Le Sueur, Montgomery and New Prague. The second region includes the housing subdivisions around Lakes Emily, Jefferson and Washington. Approximately 56 percent of the population is located within urban areas served by municipal sewer and water systems; the remaining population is located in rural areas served by private or community systems. A developing trend is the increase of larger livestock production facilities.

Le Sueur County lies in four watersheds. The southwestern 19 percent of the county lies in the Middle Minnesota River Watershed. The municipalities of Cleveland and Kasota as well as the developed areas around Lakes Emily, Jefferson and Washington. Approximately 1 percent of the county lies in the Led Sueur River Watershed where the City of Elysian straddles the divide between the Led Sueur River and Cannon River Watersheds. The northern half of the county lies in the Lower Minnesota River Watershed including the municipalities of Le Center, Le Sueur, Montgomery, New Prague, Heidelberg and the unincorporated villages of Ottawa, St. Henry and St. Thomas. The southeast portion of the county (about 30 percent) lies in the Cannon River Watershed including the municipalities of Elysian, Kilkenny, Waterville and the unincorporated village of Cordova.

During the next five years the majority of the land use in Le Sueur County is expected to remain agricultural. However approximately fifty percent of the county's economic base in 1996 was due to commercial or industrial production and these activities are expected to continue to expand. Commercial or industrial growth will be focused in areas zoned for that use and in conjunction with the major transportation hubs. The state Wellhead protection program will help to provide needed protection of groundwater supplies to the expanding commercial and industrial growth.

Infrastructure maintenance and expansion is also a primary concern as municipalities continue to grow.

Several federal and state programs. Already in effect, will be used to help accomplish the county's objectives to reduce adverse effects certain land use practices have on surface water resources. Some of these include CRP, Sodbuster, Swampbuster, Permanent Wetland Preserves and RIM. Continuance of these programs is very important to the protection of water quality. Regulatory protection of wetlands at all government levels is reducing the loss of wetlands in

Lacer County. This loss reduction coupled with restorations will benefit surface and groundwater quality in the county.

Three major bedrock aquifer systems in Le Sueur County are the St. Peter-Prairie du Chien-Jordan aquifer system, Franconian-Ironton-Galesville aquifer system and the Mt. Simon-Hinckley aquifer system. Regional groundwater movement is toward the Northwest and Minnesota River Valley.

PLAN ACCOMPLISHMENTS

Le Sueur County is part of the Southcentral County Comprehensive Water Planning Project. Through the project the county has produced a geologic atlas, surface water atlas, precipitation monitoring network and groundwater sensitivity map. The county has used water planning funds from the last several years to accelerate lake improvement projects on German-Jefferson Lake, Lake Volney and Lake Washington. Additionally the County has developed an improved zoning ordinance and map for a planned growth of livestock operations and human populations. The proximity to Mankato and the Twin Cities along with pressure from livestock industries are the primary reasons for the planning and zoning effort. The county has hired an additional staff person in Environmental Services because of increased workload and citizen awareness of environmental issues.

STAFF REVIEW

The 1995 plan update does a nice job of bringing the Middle Minnesota, Lower Minnesota, Led Sueur and Cannon River Watersheds into context. Another new part of the document is the implementation schedule which identifies the actions to be taken, the partners, the cost and the timing of the action. The foundation of the second generation Led Sueur County Water Plan lies in the visioning of the Minnesota Rivers Citizens Advisory Committee's Final Report to the Minnesota Pollution Control Agency. The Committee's goals prioritized for LeSueur County includes:

- * Improved Land Management Practices
- * Improved Technical Assistance to Local Governments
- * Restoration of Wetlands
- * Engaging the General Public
- * Monitoring Water Quality

The plan was submitted for final review on September 8, 1997

OVERVIEW OF THE ROCK COUNTY COMPREHENSIVE WATER PLAN FOR THE OCTOBER 22, 1997 BWSR BOARD MEETING

INTRODUCTION

Rock County is located in southwestern Minnesota in the state's prairie region. The city of Luverne serves as the county seat.

Rock county is a member of the Southwest Water Plan Coordinators which meets regularly to coordinate planning and implementation activities.

Rock County began its original Comprehensive Water Plan (Plan) in 1989. The Board of Water and Soil Resources (BWSR) approved Plan was adopted by Rock County on October 22, 1991.

The Comprehensive Water Plan Update (Plan Update) was initiated on December 7, 1994. The newly formed Rock County Land Management Office provided the leadership for the Plan Update. The Rock Land Management Office is a joint powers relationship between the SWCD and County Environmental Office. The updated Plan will remain in effect until 2007.

PHYSICAL DESCRIPTION OF COUNTY

Rock County consists of 310,400 acres, of which 86 percent is cultivated farmland with the balance being pasture land, urban development or water areas. The topography of Rock County is an old landscape which was missed by the last glacier. Therefore, the drainage patterns are well defined with gently rolling topography. Rock county contains 2 major watersheds, the Rock River and Big Sioux which both drain into the Missouri River Basin.

PLAN ACCOMPLISHMENTS

1. Comprehensive testing program of private water wells.
2. Education and incentive program to seal abandoned wells.
3. Extensive feedlot management program for upgrading systems and permitting.
4. Septic system upgrade activities county wide.

STAFF REVIEW

The Rock County draft Plan Update was submitted to BWSR for final state agency review in July of 1997. The review committee will meet in November, 1997, and it is anticipated that BWSR will be asked to approve the Plan Update at their December Board meeting.

OVERVIEW OF THE WATONWAN COUNTY COMPREHENSIVE WATER PLAN UPDATE - 1995

INTRODUCTION AND PHYSICAL DESCRIPTION OF THE COUNTY

Watonwan County is located in southcentral Minnesota south of the Minnesota River. The population of Watonwan County is predominantly rural non-farm. This segment of the county population has grown 58 percent between 1940 and 1990 while the urban population has grown 28 percent in that time. The farm population has declined 73 percent over the same period. Watonwan County is classified as farming dependent because on average 20 percent of labor income and 30 percent of proprietor income was derived from farming in the past and farming continues to provide for the citizens of Watonwan County. Land use is expected to remain agricultural with farms decreasing in number and increasing in size. Presently thirty one residents are hooked to the Red Rock Rural Water System with the cities of Ormsby and Odin expected to hook-up in 1998. About 21 percent of wells screened in 1991 through the water planning process showed nitrate levels of 10 ppm or greater. Presently the data on groundwater is not adequate to locate trouble spots and priority will be given to continued monitoring in the future.

Aquifers of Watonwan County are the precambrian Sioux Quartzite, the Franconian-Ironton-Galesville, Mt. Simon-Hinckley and the cretaceous groundwater system. The Watonwan River Watershed is a 880 square mile watershed with all of Watonwan County except a very small portion in the southwest lying within the basin. Predominant flow direction of the Watonwan River and it's tributaries is to the east to the Blue Earth River and then to the Minnesota River.

PLAN ACCOMPLISHMENTS

Watonwan County is part of the Southcentral County Comprehensive Water Planning Project. Through the project the county has produced a geologic atlas, surface water atlas, precipitation monitoring network and groundwater sensitivity map. The County has adopted a feedlot ordinance, implemented a well screening project, monitored tile outlets, septic systems, ditches and lake outlets, educated citizens on Best management Practices, inventoried and sealed 133 abandoned wells. Also, the Watonwan River has been the focus of an on-going cleanup effort including an inventory and correction of erosion problems and cleanup of an old city dump along the river bank.

STAFF REVIEW

The 1995 plan includes the addition of watershed context, implementation program including a schedule for accomplishing projects, high priority wetland area identification and wellhead protection activities. The County has taken the time to develop a very nice plan and sought out assistance from appropriate agency staff. Priorities in the Watonwan River watershed will be the development of residue management plans for windblown areas, begin to work with Cottonwood County to control flooding along the North Fork of the Watonwan River, develop lake management plans for Butterfield Lake, St. James Lake and Kansas Lake and improve municipal and individual septic systems throughout the basin.

The plan was submitted for final review on September 23, 1997



One West Water Street
Suite 200
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

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

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

Metro Region:

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

DATE: October 16, 1997
TO: Board Members
FROM: Jim Haertel, Water Management Specialist *JH*
SUBJECT: Brown's Creek Watershed District Establishment

Enclosed please find the Draft Findings, Conclusions and Order for the Brown's Creek Watershed District Establishment.

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

In the Matter of the Establishment of the
Brown's Creek Watershed District in
Washington County pursuant to Minnesota
Statutes Section 103D.225, Subdivision 3

**ORDER
ESTABLISHING
BROWN'S CREEK
WATERSHED DISTRICT**

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

Whereas, the Board held a public hearing on September 17, 1997, on the proposed establishment of the Brown's Creek Watershed District pursuant to Minn. Stat. §§ 103D.205 and 103D.225;

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

FINDINGS OF FACT

1. **Establishment Petition.** The Board received a petition to establish the Brown's Creek Watershed District from Washington County on July 17, 1997 pursuant to Minn. Stat. § 103D.205. The Washington County Attorney filed the establishment petition on behalf of Washington County. The proposed watershed district lies entirely within Washington County. Filed with the establishment petition were the required proofs of service on the Washington County Auditor, the Commissioner of the Department of Natural Resources and the Director of the Division of Waters of the Department of Natural Resources.
2. **District Name.** The name of the proposed watershed district is the "Brown's Creek Watershed District".

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3. **Number of Managers.** The number of managers for the proposed watershed district is five (5).
4. **Hearing Order.** At its regular meeting on August 28, 1997, the Board determined that the establishment petition met the requirements of Minn. Stat. § 103D.221, Subdivision 1 and consequently ordered a hearing to be held on September 17, 1997, starting at 10:00 AM at the Stillwater City Hall in accordance with applicable law. Further, the Board ordered the Metropolitan Water Planning Subcommittee, which is comprised of Barbara Cobb, Dwain Otte, and Kathleen Roer, to serve as the hearing panel on behalf of the Board.
5. **Hearing Notice.** A legal notice of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, was published in the St. Paul Pioneer Press on September 6, 1997. Further, a copy of the notice was mailed to the auditor, attorney, administrator and physical planner for Washington County, the Washington County SWCD, the mayor and administrator/clerk for each of the cities within the proposed watershed district, the chair and clerk for each of the townships within the proposed watershed district, the adjoining watershed districts and watershed management organizations, the Division of Waters of the Department of Natural Resources, and Trout Unlimited.
6. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources filed a written report pursuant to Minn. Stat. § 103D.215 on August 12, 1997. The Director recommended establishment of the proposed watershed district.
7. **Public Hearing.** A public hearing was held in the police and fire training room at the City of Stillwater City Hall on September 17, 1997. The hearing was convened at approximately 10:05 AM and adjourned at approximately 11:00 AM. The proceedings were tape recorded. The Board's Metropolitan Water Planning Subcommittee presided over the hearing with Dwain Otte as the chair.
 - A. Washington County staff, including Howard R. Turrentine, Assistant County Attorney, James R. Schug, County Administrator, and Jane Harper, Principal Planner, presented background information on the failure of the Brown's Creek Watershed Management Organization, interim acceptance of watershed planning responsibilities by Washington County, and the subsequent petition for establishment of the Brown's Creek Watershed District.

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County staff testified as to the need for the proposed watershed district and explained that Minn. Stat. § 103B.231, Subd. 1(a) requires a watershed management plan for all watersheds within the metropolitan area. Since the Browns Creek joint powers agreement watershed management organization was terminated, Minn. Stat. § 103B.231, Subd. 3(b) requires the County to prepare, adopt and implement the watershed management plan. Washington County determined that the 1990 Brown's Creek Watershed Management Plan was inadequate and that the County does not have the full authorities of a watershed management organization.

County staff explained some problems and contemplated improvements in the proposed watershed district. The Kismet Basin and Goggins/School Section Lake areas of the proposed watershed district have and will continue to suffer flood damage. Urban development is increasing and rural development continues to take place in the watershed. The contemplated improvements in the proposed watershed district include amending the 1990 Brown's Creek Watershed Management Plan to include capital improvement programs and projects to deal with the Kismet and Goggins/School Section Lake flooding, as well as standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed, to bring about conformance with the watershed management plan. In addition, the proposed watershed district could become involved in ecosystem monitoring, environmental impact studies, second generation watershed management plans focused on resource protection rather than stormwater management, implementing alternative watershed management practices, and hydraulic studies.

Several exhibits were introduced and discussed, as follows:

Exhibit 1 - Washington County Establishment Petition for the Brown's Creek Watershed District dated July 17, 1997.

Exhibit 2 - Map entitled "Proposed Brown's Creek Watershed District" dated May 14, 1997 with a scale of one inch to 1500 feet, and the corresponding legal description entitled "Washington County/Brown's Creek Water Management Tax District Ordinance" dated July 1, 1997.

Exhibit 3 - A four page document entitled "Brown's Creek Watershed Current Issues - September 1997".

Exhibit 4 - A three page document entitled "Brown's Creek Water Management Organization, Status of Activities, September 1997, Transition to Watershed District".

County staff stressed the importance of the new district, if established, continuing

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cooperative efforts with the SWCD, promptly amend and then revise the watershed management plan, promptly acting on the EAW petition, continuing the LCMR project, continuing the hydrologic and hydraulic study, continuing the inventory of official controls, and continuing the operation of the water outlet monitoring station.

- B. Molly Shodeen, Area Hydrologist for the Division of Waters of the Department of Natural Resources, testified, in addition to the August 12, 1997 Director's report which supported establishment of the proposed watershed district, that the Department favored establishment of a larger watershed district, especially in consideration of other potential failures of Joint Power Agreement Watershed Management Organizations. Ms. Shodeen also testified that the Department supported the continuity of the cooperative transition from the County to the watershed district.

- C. Nile L. Kriesel, representing the City of Stillwater, introduced an exhibit, as follows:

Exhibit 5 - A two page document entitled "Comments On the Formation of Brown's Creek Watershed District".

Mr. Kriesel represented the information contained in Exhibit 5 as an agreement from the City Council of the City of Stillwater, although the document was not in the form of a resolution from the City Council. Mr. Kriesel presented information from the document regarding the small size of the proposed watershed district and that it should possibly be combined with another watershed district. Also, the City of Stillwater is concerned about paying a disproportionate cost and recommended that various costs be charged directly to those who are directly benefited. Further, the City of Stillwater would not support formation of the proposed watershed district unless the City was represented by at least three members on the five person board of managers for the watershed district. Lastly, Mr. Kriesel stressed the importance of the proposed watershed district taking a leadership role in the implementation of certain studies that the City has completed.

- D. Konrad Koosmann, District Manager for the Washington County Soil and Water Conservation District, summarized the Conservation District's past 12 years of work in the area of the proposed watershed district. Mr. Koosmann stated that his office had written the previous watershed management plan and offered their assistance on the second generation plan. The Conservation District would be more than willing to continue assisting the proposed watershed district.

- E. Washington County Commissioner Dennis Hegberg addressed the issue of combining the

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proposed watershed district with another as making good sense, but stressed the importance of not delaying the process so the urgency of current flooding problems can be addressed quickly. Commissioner Hegberg summarized some of the current flooding problems and spoke of not building in some of those areas until the flooding has been relieved.

8. **Metropolitan Water Planning Subcommittee.** After all people present at the public hearing were given an opportunity to speak, the Metropolitan Water Planning Subcommittee discussed the establishment of the proposed watershed district. The Subcommittee decided to recommend to the full board of the Board of Water and Soil Resources that the Brown's Creek Watershed District be established. The Subcommittee commented that many of the concerns expressed by the City of Stillwater could be resolved through the selection of the board of managers.
9. **Board of Managers.** On October 3 and October 14, 1997, interviews of nominees for the first board of managers were conducted. The interview panel consisted of two Washington County Commissioners, namely Dennis Hegberg and Mary Hauser, and two representatives from the Board of Water and Soil Resources, namely Barbara Cobb and Jim Haertel. All nominees were voting residents within the proposed watershed district. The panel interviewed Ken Matthews, Ned Gordan, Craig Leiser, Don Peterson, Bernard Rappa, David Truax, Ron Pearson, Daniel Potter, Karen Kilberg, Jon Michels, Alan J. Kemp, and W. Scott West.

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CONCLUSIONS

1. The petition for establishment of the Brown's Creek Watershed District is valid in accordance with Minn. Stat. § 103D.205.
2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.
3. The establishment of the Brown's Creek Watershed District would promote the public welfare and public interest, and would advance the purpose of Minn. Stat. Chapters 103B and 103D.
4. The Board of Managers of the Brown's Creek Watershed District should highly consider to (a) continue the cooperative relationship with the Washington County Soil and Water Conservation District, (b) follow Exhibit 4 pertaining to the transition from Washington County to the Brown's Creek Watershed District, and (c) use observed high water levels instead of 100 year (i.e. 1% frequency) flood levels on land locked basins.
5. All relevant substantive and procedural requirements of law and rule have been fulfilled.
6. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.

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ORDER

1. The proposed watershed district is hereby established and is named the "Brown's Creek Watershed District" by which name it shall hereafter be known, and it shall have all the power, authority, and duties provided by law.
2. The principal place of business of the Brown's Creek Watershed District is the Stillwater City Hall, 216 North Fourth Street, Stillwater, Minnesota, 55082.
3. The territory to be included in the Brown's Creek Watershed District encompasses a total area of 28.3 square miles, with 2.1 square miles in the City of Stillwater, 3.7 square miles in the Town of Stillwater, 3.2 square miles in the Town of May, 3.4 square miles in the City of Hugo, 15.1 square miles in the City of Grant, 0.4 square miles in the City of Oak Park Heights, 0.2 square miles in the City of Lake Elmo, and 0.2 square miles in the Town of Baytown (all areas are approximate).
4. The boundary of the Brown's Creek Watershed District shall be as set forth in Exhibit 2, a map entitled "Proposed Brown's Creek Watershed District" dated May 14, 1997 with a scale of one inch to 1500 feet, and the corresponding legal description entitled "Washington County/Brown's Creek Water Management Tax District Ordinance" dated July 1, 1997 which states as follows:

The territory of the Brown's Creek Watershed District is comprised of all lands listed below, including all 40 acre tracts, fractional 40 acre tracts, and Government Lots of land within the listed tracts, together with all platted lands which are in the following listed tracts:

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Township 29 North, Range 20 West (Baytown)

NW1/4 Section 5

That part of the W1/2 of the NE1/4 lying northerly of the north line of Tract F, REGISTERED LAND SURVEY NO. 114 Section 5

That part of the NE1/4 of the NE1/4 lying westerly of the following described line: beginning at the southwest corner of Tract A, REGISTERED LAND SURVEY NO. 114; thence northerly along the west line of said Tract A to its intersection with the centerline of 59th Street North; thence west along said centerline 180 feet, more or less, to its intersection with the east line of HAASE ADDITION; thence north along the east line of HAASE ADDITION to the north line of said NE1/4 of the NE1/4, and said line there terminating. Section 5

N1/2 of the NE1/4 Section 6

N1/2 of the NW1/4 Section 6

SW1/4 of the NW1/4 Section 6

Township 29 North, Range 21 West (Lake Elmo)

NE1/4 Section 1

Township 30 North, Range 20 West (Stillwater)

W1/2 of the NW1/4 Section 6

NW1/4 of the SW1/4 Section 6

S1/2 of the SW1/4 Section 7

W1/2 of the SW1/4 Section 16

SE1/4 of the SW1/4 Section 16

S1/2 of the NE1/4 Section 17

SE1/4 Section 17

SE1/4 of the SW1/4 Section 17

W1 /2 Section 18

S1/2 Section 19

S1/2 of the NE1/4 Section 19

S1/2 of the NW1/4 Section 19

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NW1/4 of the NW1/4

Section 19

N1/2

Section 20

Section 20

That part of the SW1/4 lying northerly of the following described line: beginning at the southwest corner of said SW1/4; thence east along the south line of said SW1/4 to the southwest corner of Lot 16, Block 1, OAK GLEN 12TH ADDITION; thence northerly along the west line of said Block 1 to the northwest corner of Lot 14 of said Block 1; thence easterly and northerly along the northerly and northwesterly lines of Lots 14, 13, 12 and 11 of said Block 1 to the northerly most corner of said Lot 11; thence northeasterly to the southeast corner of Lot 36, Block 1, OAK GLEN 13TH ADDITION and the westerly right of way line of Thorene Place; thence northeasterly, easterly and southerly along the right of way line of said Thorene Place to the northerly most corner of Lot 42 of said Block 1; thence southeasterly along the north line of said Lot 42, to the westerly line of OAK GLEN 6TH ADDITION; thence northeasterly along said westerly line to the northerly most corner of said Block 1; thence southeasterly to the northerly most corner of Lot 35 of said Block 1; thence southerly along the westerly line of said Lot 35 to the northerly right of way line of Lecuyer Circle; thence easterly and southerly along said right of way line to the southwest corner of Lot 33 of said Block 1, thence east along the south line of said Lot 33 to the west line of Lot 30 of said Block 1; thence southeasterly along said west line to the northerly right of way line of Lecuyer Court; thence easterly and southerly along said right of way line to the northerly most corner of Lot 27 of said Block 1; thence southeasterly to the most easterly corner of said Lot 27; thence southwesterly to the most southerly corner of said Lot 27, and the northerly right of way line of Lecuyer Drive; thence southeasterly along said right of way line to the northwest corner of Lot 23 of said Block 1; thence northeasterly along the northerly line of said Lot 23 to the easterly line of said Block 1; thence southeasterly along said easterly line of Block 1 to the south line of said SW1/4 thence east along said south line to the southeast corner of said SW1/4, and said line there terminating.

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That part of the SE1/4 lying northerly, westerly and easterly of the following described line:
Beginning at the southwest corner of said SE1/4; thence east along the south line of said SE1/4 to the centerline of McKusick Road; thence northerly 800 feet, more or less, along said centerline to its intersection with the centerline of McKusick Road Lane; thence easterly along the centerline of said McKusick Road Lane to its intersection with the southerly extension of the west line of Block 1, THE GARDENS 2ND ADDITION; thence northerly along said west line of Block 1 and the southerly extension thereof, to the northwest corner of said Block 1; thence northeasterly along the north line of said Block 1, to the northeast corner of said Block 1; thence southerly along the easterly line of said Block 1 to the south line of said SE1/4; thence east along said south line to the west line of Block 4, OAK GLEN, thence northerly along the west line of said Block 4 to the northwest corner of Lot 15 of said Block 4; thence northeasterly along the north line of said Lot 15 and the northeasterly extension thereof, to a point on the west line of Lot 9, Block 5, OAK GLEN; thence northwesterly along said west line to the northwest corner of said Lot 9; thence easterly along the north line of said Lot 9 to the east line of said Block 5; thence northerly, easterly and northerly along said east line to the south line of DALLAGER ESTATES; thence northerly along the east line of said Lot 9 to the northeast corner of said Lot 9, and the easterly right of way line of Dallager Court; thence northerly along said right of way line of Dallager Court to the northwest corner of Lot 8 of said Block 1, thence east along the north line of said Lot 8 to the northeast corner of said Lot 8, thence northeasterly along the northwesterly line of Lot 6 of said Block 1 and the extension thereof, to the centerline of Old Stonebridge Trail; thence southeasterly along said centerline to the east line of said SE1/4, and said line there terminating.

Section 20

Gov't Lot 1
Gov't Lot 2
NW1/4

Section 21
Section 21
Section 21

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That part of the SW1/4 lying northerly, easterly and westerly of the following described line; Beginning at a point where the centerline of West Sycamore Street intersects the west line of said SW1/4; thence easterly along said centerline to its intersection with the northerly extension of the west line of Block 7, COOPER'S ADDITION; thence south along said west line and the northerly extension thereof, to the northerly right of way line of West St. Croix Avenue; thence easterly along said right of way line to its intersection with the northerly extension of the west line of Lot 12, Block 6, COPPER'S ADDITION; Thence south along the west line of Lots 12 -8 of said block 6 and the northerly extension thereof, to the north line of LUX'S MEADOWVIEW ADDITION; thence east along said north line to the northeast corner of LUX'S MEADOWVIEW ADDITION; thence south along the east line of LUX'S MEADOWVIEW ADDITION and the southerly extension thereof, to the centerline of West Stillwater Avenue; thence east along said centerline to the centerline of North Owens Street; thence continuing east along the centerline of vacated Stillwater Avenue to its intersection with the southerly extension of the centerline of North Carnelian Street; thence north along the centerline of North Carnelian Street and the southerly extension thereof, to the north line of COOPER'S ADDITION; thence easterly along said north line to the southeast corner of the NW1/4 of said SW1/4, thence north along the east line of said NW1/4 of the SW1/4 to the north line of said SW1/4, and said line there terminating.

Section 21

That part of the SE1/4 lying easterly and northerly of the following described line: beginning at a point where the centerline of North Second Street intersects the north line of said SE1/4; thence south along said centerline to its intersection with the westerly extension of the north line of the south 9.43 feet of vacated East Spruce Street as platted in CARLI AND SCHULENBURG'S ADDITION; thence east along said north line and easterly extension thereof, to the centerline of North First Street; thence north along said centerline to the centerline of Ridge Lane Drive; thence east and northeasterly along the centerline of said Ridge Lane Drive to the south line of Lot 23, Block 32, CARLI AND SCHULENBURG'S ADDITION; thence east along said south line of Lot 23 and the easterly extension thereof, to the east shore of the St. Croix River, and said line there terminating.

Section 21

All that part of REGISTERED LAND SURVEY NO. 73

Section 22

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That part of the W1/2 of the NW1/4 which lies westerly and southerly of the following described line: Beginning at the northwest corner of Lot 1, Block 1, TROLLEY TRAIL ACRES; thence southerly along the west line of said Block 1 to the southwest corner of Lot 3 of said Block 1; thence east along the south line of said Lot 3 to the west line of Block 1, VALLEY HIGH ESTATES; thence southerly along said west line to the southwest corner of Lot 2 of said Block 1, thence easterly along the south line of said Lot 2 to the southeast corner of said Lot 2; thence northeasterly to the northwest corner of Lot 7 of said Block 1; thence east along the north line of said Lot 7 to the east line of said plat of VALLEY HIGH ESTATES; thence south along said east line to the southeast corner of said plat; thence northwesterly along the southerly line of said plat to the west line of the easterly 11.5 rods of said W1/2 of the NW1/4; thence south along the west line of said easterly 11.5 rods to the south line of said NW1/4, and said line there terminating.

Section 29

That part of the SW1/4 lying westerly and southerly of the following described line: Beginning at the northwest corner of Lot 1, Block 2, CROIXWOOD SEVENTH ADDITION; thence southerly along the west line of said Lot 1 to the southwest corner of said Lot 1; thence southwesterly to the northwest corner of Lot 17, Block 3, CROIXWOOD SEVENTH ADDITION; thence southerly along the west line of Lots 17, 16 and 15 of said Block 3 to the southwest corner of Lot 15 of said Block 3; thence easterly along the south line of said Lot 15 to the southeast corner of said Lot 15, thence easterly to the northwest corner of Lot 4, Block 4, CROIXWOOD SEVENTH ADDITION; thence easterly along the north line of said Lot 4 to the east line of CROIXWOOD SEVENTH ADDITION, thence south along said east line to the northerly line of FAIRMEADOWS NO. 3; thence easterly, southerly and easterly along said northerly line to the northeast corner of Lot 4, Block 1, FAIRMEADOWS NO. 3; thence southerly along the east line of said Lot 4 to the northeast corner of Lot 3, of said Block 1; thence southwesterly along the northerly line of said Lot 3 to the easterly right of way line of Laurie Court; thence southerly along said easterly right of way line to the northerly line FAIRMEADOWS NO. 1; thence easterly along said northerly line to its intersection with the northerly extension of the west line of Lot 32, Block 1, FAIRMEADOWS NO. 1; thence southerly along the west line of Lots 32, 31 and 30 of said Block 1 and the northerly extension thereof, to the southwest corner of said Lot 30; thence easterly along the south line of said Lot 30 and the easterly extension thereof, to the centerline of Hanson Place; thence southerly along said centerline to the centerline of Oak Ridge Road; thence east along said centerline of Oak Ridge Road to its intersection with the northerly extension of the east line of Lot 3, Block 1, FAIRMEADOWS NO. 1; thence south along said east line and the northerly extension thereof, to the south line of said SW1/4, and said line there terminating.

Section 29

All of Section

Section 30

All of Section

Section 31

SW1 /4

Section 32

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W1/2 of the SE1/4

Section 32

NW1/4, except that part lying easterly of the centerline of Stillwater Boulevard and northerly of the following described line: Beginning at a point on the east line of said NW1/4, said point being 169.09 feet southerly of the northeast corner of said NW1/4; thence northwesterly to a point on the centerline of Stillwater Boulevard, said point being 215 feet, more or less, southwesterly of the intersection of said centerline and the north line of said NW1/4, and said line there terminating.

Section 32

That part of the NE1/4, lying westerly, southerly and easterly of the following described line: Beginning at the intersection of the easterly line of Block 2, THE HIGHLANDS OF STILLWATER 5TH ADDITION, and the south line of said NE1/4; thence northeasterly along said easterly line of Block 2 to the southwest corner of Lot 3 of said Block 2; thence northerly along the westerly line of said Lot 3 to the southerly right of way line of Trotter Court; thence easterly, northerly and westerly along the right of way line of said Trotter Court to the southwest corner of Lot 1, Block 1, THE HIGHLANDS OF STILLWATER 5TH ADDITION and the easterly right of way line of Driving Park Road; thence northerly and westerly along the right of way line of said Driving Park Road to the southeast corner of Lot 1, Block 2, THE HIGHLANDS OF STILLWATER 6TH ADDITION; thence northerly along the easterly line of said Lot 1 to the southeast corner of Block 3, THE HIGHLANDS OF STILLWATER 4TH ADDITION; thence northerly and westerly along the easterly line of said Block 3 to the northwesterly corner of Lot 1 of said Block 3; thence southerly along the westerly line of said Lot 1 to the northerly right of way line Benson Boulevard East; thence westerly along the right of way line of said Benson Boulevard East to its intersection with the easterly right of way line of Gilbert Court; thence northerly and westerly along the right of way line of said Gilbert Court to its intersection with the northerly line of Block 1, THE HIGHLANDS OF STILLWATER 3RD ADDITION; thence westerly along said northerly line to the northwest corner of said Block 1; thence southerly along the westerly line of said THE HIGHLANDS OF STILLWATER 3RD ADDITION and the west line of Lot 11, Block 1, THE HIGHLANDS OF STILLWATER 2ND ADDITION to the northeasterly corner of Lot 10 of said Block 1; thence west along the north line of said Block 1, to the west line of said NE1/4, and said line there terminating.

Section 32

That part of the NE1/4 of the SE1/4 lying northerly and westerly of the following described line: Beginning at the northwest corner of Lot 7, Block 3, FEELEY'S ADDITION; thence easterly along the northerly line of said Lot 7 to the east line of the westerly 29.28 feet of Lot 2 of said Block 3; thence northerly along said easterly line and the northerly extension thereof, to the centerline of Curve Crest Boulevard; thence easterly along said centerline to its intersection with the centerline of West Orleans Street; thence northerly along the centerline of said West Orleans Street to its intersection with the westerly extension of southerly line of Outlot C, FEELEY'S ADDITION; thence easterly along said southerly line and the extension thereof, to the southeast corner of said Outlot C; thence northerly along the east line of said Outlot C to the north line of said NE1/4 of the SE1/4, and said line there terminating.

Section 32

DRAFT

DRAFT

Township 30 North, Range 21 West (Grant)

NE1/4	Section 1
W1/2	Section 1
N1/2 of the SE1/4	Section 1
SW1/4 of the SE1/4	Section 1
All of Section	Section 2
All of Section lying southerly of the centerline of the Soo Line Railroad.	Section 3
NE1/4	Section 9
N1/2 of the SE1/4	Section 9
SE1/4 of the SE1/4	Section 9
All of Section	Section 10
All of Section	Section 11
W 1/2	Section 12
W1/2 of the NE1/4	Section 12
W1/2 of the SE1/4	Section 12
SE1/4 of the SE1/4	Section 12
All of Section	Section 13
All of Section	Section 14
All of Section	Section 15
SE1/4	Section 16
S1/2 of the NE1/4	Section 16
NE1/4 of the NE1/4	Section 16
E1/2	Section 22
E1/2 of the SW1/4	Section 22
E1/2 of the NW1/4	Section 22
NW1/4 of the NW1/4	Section 22
All of Section	Section 23
All of Section	Section 24

DRAFT

DRAFT

All of Section

Section 25

E1/2

Section 26

NW1/4

Section 26

E1/2 of the SW1/4

Section 26

NW1 /4 of the SW1 /4

Section 26

NE1/4

Section 27

That part of the N1/2 of the NW1/4 that lies southerly of the centerline of Jeffrey Boulevard North.

Section 27

N1/2 of the NE1/4

Section 35

E1/2

Section 36

NW1/4

Section 36

Township 31 North, Range 20 West (May)

S1/2

Section 19

SW1/4 of the NW1/4

Section 19

W1/2 of the SW1/4

Section 20

W1/2 of the NW1/4

Section 29

W1/2

Section 30

NE1/4

Section 30

N1/2 of the SE1/4

Section 30

SW1/4 of the SE1/4

Section 30

All of Section

Section 31

SW1 /4

Section 32

SW1/4 of the SE1/4

Section 32

SW1/4 of the NW1/4

Section 32

Township 31 North, Range 21 West (Hugo)

S1/2

Section 23

S1/2 of the NE1/4

Section 23

SE1/4 of the NW1/4

Section 23

DRAFT

DRAFT

S1/2
S1/2 of the N1/2

Section 24
Section 24

All of Section

Section 25

NE1/4
N1/2 of the SE1/4

Section 26
Section 26

E1/2
E1/2 of the NW1/4
E1/2 of the SW1/4
SW1/4 of the SWL/4

Section 36
Section 36
Section 36
Section 36

5. The Board of Managers for the Brown's Creek Watershed District shall consist of five managers.
6. The first board of managers of voting residents within the Brown's Creek Watershed District shall be as follows for the terms specified:

NAME

LENGTH OF FIRST TERM

Jon Michels
1722 North Broadway #4
Stillwater, MN 55082

1 year

Daniel J. Potter
9653 Lansing Avenue North
Stillwater, MN 55082

2 years

Ned Gordan
2970 Marine Circle
Stillwater, MN 55082

2 years

DRAFT

DRAFT

Karen Kilberg
12945 Keller Avenue North
Hugo, MN 55038

3 years

Craig Leiser
10300 Kismet Lane North
Stillwater, MN 55082

3 years

Dated this ____th day of October, 1997.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Kathleen M. Roer, Chair

October 16, 1997

TO : Board Members

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

SUBJECT : Conservation Reserve Enhancement Program (CREP)



On Monday October 6th, the Farm Services Agency (FSA) State Committee endorsed the Memorandum of Agreement that will guide the implementation of CREP. This action completes several months of negotiations and represents one of the last steps prior to seeking approval from Secretary of Agriculture Glickman. After the requisite legal review of the agreement, we hope to secure approval from the secretary before the end of 1997. In anticipation of that, you need to also endorse the MOA and authorize Ron Harnack to sign the agreement.

As background, I have enclosed the following information:

- The MOA
- A comparison of land retirement programs in the Minnesota River Basin
- Map of the Minnesota River Basin
- Letter from Ron Harnack to Congressman Minge addressing concerns about easements
- Letter of support from MDA, MPCA, DNR, and BWSR to the FSA State Committee
- Editorial about CREP in the Star Tribune
- Article about the CREP agreement in the Star Tribune
- Editorial in the **IN-FISHERMAN** about river and wetland restoration

I will at the board meeting to answer questions.

**MEMORANDUM OF AGREEMENT
REGARDING THE MINNESOTA RIVER WATERSHED
CONSERVATION RESERVE ENHANCEMENT PROGRAM**

This is a Memorandum of Agreement between the Commodity Credit Corporation (CCC), the Farm Services Agency (FSA), and Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture, and the Minnesota Board of Water and Soil Resources (BWSR) to implement the Minnesota River Watershed Conservation Reserve Enhancement Program (Enhancement Program or "CREP").

The CCC approves specific provisions of the CREP proposal (which was previously submitted), Exhibit 1, subject to any revisions set forth in this agreement. To understand the provisions of this agreement, reference should be made to the proposal.

I. GENERAL PROVISIONS

1. This memorandum authorizes enrollment of 190,000 acres of floodprone lands, riparian buffer zones and pothole wetlands and associated uplands in the Minnesota River floodplain and tributaries. Authority to enroll acreage beyond the first 100,000 acres is conditioned on review by the CCC after that level of enrollment to assure that the program is accomplishing the purposes for which it was approved. Exhibit 2 is a map of the area.

2. The CREP offers landowners a "package deal" to voluntarily enroll land jointly in-- at landowner discretion-- ten to fifteen year CRP (Conservation Reserve Program) contracts and RIM (Reinvest in Minnesota) easements which run consecutively to the CRP contract. All enrollments in the CREP will meet the requirements of both the CRP and RIM programs. Landowners will remain free to enroll their land in the CRP through any other means for which they are eligible, including the general CRP sign-ups and the continuous enrollment process. Landowners are also free to enroll their land in the RIM program. [REDACTED]

3. Landowners will enroll land that meets the requirements of the CREP on a continuous basis. A steering committee (described in paragraph 20) composed of federal and state agencies and outside interests described herein will develop priority areas for the different categories of land for specific sub-watersheds and other areas. If demand overwhelms supply, additional criteria may be added to assure a significant level of enrollment in priority sub-watersheds and other priority areas, and selection will be filtered through the local RIM screening process with the oversight of the steering committee. Depending on landowner interest, with the approval of all parties to this agreement, enrollments may be shifted between the different enrollment categories set forth in paragraph 1.

4. The CREP will enroll land using existing CRP and RIM procedures. An additional document will be developed to ensure the applicant understands and agrees to the joint CRP/RIM and CREP obligations, including an acknowledgment that early release from a CREP agreement may require the approval of the FSA and BWSR and may require the payback of CRP and RIM funds. The RIM easement will require that the landowner and assigns comply with noxious weed laws and will entitle BWSR or its designee to enter upon the property to assure compliance with weed control in the event of non-compliance. The RIM easement will safeguard existing public and private drainage. Landowners will also be provided information about the ability to participate in the wetland preservation area property tax exemption program.

5. FSA will administer the CRP contract, and after its expiration, BWSR and its designees, will become responsible for the RIM easement provisions of the CREP. Responsibility for the easement includes monitoring to ensure the long-term maintenance of vegetation and structural measures. Although RIM is authorized to offer easements of not less than 20 years in duration and landowners may apply for easements of not less than 20 years in duration priority will be to longterm easements. The length of the RIM easement or easements offered, 20, 30, 60, etc to permanent, will be reviewed annually with RIM Reserve Advisory Committee and acceptance of easements will ultimately be at the discretion of the BWSR. The RIM easement will be conveyed concurrently with the CRP contract and will be written with an effective date coinciding with the expiration of the CRP contract. Following enrollment, a CREP signing bonus (RIM payment) will be paid to landowners. The bonus is calculated by subtracting the total CRP rental payments over the duration of the contract (discounted to present value at an 8 % discount rate) from the RIM permanent easement payment for the township in which the CREP parcel is located. At their option, a landowner may receive 10 equal annual installments beginning at the expiration of the CRP contract instead of a signing bonus.

6. Land to be enrolled must meet the criteria set forth in 7 CFR Part 1410 and Minnesota Statutes section 103F.505 to 103F.531 and Minnesota Administrative Rule 8400.3000 to 8400.3930. The parties agree, however, that all land that meets the environmental criteria set forth in the CREP also meets the environmental criteria set forth in Part 1410 because of the Minnesota River watersheds inclusion in the nationally designated prairie pothole conservation priority area.

7. Land to be enrolled will be established to native grass prairie, native tree species, wetlands, riparian buffers mix or a combination thereof as described more fully in the CREP proposal. Enrollments will also place a significant emphasis on hydrologic restoration where appropriate.

8. Land to be enrolled under CREP may include non cropland and cropland that is not physically possible to crop at the time of enrollment. It is understood that these areas are not eligible for enrollment in CRP but the areas may be enrolled under RIM. It is further understood that payment for the enrollment of these areas will not be sought from CRP and these areas will not count toward the 190,000 acre limit as described in paragraph 1. For CREP parcels that include areas not eligible for both CRP and RIM, the documentation for the proposed enrollment will delineate the extent of the affected areas and the division of program payments and reimbursement for conservation practices.

II. RESPONSIBILITIES OF THE CCC AND USDA AGENCIES

Under this agreement, CCC, through the FSA, agrees to the following responsibilities:

9. To offer to enroll land in --at landowner discretion-- ten to fifteen year contracts under the Conservation Reserve Program that meets the environmental criteria set forth in the CREP proposal. All land to be enrolled in the program must meet all other provisions set forth at 7 CFR Part 1410 with the understanding that the inclusion of the Minnesota River watershed in the national priority area designation for prairie potholes means that land described in the CREP satisfies the environmental criteria of those regulations.

10. Land to be enrolled under this Enhancement Program will be proposed to the BWSR by soil and water conservation districts (SWCDs) in consultation with local FSA and

NRCS personnel. The BWSR will then recommend lands for enrollment to the Minnesota State Offices of the FSA and the NRCS. Proposals will be in the form of CRP and RIM applications on forms selected by the FSA and BWSR, respectively, along with a description of proposed conservation measures. With the advice of NRCS, FSA will approve these bids for enrollment if they meet the environmental criteria set forth in the Enhancement Program and if owners or operators meet all of the standard eligibility requirements of the regulations set forth at 7 CFR Part 1410 of CRP.

11. CCC will enroll land at the prevailing soil rental rate. Contracts for 15 years will earn an additional 20% bonus payment if the site and conservation measures meet the conditions for bonus payments as specified in regulations for the CRP continuous sign-up in effect at the time of CREP enrollment.

12. If requested by a landowner and if approved by BWSR and the FSA, CCC will enter into an agreement that would direct CRP payments to BWSR. It is understood that this provision would allow to the BWSR to make a one-time "up-front" payment to the landowner. That payment would represent the total CRP and RIM payments.

13. CCC will pay 50% of the cost of establishing eligible conservation practices. The CREP describes the conservation practices to be established on the various types of land to be enrolled in the CREP. These conservation practices fit within the approved CRP conservation practices for native grass, hardwood trees and wetland restoration. Exhibit 3 is a listing of the conservation practices intended for use in the CREP. Parties to this memorandum agree that the CRP manual, which sets forth the reimbursable measures under each practice, will control policy on CRP reimbursements. They also agree that a purpose and benefit of this CREP are to provide incentives to landowners using a combination of state and federal funds to engage in more intensive and enduring conservation practices than is often undertaken on CRP land. Additional detail on the reimbursable practices and associated rates will be developed by BWSR and the state offices of NRCS and FSA and approved by the FSA State Committee. Actual reimbursement will be based on a site-specific determination by NRCS and BWSR and the FSA County Committee or their designees. The average estimated cost of conservation practices is \$400 per acre. The maximum cost in which CCC will participate at a 50% rate will not exceed \$600 per acre, and reimbursements to participants from all sources may not exceed 100% of the costs to those participants. The parties recognize that \$600 will only be appropriate for unusually problematic hydrologic restoration projects, and personnel developing conservation plans at this maximum cost shall consult in advance with the FSA.

14. Within 90 days after the end of the federal fiscal year, FSA, NRCS and BWSR will review the costs of conservation practices and will adjust reimbursement rates as necessary to assure that CCC pays no more than 50% of the eligible costs for establishment.

15. The CCC will not reimburse expenses incurred by BWSR or soil and water conservation districts associated with CREP, including the development of conservation plans, enrollment of landowners or monitoring of easements.

III. RESPONSIBILITIES OF BWSR

Under this agreement, the BWSR will be responsible for the following:

16. To enroll land in the program in easements under the Reinvest in Minnesota Reserve Program that extend the benefits of a CRP contract significantly and pay at least 50%

of the cost of conservation practices. All land to be enrolled in the program must meet all other provisions set forth in Minnesota Statutes section 103F.505 to 103F.531 and Minnesota Administrative Rules 8400.3000 to 8400.3930.

17. BWSR agrees to pay a minimum of 20% of the overall costs of the Enhancement Program. To determine the overall costs of the Enhancement Program, the following costs will be used: the total land retirement costs, which will include the CRP payments made by the CCC and the easement payments made by BWSR; the total reimbursement for conservation practices paid by the CCC and BWSR; and the aggregate costs of technical assistance, including those expenses incurred by BWSR and SWCDs for implementing contracts and easements, and a reasonable estimate of the cost incurred by NRCS to develop conservation plans for land enrolled in the Enhancement Program. The parties recognize that payments will be made in different years and under different terms, i.e., CRP contracts are annual payments and RIM payments are lump sum distributions. Therefore, to compare CRP and RIM costs in equivalent and present-day terms, the parties will calculate the present discount value of all payments to be made using an 8% discount rate. Overall costs and Minnesota's contribution toward the overall cost are derived by calculating the present discount value of payments obligated each fiscal year. The state contribution will be based on the percentage of the overall costs of the program incurred by the state. This paragraph is solely for purposes of defining the financial relationship between BWSR and the CCC. It does not affect payments to landowners.

18. The parties estimate that BWSR's contributions for conservation practices, land retirement and technical assistance will significantly exceed 20% of the overall costs of the Enhancement Program. Nevertheless, within 90 days after the end of the federal fiscal year, CCC will determine if BWSR has obligated 20% of the overall costs of the program that year. In the unlikely event that BWSR has not obligated 20% of the overall costs that year, the amount of BWSR's contribution to the overall costs of the program will be increased, or the amount of CCC's obligation will be decreased, to assure that BWSR thereafter contribute 20% of the overall costs of the program and makes up for any shortfall.

Added
19. Through SWCDs and NRCS or their designees, the BWSR will develop conservation plans for each enrollment and will assist landowners in the completion of paperwork necessary for enrollment in the CREP. Vegetative cover will be in the form of native tree species, native grass prairie, riparian buffers mix, wetlands or a combination thereof.

20. BWSR will use the Reinvest in Minnesota Reserve Advisory Committee, which includes representatives from the USDA State Technical Committee, FSA, NRCS, state agencies, farm groups, local governments, conservation organizations, and the Minnesota River Citizens Advisory Committee as a steering committee for the CREP Program. This committee will provide advice on the implementation of the Enhancement Program regarding such matters as outreach, further refinement of conservation practices, targeting and other program details. The advisory committee complements the local RIM screening committee. Membership of the local screening committee is comprised of representatives of many of the agencies and organizations that make up the RIM Reserve Advisory Committee, and among the members shall be included designees of BWSR, county FSA committees, SWCDs, and the FSA County Executive Director and NRCS District Conservationist.

21. BWSR will, with advice of the RIM Reserve Advisory Committee, target enrollments within the Minnesota Watershed as set forth in the Enhancement Program proposal. Priority areas will be identified, including portions of the floodplain adjacent to naturally resource-rich areas, including areas adjacent to native prairie preserves in Big Stone,

Swift, Chippewa and Lac Qui Parle counties. Priority areas will also include specific sub-watersheds for enrollment of wetland restoration and riparian buffers. Efforts will initially focus on outreach necessary to inform landowners and criteria needed to prioritize applications. Selected areas and criteria will be considered by the local RIM screening committee as recommendations are made to SWCDs on the priority of applications. If necessary, additional criteria may be added to ensure a significant level of enrollment in priority sub-watersheds and other priority areas. Priority areas may be incorporated into county water plans and SWCD comprehensive plans and annual plans. Within 90 days after the beginning of the fiscal year, and annually thereafter, BWSR will provide a report to the state FSA director and to the Deputy Administrator for Farm Programs of FSA that describes the number of acres intended to be enrolled that fiscal year in CREP, the type of restoration to be done on those lands, estimated environmental benefits, the extent and type of state assistance to be provided and the areas of focus for the program for that fiscal year. The annual report must also include a similar review of the CREP accomplishments for the previous fiscal year.

IV. MISCELLANEOUS PROVISIONS

22. All CRP contracts under this Enhancement Program will be subject to the limitations set forth in the regulations at 7 CFR Part 1410. Agreements between owners or operators and the state may impose additional conditions not in conflict with those under the regulations.

23. All RIM easements under this enhancement program will be subject to the limitation set forth in Minnesota Statutes section 103F.505 to 103F.531 and Minnesota Administrative Rule 8400.3000 to 8400.3930. Agreements between owners or operators and the federal government may impose additional conditions not in conflict with those under the statute and rule.

24. This agreement is conditioned on reasonable progress in enrollments between the date of signature and September 30, 2002. If landowner interest does not appear sufficient to enroll the acres set forth in this agreement, CCC may revise or cancel this agreement.

25. Neither BWSR nor USDA will assign or transfer any rights or obligations under this MOA without the prior written approval of the other party.

26. Any amendments to the MOA will be in writing and will be executed by the same parties who executed the original MOA or their successors in office.

27. This MOA will remain in effect until September 30, 2002, and may be modified or extended upon mutual written agreement or canceled unilaterally by CCC or BWSR. All parties must receive written notification 30 days before the effective date of such modification, extension, or cancellation.

IT IS SO AGREED:

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

BY: _____

DATE: _____

Administrator, Farm Services Agency and
Executive Vice President, Commodity
Credit Corporation

BY: _____

DATE: _____

Chief, Natural Resources Conservation Service

FOR THE STATE OF MINNESOTA

BY: _____

DATE: _____

Director, Minnesota Board of Water and Soil
Resources

S: CREPMOA (10/01/97)

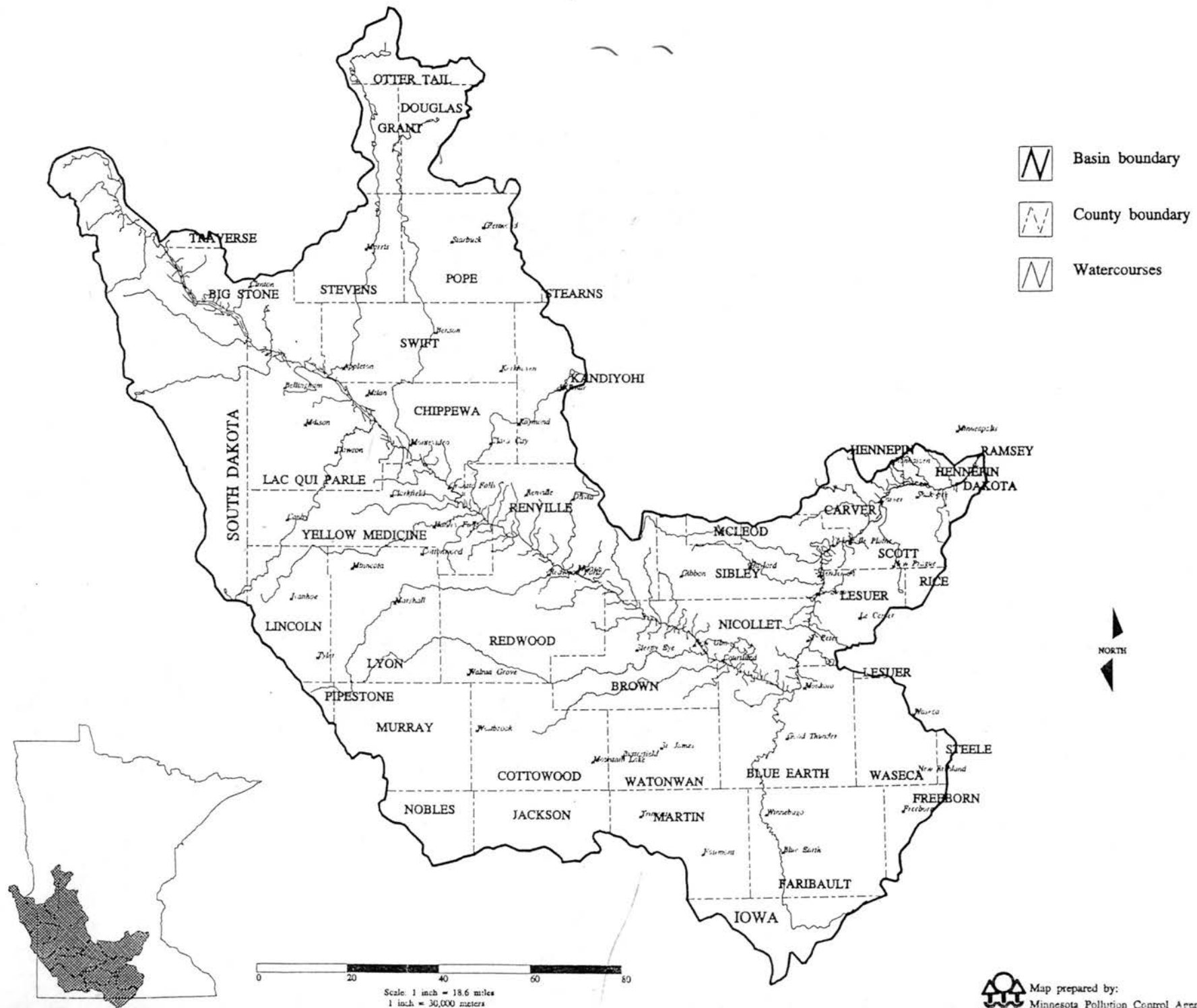
MINNESOTA RIVER BASIN LAND RETIREMENT PROGRAMS: A COMPARISON

CRITERIA	CRP REGULAR SIGN-UP (A USDA Program)	CRP CONTINUOUS ENROLLMENT (A USDA Program)	RIM CONSERVATION RESERVE (A BWSR Program)	(CREP) CONSERVATION RESERVE ENHANCEMENT PROGRAM* (A USDA and BWSR Partnership)
1) Voluntary program	YES	YES	YES	YES
2) Ownership requirements	1 year before application	1 year before application	1 year before application	1 year before application
3) Enrollment mechanism	Contract with USDA	Contract with USDA	Easement with State	Contract with USDA followed by easement with State
4) Crop History	2 of the most recent 5 years	2 of the most recent 5 years	2 of the most recent 5 years	2 of the most recent 5 years
5) Enrollment can include non-cropland	No	No	Yes	Yes
6) Site requirements	EBI (environmental benefits index) applied	Env. sensitive areas that are suitable for riparian buffers, wetlands and other practices	Env. sensitive areas suitable for riparian buffers, wetlands and other practices	Env. sensitive areas, suitable for riparian buffers, wetlands and other practices
7) Site must be physically capable to crop at time of enrollment	Yes	Yes	No	No
8) Selection of applications (bids)	Competitive based on EBI and cost	Enrolled if criteria 2, 4 and 6 are met	Competitive based on local and state environmental priorities	Enrolled if criteria 2, 4 and 6 are met
9) Payment options	Annual payments	Annual payments	Lump sum at time of enrollment or 10 equal annual payments.	Annual CRP payments plus a lump sum RIM payment at time of enrollment or up to 25 annual payments.
10) Payment rate	Based on soil rental rates and landowner bid	Based on soil rental rate plus a 20 percent bonus for certain practices	90 % of tillable market value and 60 % for non cropland	A combination based on the CRP and RIM payments
11) Vegetative cover practices (vegetative and wetland restoration)	Introduced and native species	Introduced and native species	Introduced and native species	Mostly native species
12) Cost-share rate for cover practices	50 percent of total cost	50 percent of total cost	Up to 100 percent, not to exceed \$100-300 per acre	Up to 100 percent not to exceed \$100-600 per acre
13) Length of enrollment	10 to 15 years	10 to 15 years	20 or more years	Perpetual
14) Public access	Landowner controls	Landowner controls	Landowner controls	Landowner controls
15) Property taxes	Landowner must pay	Landowner must pay	Landowner must pay	Landowner must pay
16) Weed control	Landowner is responsible	Landowner is responsible	Landowner is responsible	Landowner is responsible
17) Recreational use of land	Can be leased/rented	Can be leased/rented	Can be leased/rented	Can be leased/rented
18) Haying and grazing	Requires FSA approval	Requires FSA approval	Requires BWSR approval and a drought emergency.	Requires FSA and BWSR approval
19) Maintenance of drainage systems	Can be maintained	Can be maintained	Can be maintained	Can be maintained

*Acres enrolled in CREP do not compete with "regular" or "continuously enrolled" CRP acres in Minnesota because CREP has a allotment of 100,000 acres assigned to it from the national pool of CRP acres. This allotment is available for the duration of the CREP program, estimated at seven years.

s:landretl.g(BWSR 9/10/97)

Minnesota River Basin





October 3, 1997

greg

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

The Honorable David Minge
United States Congress
1415 Longworth House
Office Building
Washington, D.C. 20515

Dear Congressman Minge:

Thank you for your interest and support for Minnesota's Conservation Reserve Enhancement Program (CREP). The Minnesota River will benefit immensely from this effort. I have met with many people over the last several weeks concerning the questions and issues you have raised with the CREP proposal. I believe that agreement has been reached on a number of issues. To effect those ideas, I am happy to commit to the following course of action. The issues you raised can be partially addressed through improved language to add to paragraph 4 of the Memorandum of Agreement, which I attached. I also propose additional courses of action in this letter.

Weed Control: We will include in Reinvest in Minnesota (RIM) Easements the specific requirement to comply with all noxious weed laws. As a result of that easement language, Board of Water and Soil Resources (BWSR) will have the legal authority to work with local authorities to force compliance with weed control laws. We will also include in the RIM Easement language the authority of Soil and Water Conservation Districts (SWCDs) to enter the land and in conjunction with local authorities to perform necessary weed control if the landowners fails to perform it. We commit to use this authority in consultation with county governments.

Some have raised the desirability of a back-up funding source in case private weed control obligations are not met. As you know, the customary and preferred means of addressing a problem if a landowner refuses to comply with weed control laws is for the county authority to undertake the task and to include the costs in the tax bill. This is the preferred mechanism because it maintains the primacy of county governments. However, if that county process proves unsuccessful, BWSR will commit to find and use state resources, subject to recovery from the landowner, and we will include appropriate language in the easement. For the very long-term, in consultation with the RIM screening committee, we will ask the state legislature in the next legislative session to address this issue along with other issues of long-term maintenance. We will also include language in the easement recognizing that if--in the unlikely event--the state succeeds to ownership of the land, it will be the state's responsibility to comply with weed control laws.

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Drainage: The point has been raised that RIM Easements should respect not merely public drainage infrastructure but private drainage. We agree. I also understand the concern that the drainage rights might be comprised by private abandonment of the fee title at some alter date. We propose to include in RIM Easements the following language, "the Grantors, for themselves, their heirs, successors and assigns warrant that they shall perpetually allow for the operation, maintenance and repair of existing drainage systems, public or private, on the easement area that are operated to the benefit of off-site landowners unless and until those drainage rights are legally relinquished by the beneficiaries. By acceptance of this easement, the State of Minnesota recognizes and agrees to respect the existing public or private drainage rights of statute, common law or contract on or through this property and further agrees to honor such drainage rights if the state becomes the owner of the land by way of conveyance, tax forfeiture or otherwise." These changes address both concerns.

Tax Issues: We agree that local government revenues should be protected from adverse impact by the CREP program. The RIM Easement will first of all require that landowners continue to meet local tax responsibilities, which will provide BWSR the legal authority to compel payment of taxes. In the event of non-payment of taxes, BWSR commits to work with county government to determine an appropriate remedy.

As I'm sure you agree, BWSR should not attempt to dictate to counties how they choose to handle the tax treatment of property with RIM Easements. Under existing law, counties do have the authority to designate wetland preservation areas, which would allow landowners to receive a tax exemption with a payment of taxes made by the state. These wetland preservation areas may and should include associated uplands. As a result, all or virtually all of the CREP enrollments should qualify for this program. Some people are appropriately concerned that there should be a guaranteed funding source for such a program. We agree. Better than even a trust fund, that law provides a process of "open appropriation," so that tax obligations are an automatic obligation against the state that shall be paid by the treasurer without regard to annual appropriations.

Clearly the challenge is to assure that this law is more broadly used, and we accept the responsibility of promoting it aggressively, with the limitation, of course, that its use must ultimately depend on the county. We propose the following set of actions. First, we will attempt to enroll only land in the CREP that would qualify for this special state tax payment. Second, at the time of enrollment, we will do an assessment of whether the lands to be enrolled meet the qualifications and inform the landowner through a specific piece of paper that also describes the program in depth. In the unlikely event that some CREP Lands would not meet the WPA program criteria, we will not enroll them unless the landowner specifically acknowledges his understanding of that fact and requests enrollment nonetheless. Third, in the unlikely event that any effort would be made to repeal the state law, BWSR commits its support to maintain it.

Economic Use - I agree with you that there is an important role for easements that allow some economic use of land, and I discuss below our proposal. We do not believe the CREP itself is appropriate for the most generous form of limited economic use easements. One reason is that CRP itself limits economic use. A critical theory behind the state Enhancement Programs is that state

The Honorable David Minge
October 3, 1997
Page 3

funds will be used to promote the conservation practices undertaken through CRP in a way to provide enhanced environmental benefits. At the same time, we recognize CRP is only for 10 to 15 years and the CREP program is long term.

We do believe we can provide for limited economic use that is incidental to vegetative management even on CREP acres. Maintenance of some conservation practices can be enhanced for environmental purposes by activities that in turn can generate an economic return. For example, native prairies can be enhanced by periodic early and late season mowing and, while CRP presently prohibits any economic use of those mowings, we believe Minnesota can offer landowners the opportunity to benefit from that hay once the CRP contract expires. We commit in consultation with the RIM Reserve Advisory Committee--which includes FSA and NRCS-- to the development of specific and detailed guidance on these opportunities where activities can simultaneously enhance environmental qualities and economic return.

BWSR also agrees that broader, limited economic use easements are an important component of the RIM program. We consider the pilot projects in Lac Qui Parle and Pope counties to be a success, and we are committed--subject to continued funding-- to maintaining this element of our program in the future and, in consultation with the RIM Screening Committee, to seek the funding to extend it to include land in those counties and others such as Big Stone, Yellow Medicine, Lincoln, Swift, Chippewa, Pope and Wilkin counties where there may be a high percentage of land returned to farm production from private or public conservation use. We are also committed in consultation with the RIM Screening Committee to working with USDA through its Floodplain Easement and Flood Risk Reduction Programs to promote appropriate haying, grazing, hybrid poplar and other new innovative uses of land in the Minnesota River watershed, such as agro-forestry and biomass energy where significant water quality, habitat and soil conservation benefits can be achieved.

I thank you for your excellent suggestions. I hope you will agree that the responses I describe will improve the CREP program and address the issues raised. Your continued support to secure expeditious endorsement of this initiative is greatly appreciated.

Sincerely,



Ronald D. Harnack
Executive Director

Enclosure: October Draft MOA

c: Senator Wellstone
Wally Sparby
BWSR Board



Minnesota Department of Agriculture
Minnesota Pollution Control Agency
Minnesota Department of Natural Resources
Minnesota Board of Water and Soil Resources

October 2, 1997

Mr. Wally Sparby, State Executive Director
Farm Services Agency
400 Agribank Building
375 Jackson Street
St. Paul, MN 55101-1852

Dear Mr. Sparby:

We are writing to urge you to support the Conservation Reserve Enhancement Program (CREP) for the Minnesota River and its watershed. This proposal requests the financial commitment of the U.S. Department of Agriculture's Conservation Reserve Program funds, to be used in collaboration with the State's Reinvest in Minnesota (RIM) Reserve Program funds, to obtain voluntary conservation easements from private landowners on sensitive and marginal lands. This proposal will complement many other local, state and federal initiatives aimed at improving water quality of the Minnesota River. The proposal also makes sense for other environmental and fiscal reasons. Taxpayers have paid to enroll marginal floodplain cropland in conservation programs, only to have the land brought back into crop production and sometimes receive flood damage payments. The federal CRP working in concert with the state RIM program is a reasonable solution that would provide for the permanent retirement of a small but environmentally significant portion of these lands.

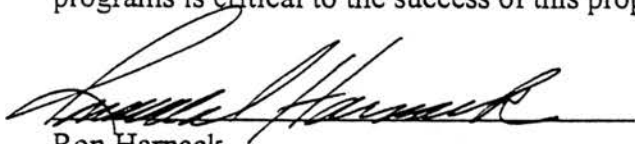
We can appreciate the concerns of some landowners over the use of conservation easements in the CREP proposal. In the past several weeks, there have been numerous discussions between many stakeholders concerning ways to reach a compromise between the State's goal of long-term environmental solutions and landowners concerns over the long term maintenance of drainage systems, weed control and property taxes. We believe those issues have been addressed as the State has agreed to cover those topics in the easement agreement with landowners and will work with local drainage authorities, weed control officers and tax assessors to ensure that easement lands do not create a burden for local citizens. A more difficult issue regards the philosophy of permanent easements. We understand that permanent easements make the program unattractive to some landowners. However, we feel it is unnecessary to negotiate that point at this time, as we expect the program to attract enough landowners to meet the modest CREP enrollment goal of 190,000 acres. While all of the targeted lands are environmentally sensitive, some may be suitable for limited agricultural use. The permanent nature of CREP easements

c/o Board of Water and Soil Resources
1 West Water Street, Suite 200
St. Paul, Minnesota 55107
(612) 296-3767

Wally Sparby, page 2

therefore may need to be re-assessed at some point in the future. At that time, we expect that public debate and consideration within the legislative process would ensue and involve all stakeholders.

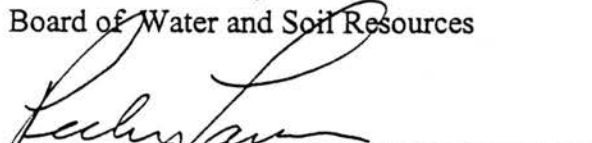
The CREP proposal recognizes Minnesota's proactive conservation approach and takes it one step further by optimizing conservation benefits and taxpayer investment through a voluntary program. Approval by USDA for the collaborative use of CRP funds into our conservation programs is critical to the success of this proposal.



Ron Harnack
Executive Director, Minnesota
Board of Water and Soil Resources



Gene Hugoson
Commissioner, Minnesota
Department of Agriculture



Peder Larson
Commissioner, Minnesota Pollution Control Agency



✓ Rod Sando
Commissioner, Minnesota
Department of Natural
Resources

Editorials, labeled "Our Perspective," represent the institutional voice of the Star Tribune. They are prepared by the Editorial Department, which is independent of the newsroom.

10/10/97
Star Tribune

Our perspective

Saving the Minnesota

River restoration deserves U.S. support

Somewhere over the Minnesota River this morning, Sen. Paul Wellstone and a senior official from the U.S. Department of Agriculture are peering down from a small airplane at some of the most fertile corn and soybean fields in the Upper Midwest. But as they gaze down at the meandering Minnesota, they will also see the state's most polluted river, a channel of turbid water, ailing fish and dwindling waterfowl stocks.

Wellstone will be pitching a river conservation project conceived by Gov. Arne Carlson, an imaginative proposal to rescue the Minnesota from years of environmental degradation due to intensive farming, urban runoff and other pollutants.

The plan has garnered broad support from environmentalists, the Minnesota Farm Services Agency and U.S. Rep. David Minge, who represents southwestern Minnesota. Agriculture Secretary Dan Glickman should approve the federal funds that will make the project a reality.

Carlson's Conservation Reserve Enhancement Program would follow the Minnesota River from the South Dakota border to the Twin Cities, buying permanent or long-term contracts on 190,000 acres and taking them out of agricultural production. Some of the land would become "buffer strips" along the riverbank to capture pesticide and fertilizer runoff before it reaches the water. Other portions lie in the river's swampy floodplain; returned from row crops to natural marsh plants, they would become natural filters to cleanse the murky river and provide wildlife habitat.

Carlson wants to make the Minnesota "swimmable and fishable" by the year 2002.

The plan would combine \$50 mil-

lion in state funds and \$200 million from Washington's biggest conservation program, the Conservation Reserve Program, or CRP.

For all its merit, the plan could fall victim to a number of procedural objections. In the past, for example, CRP has been used only to idle land temporarily, usually under 10-year contracts. In addition, Glickman has set a ceiling of 100,000 acres for this type of plan. But Glickman should waive the ceiling in this case; leaving part of the basin unprotected would be counterproductive. And Carlson's plan for long-term easements makes sense too. It would allow extended environmental restoration, while sparing taxpayers the expense of paying a farmer over and over to conserve the same parcel of land.

The plan has provoked fears that it will gobble up so many CRP acres that none will be left for Minnesota farmers elsewhere. But this project would be an add-on to Minnesota's other CRP submissions; and in any case those other submissions will have to stand or fall on their own merits under a new, stringent set of CRP criteria.

Carlson, Minge, Wellstone and other advocates might be accused of parochialism in seeking such a large block of federal funding for the Minnesota River. But Minnesota paid a huge price last year when Congress rewrote the eligibility rules for CRP. Perhaps half of the 1.1 million Minnesota acres that received CRP payments in the past will become ineligible. The new rules — supported by this newspaper and many Minnesota politicians — are supposed to channel limited CRP money to the nation's most vulnerable land and water. Carlson has found that combination in the Minnesota River basin, and his plan deserves Washington's support.

Minneapolis

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River conservation proposal progresses

Compromise rekindles plan to restore Minnesota basin

By Dean Rebuffoni
Star Tribune Staff Writer

A compromise has been reached between critics and backers of Gov. Arne Carlson's conservation plan for the Minnesota River Basin, and they are urging the federal government to help finance the effort.

If that aid is forthcoming, up to 190,000 acres of environmentally sensitive, flood-prone land will be set aside to reduce soil erosion and water pollution and to create wildlife habitat. It would be the largest such program ever in Minnesota, costing perhaps \$250 million to buy restrictive conservation easements from willing landowners.

The compromise was revealed Wednesday by U.S. Rep. David Minge, D-Minn., and Wally Sparby, state executive director of the Farm Service Agency.

Minge's Second District includes much of the basin, and he advocates a strong conservation effort. Sparby's agency is part of the U.S. Agriculture Department, which will decide whether to approve roughly \$200 million for Carlson's proposal. The remaining \$50 million would be state money.

Although there is widespread support for the proposal, the governor's call for buying permanent easements on all 190,000 acres was opposed by some agriculture groups. Such easements would bar or restrict farming on land enrolled in the program, and critics contend that many farmers aren't willing to commit themselves to permanent restrictions.

The compromise would give

landowners the option to sell easements ranging from 30 years' duration to permanent. They would be bought with money from two sources: the federal Conservation Reserve Program (CRP) and the Reinvest in Minnesota Reserve Program, administered by the state Board of Water and Soil Resources.

Land enrolled in Carlson's proposed program would be planted in native plants, including prairie grasses and trees, and in some cases wetlands would be restored. Sparby said the compromise would still allow farmers in the Minnesota River Basin to enroll land under standard 10- or 15-year CRP contracts.

The compromise also is designed to alleviate critics' concerns about the potential effects of Carlson's plan on farm drainage systems, weed control on enrolled land and rural tax bases.

"This has been a long and at times contentious process," Minge said. "But [parties to the compromise] resolved the small points that could have killed a good idea. We now have an opportunity for a joint state-federal program in the basin."

The compromise is between several state and federal agencies and a committee of five Minnesota farmers that advises U.S. Agriculture Secretary Dan Glickman. He will decide whether to approve federal funding for Carlson's proposal, called the Minnesota River Conservation Reserve Enhancement Program.

Opposition to permanent easements was led by the Minnesota Farm Bureau Federation. Its governmental affairs director,



Star Tribune graphic

Chris Radatz, said the group hasn't studied the compromise agreement.

"On the surface, though, it appears to be a positive step," he said. "Our real concern has been for options for farmers who don't want to sell permanent easements. It appears that concern has been addressed."

Minnesota is one of several states seeking federal money for such major conservation enhancement programs. Maryland is expected to get federal support soon for a 100,000-acre program around Chesapeake Bay; Illinois proposes a 200,000-acre effort

along the Illinois River.

The enhancement programs were first proposed to the federal government by Tim Searchinger, a senior attorney for the Environmental Defense Fund Inc. It's one of several national groups campaigning for federal support for Carlson's proposal, which is part of a continuing effort to clean up the Minnesota, the most polluted river in the state.

Searchinger praised Minge and Sen. Paul Wellstone, D-Minn., for their efforts to persuade the Agriculture Department to approve Carlson's proposal.

Stadium blackjack proposal takes Moe by surprise

Slot machines wouldn't be the only new gambling at Canterbury Park.

In the analysis, prepared by the state Revenue Department, not only were 1,500 slot machines listed as revenue generators, but also blackjack tables. Moe said he never knew that Sen. Dick Day's

presented to the task force, included blackjack.

Day expressed surprise Wednesday that Moe was surprised.

"I guess [Moe's] basically had

of determining some kind of funding source. Many task force members are out of town, but if a quorum shows up, Langseth and Jennings will try to bring the matter to a vote. The Canterbury

DOUG STANGE
EDITOR IN CHIEF

INSIDE ANGLES

EMERGING CONSENSUS ABOUT RIVER AND WETLAND RESTORATION

In-Fisherman headquarters lies two hours from the Red River Valley, which last spring was wrecked by flood waters from the Red River as it flows between North Dakota and Minnesota.

The worst flood in at least a century—probably many centuries. Residents of the valley and those of us who love the Red as a fishing hole fear the worst for this coming spring, because climatologists tell us, floods often follow in succession for several springs after an initial flood. Many more of you beyond this valley were affected by flooding last spring, for it also was common in parts of the Midwest, Mideast, Southeast, and Northwest.

For many years, a debate has centered on just how effective dams are in controlling floods and how much our alteration of the natural

systems of upland habitat, wetlands, streams, and small rivers that once slowed runoff into larger rivers, has contributed to the problem. Too much upland habitat has gone the way of urban sprawl. Most wetlands have been drained and the remaining wet spots in fields have been tilled to speed runoff into small streams, which also have been straightened to speed runoff into larger streams. The vegetation that once lined the banks of streams has also been removed.

The reduction in wetland habitat and the alteration of stream habitat has mainly

occurred in order to increase crop production, which, along with improvements in farming technology, has made farmers vastly more productive. This productivity is important to our economy and to our quality of life. As a result, however, water that once gathered before passing down the line, now races along a series of corridors until it reaches a bigger river. Many scientists today suggest that flooding is therefore not only more likely but more intense. So while some farmers have more land to farm and those farms and surrounding communities are more productive, an even larger problem has been passed to farmers and communities down the line. Somebody gains, somebody else pays. Except, the bill today seems larger than ever before.

Restoration is important to fishermen because the by-product is improved fish habitat.



Illustration by Lee Stronck

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A consensus is emerging, although it may take several decades to become popular accord, that dams alone are not the answer. Indeed, in many cases, dams alone are no answer at all. Meanwhile—and most importantly—the money now spent on flood relief for farmers and communities down the flood line would pay for much of the restoration of original upland, wetland, and stream habitat that, once restored, in conjunction with judicious damming, should reduce present problems. Restoration is important to fishermen because the by-product is improved fish habitat. Habitat remains the basic key to an abundance of wildlife, including fish.

Two ambitious restoration plans have recently been proposed, plans that if approved could serve as models for restoring rivers across North America. According to Tim Searchinger, reporting in the *Mississippi Monitor*, plans submitted by the states of Minnesota and Illinois to the U. S. Department of Agriculture would link federal and state funds to offer farmers 15-year contracts to restore 430,000 acres of fish

Question boldly today “progress” that a decade ago might have been taken for granted.

another 60,000 acres of wetlands and riparian buffer zones in critical portions of watersheds. Flood plain lands would be restored either through native prairie restoration or through natural regeneration of trees.

The Illinois River plan is intended to enroll 67,000 acres of riparian corridors in order to buffer 2,800 miles of streams, along with 105,000 acres of farmed and converted wetlands and chronically flooded lands in the Illinois River flood

and wildlife habitat on cropland along the Minnesota and Illinois Rivers.

The Minnesota River Conservation Reserve Enhancement Program would place 100,000 acres (or 50 percent of the Minnesota River flood plain) in easements, 30,000 acres of flood-prone land along key tributaries in easements, and restore

plain, and another 70,000 acres of highly erodible lands in key watersheds. The plan also seeks \$60 million to support conservation practices on other lands in the watershed.

Of course, on many fronts today, the first order of business for anglers and other conservationists remains protection of the habitat that remains. We need timber, we need hydroelectric power, we need mines. But we no longer need them at those same old costs. We really don't need more gold so badly that we can afford a new gold mine that will destroy the Big Blackfoot river in Montana. And almost any angler would question, on the face of it, whether we need new sulfide mines in the Wolf River watershed in Upper Michigan and northern Wisconsin. Question boldly today “progress” that a decade ago might have been taken for granted.

Would that we move toward a worldwide consensus that values living in some semblance of harmony with what remains of our natural surroundings, as we in time attempt to reclaim much of what has been lost. ■

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10/22/97

2 of 2

FOR YOUR INFORMATION

(does not pertain to BWSR meeting today)

- Memo to Laura Nehl-Trueman, Office of Administrative Hearings, from John Jaschke, regarding Minnesota Rule Chapter 8420: Wetland Conservation Act Rule Amendments - Notice Plan, Sonar, Draft Dual Notice
- Request for Comments: Planned Amendment to Wetland Conservation Act Rules, Minnesota Rules, Chapter 8420
- Memo from Jim Haertel regarding WCA Appeal, St. Paul Audubon Society vs. Rice Creek Watershed District, File 97-8
- Phosphorus information from Greg Larson
- Memo to agencies regarding state review of Hubbard, Blue Earth, Norman and Pennington County Water Plans
- Memo from Jim Birkholz regarding Voting Membership on Joint Powers Boards
- Letter from Governor Carlson to the Mayor of Maplewood, Gary Bastian, regarding national award for a municipal storm water pollution control project
- Memos to SWCDs from Susan Tsakakis regarding various news releases
- Letter to Curt Russell, chairman of BERBI, from Frank Drake, chairman of Faribault SWCD, regarding decision to withdraw from the BERBI organization for 1998
- Agriculture Best Management Practices Loan Summary
- "Minnesota Recovery Lines" information on Minnesota's flood recovery efforts for the month of November, 1997
- Draft Report "Achieving Effective Land Stewardship: A Framework For Action"
- Minnesota Wetlands Conservation Planning "Work Team Report"
- Memo from Marybeth Block regarding Whole Farm Planning



MEMORANDUM

December 12, 1997

To: Laura Nehl-Trueman, Office of Administrative Hearings

From: John Jaschke, BWSR

Phone: 297-3432; E-mail: john.jaschke@bwsr.state.mn.us *JA*

**RE: MN RULE CHAPTER 8420: WETLAND CONSERVATION ACT (WCA)
RULE AMENDMENTS - NOTICE PLAN, SONAR, DRAFT DUAL NOTICE**

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
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217 S. 7th Street
Suite 202
Brainerd, MN 56401-3660
(218) 828-2383
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Southern Region:

261 Highway 15 S.
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40--16th Street SE
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(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
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This rule is being converted from the exempt ("emergency") rule status of M.S. 14.386 through 14.388 to Permanent Rule as required by 1996 Minn. Laws, Chapter 462, Section 39. This process requires that the permanent rule be published in the *State Register* not later than June 10, 1998. This proposed permanent rule is exactly the same as the previously adopted exempt rule.

We anticipate that you may have questions that arise during your review and offer to answer them with either written or oral responses as you desire. You can call, FAX or e-mail me at the numbers/addresses noted above. You may also contact Matt Seltzer at the Attorney Generals Office (phone: 296-0692) for legal interpretations. The hearing date and location (if needed) are noted in the Draft Dual Notice. Please let me know within five days which Judge will be assigned so I can publish the Dual Notice in the State Register.

NOTICE PLAN

The Request for Comments on the Rule was published in the State Register on October 20, 1997. The Request for Comments was also distributed to over 1000 affected persons, interest group organizations, and government offices who have been a part of the WCA program over the past six years. The Request for Comments included information on how to get a copy of the proposed rule (which is exactly the same as the current exempt rule which has been in use for 18 months and thus familiar to most everyone on the mailing list). Because of the broad distribution of the Request for Comments and as copies of the proposed rule and persons who can explain their implications are available in one or more county or city offices, the BWSR believes a thorough effort to reach significantly affected persons has been accomplished.

ENCLOSURES: Request for Comments; 1996 Minn. Laws, Chapter 462; 1994 Minn. Laws, Chapter 627; a draft of the Dual Notice; and the proposed Permanent Rule as certified by the Revisor of Statutes.

EXPLANATION OF PROPOSED AMENDMENTS TO MN RULE 8420

The following are line by line Statements of Need and Reasonableness (SONAR) for the changes to Minnesota Rule Chapter 8420 based on statute changes from 1996 Minn. Laws, Chapter 462 and 1994 Minn. Laws, Chapter 627. *References in this document are to the Revisor of Statutes draft dated October 29, 1997 (RD 2878).*

Page 1, lines 6 and 7, incorporate the statutory changes subsequent to the initial Rule development in Jul 1993.

Page 1, line 10 through page 1, line 31. **Introduction.** This portion was added to give a casual reader of the Rule who is looking for a general explanation of the WCA some information as to what the WCA is and where to find more detail if necessary.

Page 1, lines 32 through page 2, line 16. **Wetland functions for determining public values.** Taken directly from the statute changes to Minnesota Statutes 103B.3355 (1996 Minn. Laws, Chapter 462, Section 3).

Page 2, line 17 through page 3, line 29. **Scope.** Minor changes to remove dates that have passed and to clarify that the commissioner of natural resources is the commissioner referenced as both agriculture and natural resources commissioners are now part of law.

Page 3, line 30 through page 10, line 7. **Definitions.** All of the changes are directly from the statute changes (1996 Minn. Laws, Chapter 462, Sections 10 to 22) except for the following modifications which were made as part of the rule making: "credits" was narrowed to just "wetland banking credits" which is what it is intended to mean; "natural resources conservation service" and "consolidated farm agency" or "ASCS" are all deleted because a more general reference to USDA is used; "new wetland credit" and "public value credit" are included in the definitions to more easily describe the replacement credit allowed above a 1:1 ratio which is included in the statute changes in 103G.2242, Subd. 12(c) (1996 Minn. Laws, Chapter 462, Section 32).; "public value of wetlands" has changed to reflect the changes in MN Statutes 103B.3355 (1996 Minn. Laws, Chapter 462, Section 3); "shoreland wetland" is defined to be a wetland in the shoreland wetland protection zone. Item (D) of the "wetland" definition is included to describe how the wetland size and type will be determined as required from the 103G.2242, Subd. 2 statute change (1996 Minn. Laws, Chapter 462, Section 27).

Page 10, line 8 through page 11, line 13. **Incorporation by reference.** These references are included or revised based on statute changes in 103B.3355(b) (1996 Minn. Laws, Chapter 462, Section 3) which are functional assessment methodologies required to be identified by the Board. These documents were placed in the state law library prior to publication of the exempt rule in June 1996.

Page 14, line 14 through page 25, line 23. **Exemptions.** The statute changes in MN Statutes 103G.2241 (1996 Minn. Laws, Chapter 462, Section 25) have been incorporated verbatim into this part of the Rule. The following are the locations in the exemptions section that required some modification in the rule: Subp. 1, sub. item (A)(4) included the addition, via BWSR board resolution, of the language on page 19, lines 13 and 14 to clarify the intended scope of the exemption; Subp. 1 (A)(8) was not changed in the statute but was modified in the Rule to reflect the federal act (Federal Agriculture Improvement and Reform Act of 1996) that was modified on April 4, 1996. Subp. 2, drainage, was significantly changed in the statute and has been incorporated verbatim into the Rule with the addition of the language on page 21, line 28 through 33 which is similar to that in the current rule. The substantial change to Subp. 9, the de minimis exemption, is entirely from the statute.

Page 25, line 24 through page 33, line 27. The statute changes included some specific changes to the application and decision processes. The changes in the statute are in MN Statutes

103G.2242, Subds. 4, 6, 7 (1996 Minn. Laws, Chapter 462, Section 28-30). These statute changes were incorporated into the Rule.

The deletion on page 25, lines 16-23 was made as this language is already included on page 12, lines 20-30.

The changes on page 30, line 10 through 15 address the **technical evaluation panel** documents which must be utilized by that panel which are directly from the statute M.S. 103G.2242, Subd. 2 (1996 Minn. Laws, Chapter 462, Section 27)

The **appeals** section of the Rule beginning on page 31, line 12 has been changed because of statute requirements in MN Statutes 103G.2242, subd. 9 (1996 Minn. Laws, Chapter 462, Section 31). Items which have been included verbatim are the issues of reclassification in M.S. 103G.222, subd. 1 (o) and (p) (1996 Minn. Laws, Chapter 462, Section 24), and road replacement in M.S. 103G.222, subd. 1 (e) (1996 Minn. Laws, Chapter 462, Section 24) which are included in subp. 4 and 5.

Page 34, line 25 through page 35, line 17. **Compensation claims against local governmental units.** Incorporated directly from the statute via MN Section 103G.237, subd. 5 (1996 Minn. Laws, Chapter 462, Section 36).

The **Enforcement** section on page 35, line 18 through page 38, line 28 includes a number of technical corrections along with a change noted first on page 37, line 20 and 21 which provides support for the soil and water conservation districts.

Page 38, line 29 through 33. **After the fact replacement.** Language is directly from statute 103G.222, subd. (a) (1996 Minn. Laws, Chapter 462, Section 24).

Page 39, line 29 through page 41, line 5. **Wetland Preservation Areas.** These changes have been made directly as a result of changes to MN Statute 103F.612 (1996 Minn. Laws, Chapter 462, Sections 6-9).

Page 41, line 6 through 15. **Previously approved replacement plans.** This is included to make it clear how previously approved projects have been treated and to eliminate some dates which have already expired.

Page 41, line 16 through page 42, line 7. Changes made as a result of statute requirements in MN Statute 103G.2242, subd. 2 (1996 Minn. Laws, Chapter 462, Section 27).

Page 42, line 8 through page 44, line 24. **Sequencing.** Change on page 43, line 19 through 20 was made because of a statute change in 1994 (1994 Minn. Laws, Chapter 627, Section 7). Page 42, line 30 through 31 are changes to incorporate other Rules previously adopted. Page 43, line 11 through 12 is a change to previously developed rule made after consensus to include a distinction for existing infrastructure versus new infrastructure.

Page 43, line 20 through page 44, line 24. **Sequencing flexibility.** This section has been given substantial review by the interest groups and persons involved in the WCA. Both local governments and developers think it should be included in the Rule as it will give them criteria to

follow. Although this section allows flexibility, the goals of the act are rigorously maintained as stated item A on page 43, lines 21 through 29.

Page 44, line 26 through page 46, line 28. Minor changes to clean up this section based on implementation experience. The language on page 62, lines 3 through 12 is directly required as part of statute changes in 103G.2244 (1996 Minn. Laws, Chapter 462, Section 34).

Page 46, line 31 through page 48 line 26. Subpart 1 and Subp. 2, items A-D are directly from the statute change in M.S. 103G.2242, subd. 12 (1996 Minn. Laws, Chapter 462, Section 32) while item E was moved from another location in the Rule (previously 8420.0530, Subp. 10, item B).

Page 48, line 27 through page 49, line 16. **Timing and location of replacement wetlands.** Subpart 3 is from 1996 Minn. Laws, Chapter 462, Section 45. Subp. 4 is from statute changes in the definitions M.S. 103G.005, Subds. 10a, 10b, 10d (1996 Minn. Laws, Chapter 462, Sections 11, 12, 14)

Page 49, line 17 through page 51, line 23. **Replacement for Public Transportation Projects.** This language is from MN Statute 103G.222, Subd. 1 (e) and (m) for wetland impacts from public transportation projects (1996 Minn. Laws, Chapter 462, Section 24).

Page 51, line 24 through page 55, line 20. **Presettlement wetland acres and areas.** The county classifications have been altered to MN Statute 103G.005, Subds. 10a, 10b, 10d (1996 Minn. Laws, Chapter 462, Sections 11, 12, 14) and the rule is amended to reflect these changes. County classification for: presettlement wetlands is based on Anderson and Craig, 1983 (see page 10, lines 7 and 8) and National Wetland Inventory data (see page 10, lines 5 and 6); amount of wetland is based on National Wetland Inventory data (see page 10, lines 5 and 6); public land is based on data from the Land Management Information Center, Minnesota Department of Administration.

Page 56, line 25 through page 76, line 5. **Replacement of wetland functions and values.** Changes here include a refinement of the existing wetland replacement method to i) make it more accurately reflect the functions and resulting public values as required by M.S. 103B.3355 (1996 Minn. Laws, Chapter 462, Section 3), and ii) make the application of the wetland replacement method simpler. Many of the changes are a refinement of the existing Rule which was required by M.S. 103G.2242, Subd. 1 and 103B.3355 [old (a), new (b)] to be developed to determine wetland functions and values. The changes in this section were developed with the other agencies BWSR is required to consult with when developing the rules (Departments of Natural Resources and Agriculture) and interest groups have given it significant review. The statutory requirement (M.S. 103B.3355; 1996 Minn. Laws, Chapter 462, Section 3) to list the methodologies that are alternatives to the rule methodology are included on page 74, lines 2 through 31.

Page 76, line 6 through page 78, line 35. **Wetland Replacement Standards.** These minor changes were made based on upgraded scientific information and implementation experience and to match the previous section changes.

Page 79, line 17 through page 83, line 2. **Comprehensive wetland protection and management plans.** This portion was incorporated directly without change from MN Statute 103G.2243 (1996 Minn. Laws, Chapter 462, Section 33).

Page 83, line 4 through page 91, line 17. **Wetland Banking.** Changes in the wetland banking program are made based on clean up of the language as well as evolution of the program and experience gained from implementation. Also, some of the changes to the banking program portion were required because of references to it in the statute in Section 103G.222, Subd. 1 (1996 Minn. Laws, Chapter 462, Section 24) which prescribes that wetland replacement can occur through wetland banking and also mandates that wetland replacement for public road projects occur through that similar process.

Page 91, line 32 through 34. **Calcareous fen management plans.** The Department of Natural Resources (DNR) has offered to provide technical assistance to landowners who are required to do management plans that the DNR approves. This is an agreement that benefits all.

Note: This version of the proposed permanent rule contains only the parts that have changes. The following parts have no changes and thus are **not** included in the draft rule document:

<u>Rule Part</u>	<u>Title</u>
8420.0235.	Wetland Banking Procedures
8420.0245.	Other LGU Wetland Rules and Ordinances
8420.0270.	Compensation
8420.0280.	Appeal from Board Decisions
8420.0500.	Purpose (Wetland Replacement Plans)
8420.0600.	Monitoring
8420.0620.	Monitoring Annual Report
8420.0630.	Monitoring Determinations by the LGU
8420.0700.	Purpose (Banking)
8420.0730.	Administration/Management Authority (Banking)
8420.0760.	Enforcement and Corrective Actions (Banking)
8420.1020.	Identifying Calcareous Fens
8420.1030.	Procedures to List Calcareous Fens
8420.1050.	Restoration (Calcareous Fens)
8420.1060.	Appeals (Calcareous Fens)

Enclosure

copy w/o enc.: BWSR: Ron Harnack, Greg Larson, Dan Eklund, Barbara Ohman
Matt Seltzer, Office of the Attorney General
BWSR Board Members
Wetland Heritage Advisory Committee Members

copy w/enc: Legislative Reference Library

m:\wcarule\sonar98.wca(12-12-97)

Board of Water and Soil Resources

Request for Comments on Planned Amendment to Wetland Conservation Act Rules, *Minnesota Rules*, Chapter 8420

Subject of Rules. The Minnesota Board of Water and Soil Resources (BWSR) requests comments on its planned amendment to the Wetland Conservation Act (WCA) Rules. The BWSR is considering a rule amendment process that will *simply convert the existing exempt ("emergency") rules developed to incorporate the 1996 legislative changes — and which expire on June 10, 1998 — into permanent rules without any changes.* The BWSR is planning a substantive rule amendment to the WCA in later 1998 or early 1999.

Persons Affected. This amendment to the WCA rules will affect local governments, soil and water conservation districts, state agencies and landowners of property containing wetlands.

Statutory Authority. *Minnesota Statutes* sections 103B.101, Subd. 7, 103B.3355 and 103G.2242, Subd. 1 authorize the BWSR to adopt rules related to replacement of wetlands.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the BWSR intends to adopt the rules. The BWSR does not contemplate appointing an advisory committee to comment on the planned rules other than the Wetland Heritage Advisory Committee which is already in existence per *Minnesota Statute* section 103G.2242, Subd. 11.

Rules Drafts. The planned rules are identical to the current exempt ("emergency") rules currently in use as *Minnesota Rules* Chapter 8420. Copies of this rule are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. The phone numbers for Minnesota's Bookstore are metro: (612) 297-3000, MN toll-free 1-800-657-3757, and TTY metro: (612) 282-5077, MN toll-free: 1-800-657-3706.

Agency Contact Person. Written comments, questions and requests for more information on these planned rules should be addressed to: John Jaschke, MN BWSR, 1 West Water Street, Suite 200, St. Paul, MN 55107, phone (612) 297-3432.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 13 October 1997

Ronald D. Harnack, Executive Director
Board of Water and Soil Resources

Minnesota Board of Water and Soil Resources (BWSR)

DUAL NOTICE: NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING UNLESS 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF HEARING IF 25 OR MORE REQUESTS FOR HEARING ARE RECEIVED

Proposed Amendment to the Wetland Conservation Act (WCA); Minnesota Rules, Chapter 8420.

Introduction. The Board of Water and Soil Resources (BWSR) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on February 4, 1998, a public hearing will be held on February 18, 1998 from 7 p.m. to 10 p.m. in the Stearns County Historical Society Heritage Center, 235 So. 33rd Avenue (on Highway 15 just north of Interstate 94), St. Cloud, MN 56302 (phone #: 320-253-8424). To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after February 4, 1998 and before February 18, 1998.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: John Jaschke, MN BWSR, 1 West Water Street, Suite 200, St. Paul, MN 55107, phone (612)297-3432, FAX: (612)297-5615, e-mail: john.jaschke@bwsr.state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are an amendment to the Wetland Conservation Act (WCA) Rules. The BWSR is proposing a rule amendment that *will simply convert the existing exempt ("emergency") rules developed to incorporate the 1996 legislative changes – and which expire on June 10, 1998 – into permanent rules without any change.* Minnesota Statutes sections 103B.101, Subd. 7, 103B.3355 and 103G.2242, Subd. 1 authorize the BWSR to adopt rules related to replacement of wetlands. A copy of the proposed rule is published in the State Register and since the proposed rule is identical to the current exempt ("emergency") rules currently in use as Minnesota Rules Chapter 8420, copies of this rule are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. The phone numbers for Minnesota's Bookstore are metro: (612)297-3000, MN toll-free 1-800-657-3757, and TDD metro: (612)282-5077, MN toll-free: 1-800-657-3706.

Comments. You have until 4:30 p.m. on Wednesday, February 4th, 1998 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

DRAFT

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, February 4th, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for February 18, 1998 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 612-297-3432 after [date comment period ends] to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in Minnesota Statutes, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge _____ is assigned to conduct the hearing. Judge _____ can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7600 and FAX 612/349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed

rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Other notices required by law or chosen to be inserted in this notice.

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the

Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date

Ronald D. Harnack
Executive Director, BWSR

DRAFT

Minnesota Board of Water and Soil Resources

REQUEST FOR COMMENTS

Planned Amendment to Wetland Conservation Act Rules, Minnesota Rules, Chapter 8420.

Subject of Rules. The Minnesota Board of Water and Soil Resources (BWSR) requests comments on its planned amendment to the Wetland Conservation Act (WCA) Rules. The BWSR is considering a rule amendment process that will simply convert the existing exempt ("emergency") rules developed to incorporate the 1996 legislative changes -- and which expire on June 10, 1998 -- into permanent rules without any changes. The BWSR is planning a substantive rule amendment to the WCA in later 1998 or early 1999.

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Statutory Authority. Minnesota Statutes sections 103B.101, Subd. 7, 103B.3355 and 103G.2242, Subd. 1 authorize the BWSR to adopt rules related to replacement of wetlands.

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Rules Drafts. The planned rules are identical to the current exempt ("emergency") rules currently in use as Minnesota Rules Chapter 8420. Copies of this rule are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. The phone numbers for Minnesota's Bookstore are metro: (612)297-3000, MN toll-free 1-800-657-3757, and TDD metro: (612)282-5077, MN toll-free: 1-800-657-3706.

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Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: October 13, 1997

Ronald D. Harnack, Executive Director
Board of Water and Soil Resources

PRELIMINARY DRAFT TIMELINE FOR ADOPTION OF AMENDMENTS TO WCA
RULES - 9/26/97

Note: This draft is preliminary. Time periods and dates must be verified. Additional tasks must be added for completeness.

Dual Notice:

Monday, October 13, 1997 - Publication Order for Request for Comments to State Register

Monday, October 27, 1997 - Request for Comments published in State Register (at least 60 days prior to Dual Notice per Minn Stat 14.101)

Monday, October 27, 1997 - Rules and SONAR done

Friday, November 7, 1997 - Revisor's certificate approving rules for publication

Wednesday, November 26, 1997 - Submit Dual Notice, Rules, SONAR, and Notice Plan to OAH (at least five working days prior to Dual Notice because ALJ has five working days to review per Minn R 1400.2080, subp. 5 and Minn R 1400.2060, subp 3)

Wednesday, November 26, 1997 - BWSR Board Resolution authorizing Executive Director to give Dual Notice

Wednesday, November 26, 1997 - Copy of proposed rule to Commissioner of Agriculture (at least 30 days prior to Dual Notice per Minn Stat 14.111)

Monday, December 15, 1997 - publication order to State Register (two Mondays before publication date)

Monday, December 15, 1997 - Dual Notice mailed to all on BWSR's rulemaking mailing list (at least 30 days prior to end of comment period per Minn. R. 1400.2080, subp. 6)

Monday, December 15, 1997 - Notice per notice plan

Monday, December 29, 1997 - Dual Notice published in State Register

Wednesday, January 28, 1998 - End of comment period (30 days after Dual Notice published)

If No Hearing Requested:

Wednesday, February 25, 1998 - BWSR Board resolution adopting any changes

Wednesday, February 25, 1998 - Order adopting rules. Minn. R. 1400.2090

Wednesday, February 25, 1998 - Submit file to OAH for official review. Minn. R. 1400.2310

Wednesday, February 25, 1998 - If requested, give notice of submission of rules to OAH on same day as submit file to OAH. Minn. Stat. 14.26

Wednesday, March 11, 1998 OAH - approves rules (has 14 days from submission)

Wednesday, March 11, 1998 - OAH files approved rules with Secretary of State

Wednesday, March 11, 1998 - Secretary of State forwards approved rule to Revisor

Friday, March 13, 1998 - Revisor sends BWSR Notice of Adoption

Monday, March 16, 1998 - BWSR sends Notice of Adoption to State Register

Monday, March 30, 1998 - Notice of Adoption published in State Register

Saturday, April 4, 1998 - Rules effective five days after published in State Register. Minn. Stat. 14.27

If Hearing Requested:

Monday, February 9, 1998 - Hearing if more than 25 request (not sooner than 40 days after Dual Notice per Minn Stat 14.22, subd. 2)

Tuesday, February 10, 1998 - Hearing in agricultural area of state (per Minn Stat 14.14, subd. 1b)

Tuesday, February 17, 1998 - Agency's response to comments in the hearing record (comment period lasts five working days, may be extended to 20 calendar days if ordered by ALJ. Minn. Stat. 14.15, subd. 1; Minn. R. 1400.2300,.2530, .2540)

Tuesday, February 24, 1998 - Agency's response to comments and information submitted during comment period (five working days)

Thursday, March 26, 1998 - ALJ issues hearing report (within 30 days of close of response period. Minn. Stat. 14.15, subd. 2)

Monday, April 6, 1998 - Chief ALJ issues report if ALJ disapproves the rules (within 10 days of ALJ report)

Wednesday, April 22, 1998 - BWSR Board passes resolution to authorize Executive Director to sign Order Adopting Rules

Wednesday, April 22, 1998 - Order Adopting Rules (at least five working days after approval from ALJ or Chief ALJ)

Wednesday, April 22, 1998 - File rules with Secretary of State. Minn. Stat. 14.16, subd. 3

Wednesday, April 22, 1998 - Give notice of filing (on same day file with Secretary of State)

Wednesday, April 22, 1998 - Secretary of State forwards approved rule to Revisor

Friday, April 24, 1998 - Revisor sends BWSR Notice of Adoption

Monday, April 27, 1998 - BWSR sends Notice of Adoption to State Register

Monday, May 11, 1998 - Notice of Adoption published in State Register (Monday, June 1, 1998 would be last possible date for publication)

Saturday, May 16, 1998 - Rules effective five days after published in State Register. Minn. Stat. 14.27 (Must be effective on or before June 10, 1998)

AG:92708 v1

Board Ricket



MEMORANDUM

October 28, 1997

One West Water Street
Suite 200
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

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

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

Metro Region:

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

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TO: Kathy Roer
Marv Tripp
Ron Harnack
Bruce Sandstrom
Matt Moore
Barbara Ohman
John Jaschke
Matt Seltzer
Doug Norris

FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: WCA Appeal, St. Paul Audubon Society v. Rice Creek WD, File 97-8

Please find enclosed a copy of the above referenced appeal in which the Rice Creek Watershed District, acting as the local government unit administering the Wetland Conservation Act, approved an exemption/no-loss application submitted by the Minnesota Department of Transportation.

Please contact me if you have any comments or questions.

Enclosure

c: Doug Thomas

RECEIVED

OCT 24 1997

Petition For Appeal

Board of Water and Soil Resources
One West Water Street
Saint Paul, Minnesota 55107

Friday, October 24, 1997

Attention: John Jaschke

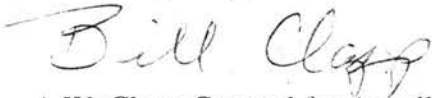
The Saint Paul Audubon Society hereby petitions the Board of Water Resources to hear an appeal of the determination of the Rice Creek Watershed District that installing an additional culvert under I-35W in Anoka County ditch #53-62 at elevation 891.46, is an activity exempt from the Wetland Conservation Act. A copy of the Certificate of Exemption is attached. The Certificate is dated October 9, 1997.

This appeal is taken under Minnesota Statute section 103G.2242, subd. 9. The signatures of over 200 residents of Anoka County are attached, asking that the appeal be heard. The signatures were sought by the Audubon Society, with particular help from members of the Izaak Walton League and the ABC Chapter of the League of Women Voters. Also attached, as required, is a check for \$200.00 made payable to the State of Minnesota.

The activity being exempted is the installation of an additional culvert one and one-half feet lower than the two existing culverts that were placed when I-35W was constructed.

The Certificate claims exemption under Minnesota Rule part 8420.0122 subds. 2 and/or 5. It is appellant's position that subdivision 2 does not apply because there are wetlands types 3,4, or 5 that have been in existence for more than 25 years that are drained by the county ditch. Subdivision 5 does not apply because the record shows that the wetlands the drainage of which is the goal as the proposed activity, are not wetlands created solely by the placement of the existing culverts under the freeway.

Yours very truly,



A.W. Clapp Counsel for Appellant
785 Goodrich Avenue
Saint Paul, Minnesota 55105
612-222-8137

ccs: Chuck Siggerud, MNDOT; Matt Moore, BWSR; Chris Lord, Anoka Conservation District;
Doug Norris, DNR; Kathleen Wallace, DNR; Jon Olson, Anoka County Highway Department

WETLAND CONSERVATION ACT

CERTIFICATE OF EXEMPTION OR COMPLIANCE OR NO LOSS*

Rice Creek Watershed District
3585 N Lexington, #330
Arden Hills MN 55126

ATTN: Chuck Siggerud

Minnesota Department of Transportation, 1440 NW Bunker Lake Blvd, Andover MN 55304

(Name, address, and phone of applicant)

Install an additional 24-inch culvert at elevation 891.46 feet MSL at I35W in Anoka County Ditch #53-62

(Description of project/Name of development)

Section 23, T31N, R23W, City of Blaine, Anoka County

(Location of work: Township, Range, Section, Qtr. Section, Lot, Block, Subdivision, City, County)

(For manual/aerial exemption attach proposed general location information, i.e. maps, aerial photos)

The wetland activity at the above site is exempted from or in compliance with the Wetland Conservation Act (WCA) for the following reason: [Please Circle (A), (B), (C), (D), OR (E)]

This exemption certification expires permanent

OR

(A) A Wetland Does Not Exist; OR

(B)

Exemption #See Below (per MN Rule Chapter 8420)

2. Repair of existing public drainage system, and/or

5. Incidental wetlands

Description of Exemption

This exemption applies only to wetlands which are wholly or partly drained as a result of the culvert installation described above.

OR

(C) Wetland Loss Has Been Avoided; OR

(D) Wetland Has Been Replaced As Per Approved Plan (attached); OR

(E) No Loss Determination (attach plans).

The information provided for this determination is truthful and accurate to the best of my knowledge.

(Applicant Signature)

(Date)

October 9, 1997

(LQU Official Signature) Kate Drewry, Dist. Administrator (Date)

Rice Creek Watershed District

* THIS CERTIFICATION ONLY APPLIES TO THE WCA OF 1991. Permits from local, state, and federal agencies may be required. Check with the appropriate authorities before commencing work in or near wetlands. The Combined Project Notification form can be used for this purpose.

FOR ALL EXEMPTIONS: A landowner draining or filling a wetland under an exemption shall ensure that appropriate erosion control measures are taken to prevent sedimentation of the water, the drain or fill does not block fish passage, and the drain or fill is constructed in compliance with all other applicable federal, state and local requirements, including best management practices and water resource protection requirements established under Minnesota Statutes, Chapter 103H.

c: BWSR--Matt Moore

Anoka County Highway Dept--Jon Olson

Attachment for (BWSR/H 10/17/97)

ACD--Chris Lord

DNR (2)--Doug Norris (HO) and Kathleen Wallace (Mason)

November 4, 1997

TO : BWSR staff in the MN River Basin

FROM : Greg



RE : A heads up on phosphorus

As the river clean-up goes, attention has turned to phosphorus. So, I thought I would send you information --and my comments--- about this topic. The article by Byron Shaw is a good capsule of the problem, eventhough "we" are not ready to accept the realities of stricter controls. The issue of overfertilization on soils with a high phosphorus soil test is tough to deal with--- particularly when you hear people say something like this....."yes, but phosphorus concentrations in soil and water are quite low.....". Lets not get fooled by the concentration (is the big problem) argument. It is loading (concentration times amount) that is critical. Our best control strategy is to cut the amount of phosphorus entering surface waters, and first focus on the areas or sources of highest discharge.

You will hear more about this as there are phosphorus seminars scheduled for this winter in a couple of locations in the MN River basin. If you want to know more about P, contact Lowell Busman. His graduate work was under the direction of A.N. Sharpley, an acknowledged phosphorus guru.

Cheers!

C : ~~Ron H.~~
Jim B
Doug T
Wayne Z
Howard M.
m BB

Board Info Packet
Considerations for Mn River
Cost-share #'s; education;
training.

Animal Waste and Water Quality: Respecting the Land's Carrying Capacity

By Byron Shaw, Professor of ^{Soil Water} ~~Plant~~ and ~~Earth~~ Sciences,
College of Natural Resources, University of Wisconsin -
Stevens Point

The recent flurry of activity surrounding a proposed large-scale hog operation in Richland County underscored the fact that Wisconsin lacks effective land-use policies for the state's large and growing animal waste problem. Recently, the gravity of the problem became clear when research revealed that huge excesses of nitrogen and phosphorus are being applied to cropland. Each year, it is estimated that over 70 million pounds of phosphorus and 1 billion pounds of nitrogen are applied over and above crop needs to Wisconsin lands. Many of these excesses are traceable to inadequate crediting of animal waste, sludge and legume nutrients. In addition, convenient fields for spreading livestock manure and sludge from cities are lacking.

Currently, no state regulations exist to prevent nutrient over-applications, whether from organic or mineral fertilizer sources. Furthermore, most efforts to manage nutrients have emphasized nitrogen management to prevent or reduce groundwater nitrate problems; phosphorus management has not been as heavily emphasized.

A Factor of Two to Three

In fact, applying animal manures or sludge at rates that meet crop nitrogen requirements will result in over-application of phosphorus by two to three times its proper rate. As a result, phosphorus concentrations in Wisconsin soils continue to build up. At the same time, livestock densities are increasing, so that the amount of manure available to spread on cropland is increasing.

Local communities have no legislative means for controlling high livestock densities, or to assure that animal waste is applied to land at appropriate rates. This results in ongoing and detrimental phosphorus buildup in soils and, subsequently, runoff to surface waters statewide. Excess phosphorus-loading on lands that are internally drained is not a significant problem, because this phosphorus does not run off to surface waters.



Should we be limiting the manure we spread?

Rationalizing Inertia

Phosphorus has long been recognized as the key nutrient causing eutrophication of lakes and streams. Yet, it has not been the focus of most nonpoint source pollution control efforts. State agencies, the legislature, and even university educators are failing to address this critical water resource issue. Rationales used when explaining this shortcoming include "Most farmers don't have enough land to apply manure based on its phosphorus content," "We first have to get nitrogen properly credited," or "The problem is too sensitive politically."

Wisconsin could take lessons from some European countries that have at least begun to deal with this land-use issue by restricting animal numbers based on land available for manure disposal. This basic concept of respecting the carrying capacity of the land is badly needed in Wisconsin. If we had land-use policies that prevented over-application of human or animal waste, we would not have to worry about the water quality impacts of concentrated livestock operations.

PHOSPHORUS

TRANSPORT TO AND AVAILABILITY

IN SURFACE WATERS

Gyles Randall, Dave Mulla, George Rehm, Lowell Busman, John Lamb, and Michael Schmitt

Sources of phosphorus (P) contamination of surface waters are numerous and include agriculture, municipal sewage treatment plants, individual septic treatment systems, decaying plant material, runoff from urban areas and construction sites, stream bank erosion, and wildlife. In some areas and under certain conditions, P losses from agriculture can be a major source of the P entering lakes and streams. This bulletin will address the mechanics and the sources of P loss from agricultural systems.

Phosphorus enters lakes and streams in runoff from landscapes that drain to surface water bodies. Phosphorus may be dissolved in runoff water (soluble or dissolved P) or be associated with particles such as soil or organic matter particles (particulate P) carried in the runoff. Factors affecting P losses from the landscape and movement to surface water can be divided into transport factors and P source/management factors.

Transport Factors

Erosion

The main factors affecting the transport of P to surface waters are erosion and runoff. Because P is attached to soil materials, erosion largely determines the particulate P (PP) movement in the landscape. Sources of PP in streams include eroding surface soil, stream banks, channel beds, and plant material (leaves, etc.). Thus, controlling erosion is of prime importance in minimizing P movement, especially in fertile agricultural landscapes. In landscapes with permanent vegetative cover, such as forest or pasture, the primary source of sediment is from stream bank erosion. This sediment will have characteristics similar to the subsoil of the parent material, which is often low in P content.

The contribution of eroded soil materials to P enrichment of surface waters is very complex. First, part of the sediment eroded from the landscape will be deposited at the toe slope, in depressional areas, along field boundaries, or in grassy riparian zones. Thus, sediment yield from the field to a water body is only a portion of that eroded from the slope. Second, during the movement of sediment, smaller particles (fine fractions) of material are preferentially transported while the larger particles tend to settle out. Therefore, the P concentration and reactivity of eroded particulate material is usually greater than the source soil. The enrichment of P may increase as much as six-fold as the relative movement of fine to coarser particles increases. For this reason, the fine-textured soils (clay loam, silty clay loam, silty clay, and clay soils) of Minnesota have a high potential of supplying P to surface water bodies if erosion occurs and the soil particles are not kept on the soil landscape.

Runoff

Runoff of water either across the soil surface or via subsurface flow can contain significant concentrations of dissolved P (DP). As rainfall or snow melt moves across the soil surface, the water interacts with a thin layer of soil. During this process, P is extracted from the soil and plant material and dissolved in the runoff water. DP can also be lost from standing vegetation (e.g., CRP, alfalfa, native prairies) via spring snowmelt because P contained in the tissue is released due to breakdown of plant cells by freezing and thawing. The removal of P from plant residue by rainfall or runoff may account for differences among watersheds and seasonal fluctuations in P movement. Concentrations of DP in subsurface flow are low because the P-deficient subsoils sorb (absorb and adsorb) much of the soluble P

contained in the water percolating through the soil profile. Exceptions may occur in organic, permeable coarse, and waterlogged soils with low ability to retain P. Thus, the accelerated eutrophication of surface waters by P is mostly associated with inputs from surface rather than subsurface flow.

The relationship between the DP and PP fractions of total P in runoff as a function of erosion is shown in Fig. 1. As erosion increases, the PP fraction of total P increases, while the DP fraction decreases significantly.

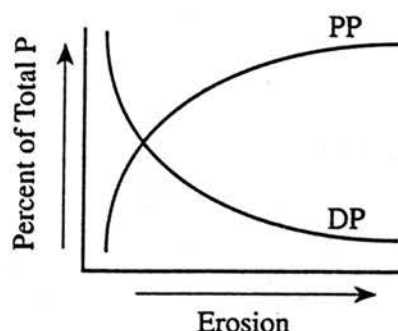


Fig. 1. Effect of erosion on the percentage of total P as dissolved P and particulate P in runoff.

Reducing P Loss by Erosion and Runoff Control

Phosphorus losses from erosion and runoff may be reduced by increasing residue cover on the soil surface through conservation tillage. Results from a flat, tiled, clay loam site in Michigan show significantly lower losses of sediment, total P, and soluble P for chisel tillage compared to moldboard plow tillage (Table 1). However, sediment reductions were much greater than the reductions in total P or soluble P. Water flow, a combination of surface runoff and tile drainage, was not greatly different between the two tillage systems. In other research, DP concentration in the runoff from no-till practices has often been greater than from conventional practices.

Table 1. Edge of field loss from adjacent chisel and moldboard plow plots on flat, tiled, clay loam soils in Michigan (adapted from Gold and Loudon, 1989)¹.

Parameter	Tillage		Change %
	Moldboard	Chisel	
Sediment (lb/A)	832	347	-58
Total P (lb/A)	1.07	0.74	-31
Soluble P (lb/A)	0.48	0.35	-21
Water flow (inches)	16.2	15.0	-8

¹ Includes losses by erosion, surface runoff, and tile drainage (no surface intakes).

Strategically placed and properly designed filter strips have been shown to effectively reduce erosion and P movement, especially PP. The strips must be level to prevent channelization of surface runoff water and sufficiently wide to effectively filter out contaminants in the runoff. These strips have had little consistent effect on reducing DP concentrations, however. Other measures to reduce the potential for P movement by erosion and runoff include terracing, contour tillage, cover crops, tile drainage, and impoundments or small reservoirs. Most of these practices are more effective at reducing PP than DP movement in runoff.

Surface intakes installed in depressional areas within the landscape serve as direct conduits from the land surface through the subsurface tile system to drainage ditches, streams, and lakes. Thus, preventing erosion or any lateral movement of nutrients or organic materials within the area drained by the surface intake is critical. Because this is not always possible, the potential for P loss into drainage systems with surface tile intakes is quite high.

* P Source/Management Factors

Soil Test P

Decades of fertilization at rates exceeding those of crop removal have resulted in widespread increases in soil test P (STP), often above levels required for crop production. In south-central Minnesota, for example, about 65% of the soil samples tested low or medium in extractable P in 1956. In 1991-93, 69% of the soil samples tested by the University of Minnesota Soil Testing Laboratory had soil test values > 21 ppm (very high). Once STP levels become excessive, further applications of P will increase the potential for P movement and not provide any potential agronomic benefits.

While STP levels in the top 6 to 8 inches of the soil profile have increased with time due to fertilization, the adoption of conservation tillage systems has also influenced the level of STP in runoff from the soil surface (top inch). Stratification of STP occurs with reduced tillage due to the lack of incorporation of broadcast fertilizer and manure and from recycling of subsoil nutrients to the soil surface by plant growth. As a rule, the lesser the amount of tillage the greater the stratification of STP near the soil surface. Land application of livestock manure also elevates STP. This is a significant concern wherever livestock density is concentrated and volume of manure produced exceeds the land area available for long-term application of manure at agronomic rates.

Accumulation of STP near the soil surface increases the concentration and loss of P in runoff. Highly significant linear relationships similar to that

shown in Fig. 2 are frequently seen between the amount of STP in the surface soil and DP concentration in surface runoff.

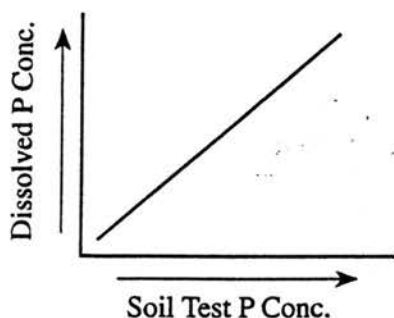


Fig. 2. Effect of soil test P concentration on dissolved P in runoff.

Though various methods have been developed to accurately assess plant availability of STP, the relationship between soil P and the potential enrichment of bioavailable P (BAP) in runoff water is less clear. Recently developed resin accumulators and iron-oxide impregnated strips have been shown to be independent of soil type; thus allowing the estimation of BAP in both acid and alkaline soils. Further testing of these methods is necessary before they can be widely used as an environmental test for soil P bioavailability.

Rate, Method, and Time of P Application

Loss of P in runoff is influenced by the rate, method, and the time of P application; source of P used; amount and duration of rainfall; and vegetative cover. Increased loss of P in runoff is frequently reported with increasing application rates of fertilizer P, dairy manure, swine manure, and poultry litter. The DP concentration in runoff from areas receiving broadcast fertilizer P has been found to average as much as 100 times greater than from areas where comparable rates were applied 2 inches below the soil surface. Incorporation of dairy manure has been reported to reduce the total P (TP) loss in runoff five-fold compared with areas receiving broadcast applications.

Timing between application of P and the first runoff event is also important, especially in situations involving manure. Losses of P from surface-applied poultry and swine manure have been reduced by up to 90% due to P sorption by the soil when rainfall did not occur for three days after application. The major portion of annual P loss in runoff is generally caused by one or two intense storms. If broadcast P applications are made during periods of the year when intense storms or runoff is most likely, then the percentage of applied P lost will generally be greater than if applications are made when runoff probabilities are less.

Runoff of P is greatest during the planting season, a time of intense rain and minimum crop cover. Under some conditions, winter applications of manure to frozen, sloping soils also greatly increases the potential for loss during spring runoff events. Within the Minnesota River Basin, this combination of transport and P source/management factors has led to higher TP loadings in the river during March to June than in all other months.

Conservation tillage systems, especially no-till, can reduce sediment (particulate) forms of P losses on nearly level, somewhat poorly-drained soil, but may have quite variable effects on soluble P losses depending on how the P fertilizer is applied. Switching from full-width tillage systems like chisel-field cultivator to conservation tillage systems must be accompanied by practices which place P fertilizers and manure below the soil surface or BAP in runoff may actually increase.

All agricultural cropland has the potential for contributing nutrients to surface waters; however, some sites are more likely to contribute significant amounts than others. Highly erodible cropland enriched with fertilizer and manure nutrient inputs has a higher probability of degrading surface water quality due to greater runoff and soil losses. Other highly probable sites for P contribution to surface waters are nearby feedlots and barnyards in close proximity to surface waters. These sites with highest probability for P loss merit specific management practices to minimize their contribution to the enrichment of surface water.

P Availability in Surface Waters

The eutrophication process is accelerated with the addition of nutrients to surface water bodies. Elevated nutrient levels within the water often causes abnormally high production of algae and aquatic plants. The eventual decomposition of increased amounts of organic matter can deplete the dissolved oxygen content of surface water resulting in the death of fish and other aquatic organisms. Of all cropland nutrients inputs, P has been identified as the most important to prevent from reaching surface water bodies. Due to low natural levels of P, biological productivity in surface waters is usually limited by P availability.

Phosphorus movement in runoff and erosion from the landscape occurs as PP and DP. In general, PP is the major portion (75 to 90%) of P transported in runoff and erosion from cultivated land. The PP is primarily associated with sediment and organic matter and contains both organic and inorganic P. Although not immediately available, PP represents a major reservoir of P to aquatic vegetation and algae. Portions of PP may come into solution with time, especially as dissolved P levels are depleted. Some researchers have

estimated that 20 to 40% of sediment inorganic P is potentially available. Additionally, PP can be transported as part of the suspended sediment load, potentially affecting aquatic systems located downstream.

Dissolved P is considered most available for plant uptake and can have an immediate impact on aquatic vegetation and algal growth. Total P is the total amount of PP and DP contained in the water system. Several studies have shown little decrease in algal growth in lakes in which total P inputs were reduced. This suggests that other forms of P would be a better index for P bioavailability.

The bioavailable form of P (BAP) includes all of the DP and the portion of the PP that comes into solution (ranges from 10 to 90% of the PP). Levels of BAP have been estimated to represent 98% of the P that can be utilized by algae. Thus, BAP measurements, although more difficult to determine, are a more accurate estimate of long-term P availability to aquatic plants and algae.

P Concentrations in the Minnesota River

Phosphorus concentrations and loading in the Minnesota River and its tributaries were monitored intensively from August, 1989, through September, 1992, and are reported in the Minnesota River Assessment Project Report, Vol. II, 1994, Minnesota Pollution Control Agency. Their data show that the tributaries frequently transport P-enriched water to the main stem. TP in the main stem ranged from 0.04 to 0.48 mg/L with a median value of 0.22 mg/L. Three to 89% of the TP was DP with at least 33% as DP in 50% of the samples. DP ranged from 0.01 to 0.34 mg/L with a median of 0.07 mg/L. These levels of DP suggest that the Minnesota River is enriched with P in amounts that exceed growth requirements of algae.

TP concentrations and river flows were lower in the headwaters of the Minnesota River Basin than in the lower portions, indicating less P loading from this region. This was likely due to lower rainfall and

reduced transport of P from the landscape to the river in the western end of the basin. On the other hand, TP concentrations were significantly higher in the Blue Earth, LeSueur, and Lower Minnesota Basins due to greater rainfall and steeper slopes in portions of these basins. During runoff events, TP concentrations were about two times greater than the median value and about five times greater than concentrations collected during low flow in the Blue Earth River. TP concentrations often reached peak values during the rising portion of the stream hydrograph.

Analysis of stream flow data from the Minnesota River and its tributaries from 1974 through 1994 by the University of Minnesota, Department of Soil, Water, and Climate, also shows much higher P loading from the lower portions of the river basin. About two-thirds of the TP in the Minnesota River at Fort Snelling was produced in the Lower Minnesota, LeSueur, and Blue Earth watersheds. Thus, streams in the high rainfall and runoff areas of the basin contribute a relatively large portion of the annual P load to the Minnesota River.

Conclusion

Phosphorus losses from agriculture can be a significant source of P entering lakes and rivers. However, P budget and management information indicates that P losses in runoff represent a small portion (1 to 2%) of annual P inputs to agricultural land. Many watersheds contain acreage that does not contribute appreciably to runoff of P, and most of the annual P loss occurs during a few high-runoff events. These characteristics suggest that management strategies to remediate water quality problems associated with P losses from the landscape will be most effective if used on high-risk, sensitive or source areas within a watershed rather than implementing general strategies over a broad area. General management practices that can be focused in these high-risk areas include minimizing erosion and runoff, avoiding P additions to very high testing soils where a crop response is unlikely, and incorporating or injecting P inputs (fertilizer and manure) below the soil surface.

Partial funding for this publication was provided by the Metropolitan Council and the Minnesota Board of Water and Soil Resources.

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November 19, 1997

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

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On November 19, 1997 the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90 day State review of the Hubbard County Comprehensive Local Water Plan Update. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the County water plan update for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

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

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

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

Sincerely,

Ron Hammack
Executive Director

cc: **BWSR Board Members**

BWSR M-Team
Bill Best
Michelle Hanson, Hubbard Co. Water Plan Coordinator

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December 10, 1997

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

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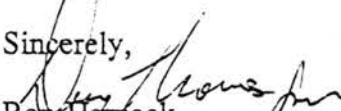
On December 10, 1997 the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90 day State review of the Blue Earth County Comprehensive Local Water Plan Update. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the County water plan update for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

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

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

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

Sincerely,


Ron Harnack
Executive Director

cc: ✓ BWSR Board Members
BWSR M-Team
Chris Hughes, Board Conservationist
Julie Conrad, Blue Earth Co. Water Plan Coordinator

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December 10, 1997

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

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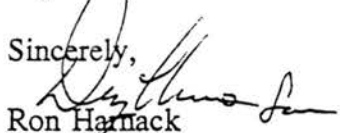
On December 10, 1997 the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90 day State review of the Norman County Comprehensive Local Water Plan Update. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the County water plan update for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

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

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

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

Sincerely,


Ron Hammack
Executive Director

cc: ✓ BWSR Board Members
BWSR M-Team
Bill Best, Board Conservationist
Curt Borchert, Norman Co. Water Plan Coordinator

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DATE: November 10, 1997
TO: NPEA Joint Powers Boards
FROM: Jim Birkholz, Assistant Director
SUBJECT: Voting Membership on Joint Powers Boards

Ron

The issue of staff members participating as voting members of joint powers boards (JPB) continues to come up from time to time. As you may be aware, Minnesota Statutes Ch. 471.59, the Joint Exercise of Powers Act, does not provide a direct answer as to whether it is appropriate or legal to allow staff persons to sit as voting members to a joint powers agreement. To give this matter the careful thought it deserves, the following items are offered for your consideration:

1. If your joint powers agreement does not specifically address voting authority for staff persons then it should not be considered as an option. The statute does not state specifically whether staff can or cannot vote. Some of the various joint powers boards around the state do allow staff to vote as specified in the joint powers agreement. But the general rule of thumb is that the decision making of the joint entity should be done in a similar manner to that of the member units of which it is comprised. Since the only voting members of SWCD boards are the elected supervisors, it logically follows that any joint exercise of their powers should be governed by the supervisors directly.
2. One should consider that the joint exercise of powers, while a tremendously flexible tool, can increase the potential for problems between the member SWCDs. Tough decisions related to sharing scarce financial and staff resources requires good communication and commitment at the board level of the member districts as well as at the staff level. The history and "culture" of SWCDs is that those basic decisions have traditionally been made at the elected supervisor level. It seems like a good idea to have the JPBs reflect this way of doing business.
3. Over the years our agency has had to respond to a number of legislators who feel that SWCD supervisors should be appointed or the office abolished. In response we have invested significant time and effort along with the Minnesota Association of Soil and Water Conservation Districts to defend and uphold having elected supervisors governing the SWCDs. Allowing staff to exercise the authority of supervisors by voting in arrangements where SWCDs jointly exercise their powers seems to undermine our argument for elected supervisors.

4. Careful consideration must always be given to the appropriate split between policy issues which should be dealt with at the JPB level and administrative issues which can be dealt with at the staff level. Sometimes its easy for administrative details to creep into any board's agendas. The key is to make the split in a manner which is comfortable to the leaders on the JPB. I've observed in other joint powers boards that the desire for staff voting becomes more prevalent when the administrative items which could be dealt with at a staff level begin to dominate the agenda. Often this is a symptom of growing pains in newer JPBs. These issues can and should be sorted out by those involved so that board and staff responsibilities and expectations are clear.

In summary, you can see that the BWSR is not an advocate of staff being voting members for the JPBs. We believe that this will tend to undermine important governance concepts for the participating soil and water conservation districts. We think that a better course of action is to better define policy issues and day-to-day administrative issues and make sure that boards are dealing with policy decisions and that they are getting the information they need from active participation by staff. Many of the challenging issues which have required board attention during the initial few years of the JPBs will, over time, become staff assignments which require only occasional board oversight or action. Board issues should focus on the basic decisions between SWCDs of how to share staff resources, establishing and updating personnel and other needed policies, approval of budgets and providing bottom line accountability for communication and cooperation between SWCDs. Perhaps most importantly JPB boards are responsible to ensure that the purpose of the organization is carried out for the benefit of its members and that the needed results are attained. While staff are critically important to the success of the JPBs their role in a board run organization is more to implement and administer the day to day business of the organization based on the decisions made by the board, not to also make all the decisions.

I hope this has given you some things to think about as you continue to develop the governance for your JPB. We at the BWSR appreciate the complexities you face in going about your business and respect your decision making authority in this and other matters. We see a trend in various JPBs around the state to rely ever more on host district managers and other staff to administer JPA business based on policy decisions made by boards. Its our hope that, as the work of boards continues to change and adjust over the years, supervisors will carry out the voting responsibilities of boards and staff will focus on the important decisions and tasks involved in implementing board policies.

The progress and accomplishments of the NPEA Joint Powers Boards around the state are impressive. The engineering and technical services which you provide have become a key part of delivering conservation to landowners in a coordinated process with other cooperating agencies. Having just returned from a meeting of eight north central region state conservation agencies I can also say that the capability you bring to the job is the envy of our neighbor states. Keep up the good work!

cc: BWSR staff
Matt Seltzer
D'Wayne DeZiel



ARNE H. CARLSON
GOVERNOR

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

Doug -
Breece - Orig
Bid packet

November 10, 1997

The Honorable Gary Bastian
Mayor, City of Maplewood
1830 East County Road B
Maplewood, Minnesota 55109

Dear Mayor Bastian:

On behalf of the citizens of Minnesota, I wish to extend my sincere congratulations to the city of Maplewood for being selected to receive the United States Environmental Protection Agency's 1997 national second place award for an outstanding Municipal Storm Water Pollution Control Project.

Please accept this letter as my genuine appreciation for Maplewood's continuing commitment to improve storm water quality through a nationally recognized innovative and cost-effective manner. I am honored knowing that the citizens of the United States can now acknowledge your effective efforts to maintain our state's outstanding quality of life and our water resources for the future. Again, congratulations on receiving this distinguished award!

Warmest regards,

ARNE H. CARLSON
Governor

AHC/PCA/lis

cc: Mr. Peder Larson, Commissioner, Minnesota Pollution Control Agency
Mr. Rodney W. Sando, Commissioner, Minnesota Department of Natural Resources
Mr. Ronald D. Harnack, Executive Director, Minnesota Board of Water and Soil Resources
Ms. Karen Anderson, President, League of Minnesota Cities
Mr. John Velin, Director, Legislative Commission on Minnesota Resources
Representative Loren Solberg, Chairman, Legislative Commission on Minnesota Resources



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Ren

November 10, 1997

TO: most SWCDs
FROM: Susan Tsakakis, BWSR
RE: enclosed news release

Please use the enclosed news release to publicize the upcoming convention. Fill in the blanks as appropriate, re-type on your letterhead, and mail or bring to your local media.

NEWS RELEASE

For immediate release: (date)

For further information contact: (name and phone of contact person)

LOCAL CONSERVATIONISTS, RESOURCE MANAGERS WILL ATTEND CONVENTION IN ROCHESTER

(Names and towns of supervisors attending), supervisors from the (name of district) Soil and Water Conservation District (SWCD), will attend the 61st annual convention of the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Dec. 7, 8, and 9 at the Mayo Civic Center in Rochester. The theme of this year's convention is "Land Use--We are in it Together."

Other local people attending include (names and towns of outstanding conservationists), who will be honored for their contributions to conservation at a Tuesday luncheon sponsored by "The Farmer" magazine, Northwest Sportshow and MASWCD.

"We nominated the (name of outstanding conservationists) because they

(more)

exemplify the resource management focus that we promote," said (last name of supervisor listed above). "They truly are stewards of the environment."

In addition to the awards luncheon, the convention will feature keynote speaker Astronaut Mike Mullane discussing the fundamentals of teamwork, and an in-costume, first person portrayal of Thomas Jefferson done by Clay Jenkinson.

SWCD personnel will also be able to attend mini-sessions on topics such as competition for land use, the evolution of the livestock industry, and community erosion control.

About 850 people are expected to attend the convention.

The MASWCD represents Minnesota's 91 soil and water conservation districts. SWCDs are local units of government charged with developing and managing conservation programs and projects.

###

Ren



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November 10, 1997

TO: SWCDs with Outstanding Farmer/Sportsman winners

FROM: Susan Tsakakis, BWSR

RE: enclosed news release

NEWS RELEASE

For immediate release: (date)

For further information contact: (name and phone of contact person)

LOCAL CONSERVATIONISTS, RESOURCE MANAGERS WILL ATTEND CONVENTION IN ROCHESTER

(Names and towns of supervisors attending), supervisors of the (name of district) Soil and Water Conservation District (SWCD), will attend the 61st annual convention of the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Dec. 7, 8, and 9 at the Mayo Civic Center in Rochester.

The theme of this year's convention is "Land Use--We are in it Together."

Other local people attending include (names and towns of outstanding conservationists), who the SWCD nominated as Outstanding Conservationists, and (names and towns of outstanding farmer/sportsman winners), who were selected from a (number of counties in your area)-county area to receive the Outstanding Farmer/Sportsman Award. Both (couples, families, individuals, whatever is appropriate) will be honored at a Tuesday luncheon sponsored by

(more)

"The Farmer" magazine, Northwest Sportshow and MASWCD. The (name of outstanding farmer/sportsman) will also be nominated for the statewide Outstanding Farmer/Sportsman Award.

"We submitted the names of the (outstanding conservationists) and the (names of farmer/sportsman) because they exemplify the resource management focus that we promote," said (last name of supervisor listed above). "They truly are stewards of the environment."

In addition to the awards luncheon, the convention will feature keynote speaker Astronaut Mike Mullane discussing the fundamentals of teamwork, and an in-costume, first person portrayal of Thomas Jefferson done by Clay Jenkinson.

SWCD personnel will also be able to attend mini-sessions on topics such as competition for land use, the evolution of the livestock industry, and community erosion control.

About 850 people are expected to attend the convention.

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November 10, 1997

TO: SWCDs with Area Outstanding Conservationists

FROM: Susan Tsakakis, BWSR

RE: enclosed news release

NEWS RELEASE

For immediate release: (date)

For further information contact: (name and phone of contact person)

LOCAL CONSERVATIONISTS, RESOURCE MANAGERS WILL ATTEND CONVENTION IN ROCHESTER

(Names and towns of supervisors attending), supervisors from the (district name) Soil and Water Conservation District (SWCD), will attend the 61st annual convention of the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Dec. 7, 8, and 9 at the Mayo Civic Center in Rochester. The theme of this year's convention is "Land Use--We are in it Together."

Other local people attending include (names and towns of outstanding conservationists), who were selected from a (number of counties in your area)-county area as Outstanding Conservationists and will be honored at a Tuesday luncheon sponsored by "The Farmer" magazine, Northwest Sportshow and MASWCD. The (name of winners) will also be nominated for the statewide Outstanding Conservationist Award.

(more)

Ron

"We chose the (name of outstanding conservationists) because they exemplify the resource management focus that we promote," said (last name of supervisor listed above). "They truly are stewards of the environment."

In addition to the awards luncheon, the convention will feature keynote speaker Astronaut Mike Mullane discussing the fundamentals of teamwork, and an in-costume, first person portrayal of Thomas Jefferson done by Clay Jenkinson.

SWCD personnel will also be able to attend mini-sessions on topics such as competition for land use, the evolution of the livestock industry, and community erosion control.

About 850 people are expected to attend the convention.

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November 10, 1997

TO: all watershed districts

FROM: Susan Tsakakis, BWSR

RE: upcoming MAWD meeting

Enclosed is a "fill in the blank" news release on the upcoming MAWD meeting. Please fill in the "blanks"--the underlined areas within parentheses--as appropriate, re-type on your letterhead and mail or bring to your local media. If you have questions, call me or Ray.

I encourage you to plan to do an interview with your local radio station from the convention! Please call me to set it up at 612/297-1893.

NEWS RELEASE

For immediate release: (date of release)

For further information contact: (name and phone of contact person)

LOCAL WATER MANAGERS TO ATTEND MEETING IN ALEXANDRIA

(Names and towns of watershed managers attending the meeting),

managers of the (name of watershed district) Watershed District, will be among the approximately 250 people expected to attend the annual meeting of the Minnesota Association of Watershed Districts (MAWD) December 4, 5 and 6 at the Radisson Arrowwood in Alexandria.

"We're anxious to talk to other watershed managers around the state, particularly about issues such as (fill in some issues that your district deals with)," said (last name of one of the managers from above). "The information

(more)

we get at this annual meeting helps improve the performance of our watershed district during the rest of the year," (he/she) added.

The meeting will feature a keynote address from James Franklin, director of the Division of Emergency Management for the Minnesota Department of Public Safety, on "Lessons from the Flood of '97." Participants will also be able to attend a variety of mini-sessions on topics such as the study of lakes, stormwater utilities, legal rulemaking, and water quality monitoring.

The meeting also includes a general business session, discussion of resolutions and a trade show.

Watershed districts are local units of government based upon the boundaries of natural watersheds. The (name of watershed district) Watershed District includes all or part of (names of counties). The district is responsible for water management within the watershed area.

###

cc: **Ron Harnack**
Ray Bohn
Doug Thomas

h:\newsrelea\mawd97



FARIBAULT SOIL AND WATER CONSERVATION DISTRICT

415 S. Grove St.
Suite #8
Faribault County Ag. Center
Blue Earth, Minnesota 56013
(507) 526-2300
FAX (507) 526-2508

MINNESOTA SOIL AND WATER CONSERVATION DISTRICTS

November 12, 1997

Curt Russell
Chairman of BERBI
26704 120th St.
New Richland, MN 56072

Chairman Russell;

This letter is to inform you that the Faribault County SWCD Board has decided unanimously to withdraw from the BERBI organization for the year of 1998.

This was a very hard decision for the Board to make, but it is an issue that the board has been struggling with for a number of months.

This decision has come about for several reasons, these including the upcoming workload that the SWCD is involved with and some financial decisions that the District has had to make. We have been forced to make some cuts and modifications in existing programs, and to pursue sources of funding from other areas which we will be committing 90% of our staff time to complete.

I'm sure those of you who are heavily involved in water quality projects outside of the state programs can relate to our position and can understand why the District has chosen to pursue these opportunities. This decision forces us to take a breather from some of our past programs.

The board does not see that this withdrawal will be permanent, because the board believes that BERBI can be an important asset to the Blue Earth and LeSueur River Basins, which we are a part of, and has proven to be an important organization for Faribault County. However, as stated above, the District has had to do some restructuring and rethinking about the future.

Thank you for your time and support.

Sincerely,

Frank Drake

Frank Drake
Chairman, Faribault County SWCD

cc: Chris Hughes, BWSR
BERBI Board Members
✓ Ron Harnack, BWSR
Faribault County Commissioners
County Water Planners
Wayne Anderson, PCA
Henry Quade, Water Resources Center
Linda Meschke, Coordinator



Agriculture Best Management Practices Loan Summary

Total Disbursements - All Years - All Counties

Category	Number of Loans	Amount of Loans (\$1,000)	% of Loans - \$
Ag Waste Management	302	\$5,881	41.7%
Structural Erosion Control	51	\$244	1.7%
Conservation Tillage Equipment	493	\$6,279	44.5%
Septic Systems	362	\$1,603	11.4%
Other Practices	19	\$108	0.8%
Program Totals:	1227	\$14,131,000	

Prepared by:
Agricultural Best Management Practices Loan Program
Agriculture Marketing and Development Division
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107

11/11/97

disburr4.frx

FY1 - Bd. Members
M-Team
L. J. V. V.

Agriculture Best Management Practices Loan Disbursement Summary

County	Ag Waste		Structural Erosion		Cons. Tillage		ISTS		Other		County Totals	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.
Benton	2	\$81,400					6	\$16,215			8	\$97,615
Big Stone					4	\$78,493	2	\$8,116			6	\$86,609
Blue Earth	6	\$56,550	1	\$1,500	10	\$97,950	17	\$73,925	1	\$375	35	\$230,300
Brown	7	\$74,287			6	\$94,987					13	\$169,274
Carver	8	\$91,338			6	\$76,038	3	\$13,100			17	\$180,476
Chippewa	4	\$94,752			1	\$18,450	12	\$49,802	2	\$3,465	19	\$166,469
Cook							1	\$3,940			1	\$3,940
Cottonwood	9	\$201,336	1	\$500	18	\$278,024					28	\$479,861
Dakota	3	\$65,826	1	\$3,533	12	\$181,306	17	\$81,327	1	\$4,521	34	\$336,514
Dodge	5	\$149,563	1	\$1,830	4	\$89,632	2	\$13,150			12	\$254,176
Douglas					7	\$120,129	8	\$39,293			15	\$159,422
Faribault	6	\$56,806			11	\$209,525	3	\$13,985			20	\$280,316
Fillmore	5	\$48,130			8	\$101,113	2	\$7,175	1	\$4,600	16	\$161,019
Freeborn	10	\$155,440			12	\$162,347	3	\$22,215	1	\$4,400	26	\$344,402
Goodhue	5	\$200,000	1	\$1,441	11	\$133,230			4	\$39,580	21	\$374,251
Hennepin					5	\$94,625	3	\$22,000			8	\$116,625
Houston	3	\$75,000					23	\$63,272			26	\$138,272
Hubbard	2	\$100,000					16	\$70,298			18	\$170,298
IMPACT - 6	9	\$233,378			5	\$35,361	8	\$37,381			22	\$306,121
Jackson	9	\$105,348			32	\$248,421	8	\$28,600			49	\$382,370
Kandiyohi	2	\$55,000			4	\$22,777	2	\$10,650			8	\$88,427
Kittson	3	\$30,958			16	\$224,397					19	\$255,356
Lac qui Parle			1	\$4,000	3	\$41,875	7	\$27,430			11	\$73,305
Le Sueur	4	\$73,720	2	\$5,863	14	\$136,705	12	\$52,158			32	\$268,446
Lincoln	7	\$130,601	19	\$66,984	22	\$247,225	1	\$3,085			49	\$447,896
Lyon	6	\$138,809			5	\$65,158	5	\$26,448			16	\$230,416
Mahnomen	2	\$11,050									2	\$11,050
Marshall					8	\$136,725					8	\$136,725
Martin	9	\$176,557			24	\$271,921	12	\$53,473			45	\$501,951
McLeod	1	\$10,000			2	\$32,950	1	\$4,650			4	\$47,600
Meeker					13	\$111,650					13	\$111,650
Morrison	8	\$176,750			4	\$29,400					12	\$206,150
Mower	20	\$386,753	1	\$2,500	8	\$125,558	12	\$74,877			41	\$589,689
Murray	14	\$349,176			13	\$192,632	8	\$22,819			35	\$564,628
Nicollet	3	\$56,505					9	\$48,295			12	\$104,801
Nobles	13	\$220,368	6	\$44,828	11	\$120,016	7	\$27,114			37	\$412,327
North Central JPB	3	\$100,000			1	\$11,605	1	\$11,812			5	\$123,418
Northwestern JPB	2	\$66,492			1	\$46,667					3	\$113,159
Olmsted	10	\$165,900	1	\$3,700	12	\$134,010	16	\$82,910	1	\$2,000	40	\$388,520
Pennington					2	\$99,763					2	\$99,763
Pipestone	4	\$143,136	3	\$13,454	8	\$103,721	1	\$3,909			16	\$264,222
Pope					4	\$26,555	12	\$49,914			16	\$76,469
Red Lake	1	\$8,246			2	\$63,280					3	\$71,526
Redwood					12	\$180,900					12	\$180,900
Renville	3	\$41,674			23	\$245,804	11	\$47,402			37	\$334,881
Rice	2	\$63,000	1	\$1,800	14	\$145,170					17	\$209,970
Rock	26	\$462,936	3	\$31,303	3	\$107,978	9	\$27,007	2	\$10,891	43	\$640,117
Scott	5	\$44,661	1	\$725	10	\$71,024	17	\$84,811	1	\$6,375	34	\$207,596
Sibley	2	\$68,830			12	\$120,000	4	\$27,000			18	\$215,830
Stearns	6	\$100,063	2	\$15,240	1	\$8,200	2	\$9,120			11	\$132,624
Steele	4	\$62,082	3	\$27,958	2	\$34,000	8	\$37,858			17	\$161,898
Swift	3	\$72,460			1	\$8,400	14	\$57,399			18	\$138,259
Todd	1	\$10,321					3	\$11,700			4	\$22,021
Wabasha	7	\$123,462			9	\$94,999	8	\$37,694			24	\$256,155
Waseca	18	\$355,395	1	\$2,800	30	\$387,783	5	\$31,950	3	\$25,496	57	\$803,424
Washington	1	\$50,000			4	\$48,750	1	\$6,030			6	\$104,780
Watsonwan	5	\$76,322			29	\$362,934	7	\$29,813	1	\$4,340	42	\$473,409
West Central JPB							1	\$6,191			1	\$6,191
Wilkin			1	\$7,447			7	\$32,608			8	\$40,055
Winona	12	\$210,796					7	\$20,663			19	\$231,459
Wright					12	\$183,446	1	\$4,000	1	\$1,650	14	\$189,096
Yellow Medicine	2	\$49,533	1	\$6,354	2	\$14,900	17	\$68,385			22	\$139,172
Totals	302	\$5,880,721	51	\$243,762	493	\$6,278,522	362	\$1,602,979	19	\$107,694	1227	\$14,113,680
Percentage		41.7%		1.7%		44.5%		11.4%		0.8%		

FYI
Bd. members

Minnesota Recovery Lines

Information on Minnesota's flood recovery efforts

For the month of November, 1997

- **Minnesota Recovers Task Force makes funding commitments to projects in Halstad, Dumont, Nicollet County, and the White Earth Reservation.** The task force, responsible for overseeing the state funding of flood recovery projects, has committed to the following flood recovery projects: flood-related housing repair project in Halstad; a dike and lift station project in Dumont; an acquisition project in Nicollet County; and an acquisition and demolition project in the White Earth Reservation.
- **On-line Flood Recovery Clearinghouse established.** The Fargo-Moorhead Area Foundation, with financial support from the Bush Foundation and the Otto Bremer Foundation, has developed a clearinghouse to close gaps in flood assistance. This "matchmaker" program is aimed at bringing together those who want to give with those who are in need of assistance. The program, aimed at filling specific needs, works by listing a variety of unmet needs on the Internet and directing those seeking to make contributions to the appropriate organization. For more information, visit the web site at <http://www.floodclearinghouse.org>.
- **Bush Foundation approved 49 grants totaling over \$6 million to organizations in Minnesota, North Dakota, and South Dakota.** Included in this amount, 10 grants totaling \$1.2 million went for the arts and humanities, 13 grants totaling \$1.5 million for education, two grants totaling \$203,000 for health, 20 grants totaling \$2.3 million for human services, and four miscellaneous grants totaling \$740,000.
- **State Flood Recovery Officials Meet in East Grand Forks to Review Economic Development Plans.** Commissioner Dave Gruenes of Dept. of Commerce, Louie Jambois of DTED, and other state officials working on flood recovery, traveled to East Grand Forks last week to meet with economic development officials, city planners, and planning consultants to discuss issues surrounding planning for downtown East Grand Forks and future economic development. Commissioner Gruenes reiterated the state's focus on ensuring that dollars are spent wisely on initiatives for long-term development that build on the assets and invest in the businesses already present in the community. "We are encouraging all plans to be realistic, focused on the standard of long-term sustainability, and aimed development that will be a good investment for the people of Northwestern Minnesota."

For more information contact:



Denise Dimler, 612/296-6984



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- Board Members
- Field Offices
- M-Team

TO: State Association Presidents and Executives
State Conservation Agency Administrative Officers
NACD Officers, Directors and Staff
National Conservation District Employees Association Officers
NRCS National Leadership
State Conservationists
NARC&DC Board Members

DATE: November 7, 1997

When the Conservation Partnership Coordinating Council met in August 1997 to discuss the current state of the Conservation Partnership, its future, and what it needs to be doing to address conservation needs during the next several years, we affirmed that our Partnership must remain strong in order to ensure that our Nation remains productive and in harmony with a healthy land. We discussed the concerns, which many of you have mentioned to us, that will affect whether or not the Partnership is successful in achieving effective land stewardship:

- that the public does not connect conservation on private lands with their own lives;
- that Federal, State, local and private investments are not keeping up with the conservation needs of this Nation;
- that our conservation delivery system must meet the changing needs of our clients;
- that local leadership and grassroots decision-making are the keys to successful management and protection of our natural resources;
- that the public and our Nation's leaders do not hear regularly enough what the conservation needs of this Nation are and about the successes of the Conservation Partnership; and
- that we must remain open to new ideas, new clients and new partnerships.

We agreed that, if we are to be successful in helping our clients to accomplish our mutual vision, we must move quickly and boldly to address these concerns. Therefore we created six teams composed of district supervisors and employees, NRCS and NACD staff, NASCA representatives, and RC&D Council members and staffs, to draft strategies and actions to accomplish eight goals designed to address your concerns.

The attached draft report is a very preliminary summary of the work of the six teams. Because only a very few people within the Partnership have been involved in the process to date, **it is critical that we obtain input and direction from all levels within the Partnership. We need your help.** Please work to promote comment from the field level -- from district officials, NRCS and RC&D staff. In addition, provide your comments and suggestions. One copy of this report has been mailed under separate cover to each district office and RC&D office. **State conservationists are receiving five additional copies of the report for distribution to field offices that are not collocated with district offices.**

Complete copies of the six individual team reports, and/or of this draft report, can be obtained electronically through the NRCS server in New Jersey. To download the report(s) of interest:

National Association of
Conservation Districts
509 Capitol Court, NE
Washington, DC 20002

Natural Resources
Conservation Service
PO Box 2890
Washington, DC 20013

National Association of
State Conservation Agencies
Route 3, Box 304
Tappahannock, VA 22560

National Association of Resource
Conservation & Development Councils
509 Capitol Court, NE, Suite 100, Box 1
Washington, DC 20002

Step 1: Using an internet browser, such as Netscape, go to the address,

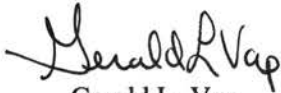
ftp.nj.nrcs.usda.gov/TASKFORCE. (Note: These instructions are written for Netscape)

Step 2: Click on the directory from which you wish to download (i.e., draftplan). Then download by placing your mouse pointer on the file name you wish to download (i.e., draft.doc). Hit the shift key and the left mouse button simultaneously (SHIFT+CLICK). Save the file to an appropriate location on your local machine. Follow this step for each file you wish to download.

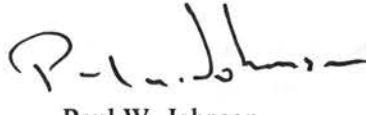
If you would like a copy of any of the reports and are unable to access them electronically, contact NACD at the address or phone number listed below.

We recognize that there are gaps, overlaps, etc. in this draft document, but it is a starting point. We need your comments about the goals, objectives, and key actions in the attached draft report. We need to know if our targets are right. We need you to tell us what actions will help you and our Conservation Partnership to reach the goals. Please fax or mail your thoughts and ideas by January 7, 1998 to:

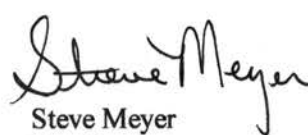
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Gerald L. Vap
President
NACD



Paul W. Johnson
Chief
NRCS



Steve Meyer
President
NASCA



Reggie Skains
President
NARC&DC

Attachment

ACHIEVING EFFECTIVE LAND STEWARDSHIP: A FRAMEWORK FOR ACTION

NOVEMBER 7, 1997



NACD

National Association of
Conservation Districts



Natural Resources Conservation Service



NASCA



(DRAFT REPORT)

TABLE OF CONTENTS

INTRODUCTION..... 1

ACHIEVING EFFECTIVE LAND STEWARDSHIP: A FRAMEWORK FOR ACTION2

GOAL I: FUNDING AND STEWARDSHIP3

GOAL II: OUTREACH AND DIVERSITY.....9

GOAL III: ORGANIZATIONAL EFFECTIVENESS 15

GOAL IV: PUBLIC AWARENESS.....19

GOAL V: STATE OF THE LAND.....23

GOAL VI: LOCALLY LED CONSERVATION.....29

GOAL VII: LEADERSHIP35

APPENDIX I: TEAMS AND TEAM MEMBERS37

INTRODUCTION

During an August 1997 meeting of the Partnership Coordinating Council, the leaders discussed the current state of the Conservation Partnership, its future and what the Partnership needs to do to address conservation on private land successfully during the next several years. They talked about the Conservation Partnership's vision -- A Productive Nation in Harmony with a Healthy Land -- and some of the ideas set out in the "America's Private Land, A Geography of Hope" -- including the call to action urged by the document.

They identified key issues that would impact in a significant way our Partnership's success in creating consensus for land stewardship action. Those issues relate to visibility, funding, incentives for stewardship, organizational effectiveness, leadership, locally led conservation, the state of the Nation's private lands, and program outreach and diversity of people and ideas. Out of those thoughts emerged eight goals that form a framework for the Conservation Partnership to attain success in assisting private landowners and communities to achieve effective land stewardship.

They formed six teams, composed of district officials and employees, NRCS and NACD staff, NASCA representatives, and RC&D Council members and staff, to draft strategies and actions to accomplish the eight goals. The list of team members is an appendix to this report.

This draft report is a compilation and summary of the work of the six teams. It is not a final plan. It needs all of the ideas that can be found in the Partnership. The leaders of the Conservation Partnership are releasing this draft document for comment to local, state, regional and national offices of the Conservation Partnership. The draft report is intentionally formatted to encourage readers to express their thoughts and ideas.

It is intended that the final report will serve as:

1. an internal guidance document for the Conservation Partnership at all levels; and
2. as a source of ideas and a framework for partnering discussions with stakeholders, potential partners, etc.

Comments are strongly encouraged and should be faxed to (202)547-6450 or forwarded to the following address by January 7, 1998:

Judith M. Doerner
NACD
509 Capitol Court, NE
Washington, DC 20002
e-mail -- nacd6@erols.com

ACHIEVING EFFECTIVE LAND STEWARDSHIP: A FRAMEWORK FOR ACTION

Our 60-year-old Federal, State, and local Conservation Partnership remains strong, and the opportunities to work with new partners grows every day. Due to the work of conservation districts, RC&D Councils and other local organizations there are hundreds of communities trying to work together to protect their natural resources. Public support for conservation and the environment is growing. US agricultural policy has linked eligibility for Federal farm program benefits and important cost-sharing programs to land stewardship. This is producing significant conservation gains. Federal, State and local agencies are working together to provide useful information on land use change, soil erosion, soil quality, water quality and quantity, and wildlife habitat conditions and trends. This information is beginning to provide a picture of our land. NRCS and districts have reaffirmed their commitment to locally led conservation as one of the most effective ways to help individual landowners and communities achieve their conservation goals through a voluntary approach to land stewardship. Through recent strategic planning efforts, conservation goals related to the natural resources have been agreed upon at the national and regional levels within the Conservation Partnership.

However, the Conservation Partnership is somewhat obscure and the public does not connect conservation on private lands with their own lives. The public financial commitment to conservation assistance on private lands has diminished substantially since the 1930's. Continuing USDA reorganization and service center implementation coupled with growing demands for conservation services stress the ties that bind the members of the Conservation Partnership. Arriving at consensus through a locally led conservation process with people and groups who value the land for very different reasons and in very different ways is not easy.

NRCS's *America's Private Land: A Geography of Hope* provides a snapshot of the health of our land and of the threats to its natural resources that the Nation and its people face. The Conservation Partnership regional strategic plans and NRCS's national strategic plan define improvements to land health that we are working towards. This draft plan suggests a framework within which we should work to accomplish these conservation and natural resources goals. It outlines the strategies we would propose to use to relate to the people of this nation. It focuses on how we expect to increase the visibility of both the health of our private land and the work of the Conservation Partnership. It suggests ways to engage a broad array of stakeholders and leaders in conservation work, how we will deliver our programs in the most effective and efficient way to our customers, and ways of obtaining the needed financial support to carry out this important work.

Together these strategic plans and this framework for action will form a comprehensive national strategy for improving our Nation's land health.

GOAL I

Balance the natural resources conservation budget for private lands with an initial commitment of doubling Federal, State, local and private investments by 2002. Institutionalize incentive based conservation tools and strategies to permit greater federal spending on stewardship incentives on agricultural and other private lands by the year 2002.

Proposed definition of Conservation: Maintaining, protecting and improving land health, which includes: soil, water, air, plants and animals.

CURRENT SITUATION: The federal financial commitment to conservation assistance has diminished measurably since the 1930s. We would spend \$4.8 billion (in 1996 dollars) to share the cost of conservation today if we were to match the 1937 spending level. Instead, projected spending for conservation assistance on private land each year over the 7 years covered by the 1996 farm bill amounts to about \$2.2 billion including CRP, less than half the annual commitment made 60 years ago.

In 1996, conservation districts and state conservation agencies contributed \$700 million and 7800 staff years to the conservation effort on private land. Even with these added financial and staff resources during the past 20 years, the total government contribution falls well short of the need.

Ongoing and strengthened partnerships with private industry have resulted in significant private investment in conservation and afford the opportunity for even greater successes in the future.

A 1995 Gallup poll revealed that a majority of citizens supported Federal incentive and assistance programs to conserve natural resources, and a majority of those citizens believed that funding for these activities should remain stable or increase. A recent NRCS survey of public attitudes toward agriculture and the environment revealed similar opinions. The survey also showed a substantial preference for increased flexibility and authority for conservation districts and NRCS field staff in developing and implementing conservation solutions based on local conditions.

The 1996 farm bill emphasizes the need to augment the traditional goals of conservation by increasing focus on the production of commodities that are becoming more valued by Americans: healthy soil, clean air and water, wildlife habitat, and scenic landscapes. The next farm bill and other potential federal, state, and local initiatives afford the opportunity to expand this effort even further.

* * * * *

KEY OBJECTIVE A: *Utilize sources with vested interests in sustained wise use of natural resources to fund programs benefiting the public and private sectors. Non-traditional sources of funding might include expanded industry/NGO/financial partnerships at the local, state, and national levels.*

- ACTION 1:** Establish a think tank fund nationally to focus on the preventative aspects of conservation implementation. Develop plan of action in partnership.
- Identify direct dollar benefits of prevention investment versus cleanup cost. [Action by: NRCS, other cost-share partners. When: 1999]
 - Identify what is needed to balance the natural resource budget in real dollars. [Action by: partnership at state level, to be aggregated nationally. When: 1999]
 - Provide funding support to regionally important demonstration projects. [Action by: NRCS. When: Start 1999 - continue annually]
 - Identify the national strategic defense value of maintaining our sustainable food and fiber supply. Utilize a portion of defense budget to promote stewardship incentive investments. [Action by: Partnership, Executive Branch, Congress. When: Legislation in place by 2000]

- ACTION 2:** Develop product/commodity market based incentives strategic plan for national and state action. [Action by: NACD, NASCA, major commodity groups and affiliated marketing organization, National Grocers Association. When: 1998]
- Encourage industry to buy from producers with conservation plans. [Action by: NACD, local partnership. When: 2000]

**QUESTIONS OFFERED AS
FOOD FOR THOUGHT:**

1. Do you agree with the goal?
2. What actions listed here will help you accomplish your local, regional, or national goals?
3. What other actions or strategies will help you and the Conservation Partnership reach its goals?

- b. Develop a two-tier export enhancement system that provides incentive for conservation produced products. [Action by: Commodity groups, NACD, NASCA, state and local partnerships.]
- c. Develop conservation check-off products with funding going back to production areas for cost-sharing. [Action by: Commodity groups, NACD, NASCA, state and local partnerships.]
- d. Develop and advertise "conservation grown" products with portion going to conservation fund established in each state or regionally collected with funding returned to state of origin. [Action by: NACD, NASCA, Commodity groups, and legislation.]

- ACTION 3:** Develop state and watershed cost-share programs that complement existing and new funding sources. [Action by: State Partnership and State legislators. When: Assess in 1998; implement by 2002.]

- a. Designate eligible cost-share measures that enhance other existing programs. [Action by: State Partnership and State legislators.]
- b. Develop point of consumption (i.e. clean water) financial support for conservation practices upstream necessary to reduce the urban investment in public treatment plants. [Action by: State Partnership, state legislators, state associations of cities, counties and municipalities.]

- ACTION 4:** Acknowledge and encourage private landowner investment in stewardship of their land. [Action by: National, State, Local Partnership, publish success stories, recognition awards. When: Ongoing]

- ACTION 5:** Utilize community/local funding sources such as fund raisers; donation of equipment, materials, and volunteer labor. [Action by: Local partnership. When: Ongoing]

ACTION 6: Utilize foundation funding sources for district grants to support education expense and demonstrations and to produce workshops. [Action by: NRCS, ARC&DC, local partnership. When: Ongoing]

ACTION 7: Develop local partnerships utilizing non-traditional partner with expertise and funding to promote sustainable agriculture i.e. bankers, realtors, chamber of commerce. Develop state strategic plan for stewardship investment that identifies and includes new partners with new funding/technical expertise. [Action By: Partnership. When: 1998; bi-annual update.]

KEY OBJECTIVE B: *Develop and implement a marketing strategy with the goal of having people learn, understand and take individual/collective action to support funding for conservation.*

ACTION 1: The Partnership will promote prevention as a cost-effective way of funding conservation. [When: Ongoing]

ACTION 2: The Partnership leaders at all levels will develop and implement funding to support conservation on private land. [When: Ongoing]

ACTION 3: The Partnership leaders will develop a strategy to market the merits of incentive based conservation, such as cost-share. [When: Ongoing]

ACTION 4: The Partnership leaders will develop a strategy to acquire private funding to help finance all partnership efforts to market conservation. [When: Ongoing]

KEY OBJECTIVE C: *Compel national, state and local leaders to address natural resource needs and position the Conservation Partnership as the information center for balanced solutions.*

ACTION 1: Identify, inventory and assess local, state and national natural resource conservation needs. Print in easily readable, succinct, laymen's terms, for elected officials, and their staff. [Who: NRCS. When: FY 98. How: NRI]

ACTION 2: Conduct Congressional briefings in Washington, DC for state or regional Congressional delegations, on who the Conservation Partnership is and how it can serve as the best resource to Capitol Hill staff. Also use opportunity to highlight top conservation needs in region and/or state. [Who: NACD, NASCA, state association, state and local district leaders. When: Target budget and appropriations committee members first in FY 98 and contact each state's congressional offices by December 1999.]

ACTION 3: Empower all partnership members in political effectiveness by:

- a. Inventorying and assisting the state of communication, state by state, on legislative action. Every state network ought to have a system in place to deal with legislative issues. Identify principal contacts and build database. [When: June 1998. Who: NACD & NASCA]
- b. Establish effective training program/workshop for local and state partners on budget process, grassroots lobbying, etc. [When: December 31, 1999. Who: state partnership leaders. Where: regional/state association meetings]

ACTION 4: Through locally-led process, build natural resource coalitions at local, state and national levels and recruit non-traditional partners to help carry the private land conservation message. [Who/Where: All partners at all levels develop their own plan for achieving. When: Ongoing]

ACTION 5: Continue to educate Secretary of Agriculture and Top USDA Staff on the Partnership. [Who: National partnership leaders. When: Ongoing]

- ACTION 6:** Identify "Champions" of conservation in Federal, state and local government.
- a. Target newly elected congresspersons and "grow" our own supporters.
 - b. Target committees other than agriculture (i.e. natural resources, environment and public works, etc.) [Who: state and local partnership. When: Ongoing]
- ACTION 7:** Keep partnership aware of major change in direction and funding of affiliated agencies (Interior, Bureau of Reclamation, NOAA, EPA). [Who: NACD and NASCA. When: Ongoing]

KEY OBJECTIVE D: *To obtain funds for supporting local, state and national conservation programs through tax-related incentives. Study the following alternatives:*

- ACTION 1:** Allow local conservation district along with the districts' local level of government to decide on a local taxing rate to fund conservation at the county or district level. [Who: Partnership work with the State Legislatures. When: Begin in FY 99]
- ACTION 2:** Work with State Tax agencies and Internal Revenue Service to provide check-off on State and National tax forms for conservation. [Who: Partnership at State level work with Congress and State legislatures to get on tax forms. When: Begin in FY 99]
- ACTION 3:** Allow for Investment Credit for Conservation measures installed (i.e., Child Care Credit). [Who: Partnership. When: Begin in FY 99]
- ACTION 4:** Federal tax levied at grocery store to be given to conservation. [Who: Partnership. When: Begin in FY 2000]
- ACTION 5:** Stewardship - Develop a new Farm Bill based on prevention as opposed to problem base. Pay flat amount for any conservation practice on farming operation. [Who: Partnership. When: Begin in FY 2002]

GOAL II

Fully implement the Partnership's "Strategic Plan to Promote Diversity Within the Partnership" and USDA's Civil Rights Action Team Report.

CURRENT SITUATION: In June 1994, the Conservation Partnership Coordinating Council established a task force on diversity and charged it with developing an action plan to promote the value, benefits and importance of diversity with the Conservation Partnership. The final *Strategic Plan to Promote Diversity Within the Partnership* was issued in November 1996, and includes a vision statement and three basic goals, accompanied by a list of action items that districts can take to achieve each goal. The plan seeks to ensure that district leaders are representative of the communities they serve, and that conservation program services are offered equally to all customers. State conservation agencies were asked to take the lead in implementing the recommendations of the plan.

On December 12, 1996, a group of black farmers demonstrated outside the White House in Washington, DC, calling on President Bill Clinton to assure fair treatment for them in agricultural lending programs. The farmers also filed suit in court against Secretary of Agriculture Dan Glickman, asking for an end to farm foreclosures and restitution for financial ruin they claimed was brought on by discrimination. The farmers' actions buttressed those by many USDA employees who have relentlessly pursued change by writing letters, holding press conferences, and filing class action law suits. Secretary Glickman appointed a team of USDA leaders to take a hard look at the issues and make strong recommendations for change. The resultant Civil Rights Action Team report was issued in February 1997, and presented recommendations to address institutions and underlying problems and ways to implement actions to ensure accountability and follow-through at USDA.

Both reports identify areas where more attention needs to be focused. The locally led conservation effort is providing fuel to include a broader diversity of people and ideas on and working with district boards, but more needs to be done. The testimony presented at the listening forums conducted by the Civil Rights Action Team suggest that outreach activities by the Conservation Partnership need to be expanded and bolstered. New partnerships which will assist in outreach activities need to be created.

GENERAL STRATEGY: Expand the *Strategic Plan to Promote Diversity Within the Partnership* to include key actions. The revised and updated plan would read as follows:

VISION: A Conservation Partnership enhanced through diverse participation.

KEY OBJECTIVE A: *Increase sensitivity and understanding that contributions made by different segments of society are important to conservation efforts.*

ACTION 1: Promote and provide education on the value of diversity.

- a. Develop joint information material on diverse groups working together to accomplish conservation.
- b. Share success stories to show how some districts have benefited from having a diverse board that looks like the population it serves.
- c. Hold a national meeting of the partnership to discuss, promote and showcase outreach and diversity efforts.

ACTION 2: Through the partnership information network, provide examples of opportunities for increased participation (e.g., associate supervisors, youth boards, auxiliaries).

- a. Include at least one success story in each NACD "Tuesday Letter".
- b. Utilize the new NRCS Division of Outreach to collect and share success stories.....NRCS This Week; state home pages; NACD; State Agencies; etc.

ACTION 3: Conduct outreach activities to better communicate with organizations, institutions, and entities that represent diverse groups.

- a. Hold a national meeting in Washington, DC and invite leaders from major organizations that represent minorities and under served groups to explain the role of the partnership.
- b. Develop a database on organizations that represent diverse groups.

**QUESTIONS OFFERED AS
FOOD FOR THOUGHT:**

1. Do you agree with the targets for this goal?
2. What actions listed here will help you accomplish your local, regional, or national goals?
3. What other actions or strategies will help you or have helped you and the Conservation Partnership reach its goals?

- c. Make specific contact with organizations who represent diverse groups and have a history of successfully working with minorities so as to learn from their experience.

- d. Make better use of the Envirothon as a tool for increasing diversity and doing outreach.

ACTION 4: Increase partnerships with Historically Black Universities and Colleges (HBUACs), 1890's institutions, HACUs, and American Indian Colleges and Universities.

- a. The USDA/1890 Liaison officers and the Conservation Partnership should include each other in their outreach efforts.
- b. Provide training for USDA/1890 Liaison officers on programs and mission of all applicable USDA agencies and the partnership.
- c. Encourage more interaction between all members of the Conservation Partnership and employee organizations of NASCA, NACD and NRCS. (Examples: Conservation District Employees Assoc., National Organization of Hispanic NRCS Employees, etc.)
- d. The partnership leaders will meet the leaders of these employee organizations to discuss future opportunities for collaborative efforts in doing outreach.

KEY OBJECTIVE B: *Increase awareness that conservation programs have an impact on all segments of society.*

ACTION 1: Assess district partnership services to all socio-economic levels to ensure equity in delivery of services.

- a. Identify those individuals and groups who have historically not received services from the partnership.

- b. Local Conservation Partnership leaders will contact these individuals and groups to find out information about what their needs are, and also identify barriers to participation.
 - c. Develop information/ marketing techniques to meet the needs of these groups.
- ACTION 2:** Promote participation in urban and nonagricultural activities (e.g., 10 Urban Pilot Projects).
- a. Develop and distribute information to urban and non-agricultural communities to show the benefits of non-agricultural products being produced/derived from agricultural lands.
 - b. Work with HUD and other federal, state and local agencies to identify urban groups with interest in natural resource conservation.
 - c. Work with these groups to assess their need for information and services that the Conservation Partnership can provide.
- ACTION 3:** Develop, market and implement a Conservation Partnership information and education program relative to this goal (i.e., how conservation activities affect everyone and how everyone is affected by those programs).
- ACTION 4:** Assess human resources available and evaluate their participation in the Conservation Partnership at the state and local level.
- a. Develop a training model to identify and assess potential assistance from non-traditional partners to share in outreach efforts.
 - b. Assign the Conservation Partnership Capacity Building Work Group responsibility for developing the model and assisting states to use it.

KEY OBJECTIVE C: *Ensure that organizational structures allow for diverse participation.*

- ACTION 1:** Review and assess federal, state and local laws and policies to advance opportunities to broaden participation.
- a. A Partnership Task Force will be commissioned to work on the three objectives. The Task Force will complete their work and prepare a report prior to holding the meeting proposed in Key Objective A, Action 1c.
- ACTION 2:** Encourage the inclusion of municipalities/urban areas within district boundaries.
- a. Determine how many and where they are located.
 - b. Use information material such as "Backyard Campaign" to inform urban communities of urban conservation opportunities and assistance available from the conservation partnership.
- ACTION 3:** Explore opportunities for compensating district officials for their participation in and contributions to the district programs.
- a. A Partnership Task Force will be commissioned to work on the three objectives. The Task Force will complete their work and prepare a report prior to holding the meeting proposed in Key Objective A, Action 1c.
- ACTION 4:** Assess diversity at the local, state and national levels of leadership to chart progress in achieving a "membership" that reflects the respective partnership clientele and publicize the results of such assessments.
- a. NACD will collect race, sex and ethnicity data from the state partnership leadership (and prepare a data base) in the following categories: District Boards; State Association Boards; RC&D Board/Councils (Local, State and Regional); State Technical Committees; NACD Board; NRCS by state, region, national (all

employees); NASCA by state (employees and boards); Census data by county and state.

b. Data will be provided to NACD by December 1 on an annual basis.

c. Information will be analyzed annually and the results provided to the partnership at all levels in February of each year.

ACTION 5: Encourage district boards to conduct and manage meetings at times and locations and within time frames that offer opportunities for broad participation.

a. A Partnership Task Force will be commissioned to work on the three objectives. The Task Force will complete their work and prepare a report prior to holding the meeting proposed in Key Objective A, Action 1c.

GOAL III

Assess current effectiveness of the conservation delivery system including primary and secondary partners. Develop recommendations that will allow the partnership to achieve its vision.

CURRENT SITUATION: A commitment to our 60-year-old Federal, State, and local conservation Partnership and to making our conservation delivery system operate effectively and efficiently remains strong. However, both internal and external forces are stressing the ties that bind us and pushing us to look at how we are organized and what our roles and responsibilities ought to be in delivering conservation to our customers.

There are demands for conservation services from a broadening array of customers. At the same time Federal deficits and USDA reorganization efforts during the past several years are changing and shrinking the numbers and locations of NRCS employees at the field level. Service Center implementation efforts are pushing changes in information resources technology and working relationships between and amongst USDA and non-federal partners. Some State conservation agencies have been successful in obtaining additional funding as their states face surpluses, while others are facing or have faced the loss of all funding. Many conservation districts are taking on new responsibilities, reaching out, and developing new programs to address the needs of their constituents, while others are focusing primarily on Federal program delivery. The turn-over rate for conservation district leaders is increasing. Demands for capacity building assistance are outstripping the current system's ability to deliver. New partnerships and changing responsibilities are stressing the traditional perceptions of roles. Many field employees who have joined the Partnership in the past 10 years have extensive training needs at the same time as they face unprecedented demands for services.

In anticipation of the increased importance of a shared role in all activities, the USDA, state conservation agencies and conservation districts and/or Tribes have entered into new Mutual Agreements. The NRCS, state conservation agencies, districts and/or Tribes have also entered into Cooperative Working Agreements and in a number of cases, Operational Working Agreements. This effort was designed to reaffirm, reinvigorate, and to provide clarity in roles and responsibilities for the partnership. In addition, a partnership effort has resulted in sound strategic plans guiding a joint future direction.

INITIAL ORGANIZATION EFFECTIVENESS TEAM EFFORT: *The team is recommending a "process" to carry out the assessment called for by the goal. Representatives of NRCS, conservation districts, RC&D's and state agencies are assembling information on assessments that have been completed in recent years to assure duplicative efforts will not take place. The assessments collected will be scrutinized to assure validity, and other assessments will be recommended to fill in gaps in the information. The team anticipates additional outside assistance will be required to conduct further assessments.*

THE PROCESS: The Organizational Effectiveness Team proposes to use a multi-step process to conduct the assessment of the conservation delivery system

1. *Data gathering:* Individual partners have completed numerous assessments of organizational issues. A strong effort will be made to obtain the existing information to lessen the need for a great deal of future assessment work. Organizational information from secondary partners will be acquired. Additional outside support will be required for the data gathering effort.
2. *Problem identification:* The team will clearly define problems and opportunities that exist within the current structure to assist in analyzing future needs. Broadened partnership requirements will be analyzed in the problem identification stage.
3. *Data analysis:* When assessments become available and have been summarized, the team will make comparisons with the original problems and opportunities identified to determine if the initial analysis was complete, if additional items need to be added, or if the some of the initial considerations were in error. A draft report will be prepared and distributed to encourage input from the partnership.
4. *Action Plan:* At this point the team will utilize the information that has been gathered, the comments received from the draft report, along with team member insight, and develop recommendations.

QUESTION OFFERED AS FOOD FOR THOUGHT:

1. What questions or issues should be explored during the assessment phase?

SOME QUESTIONS WHICH MAY BE EXPLORED DURING THE ASSESSMENT PHASE INCLUDE:

- Have the new mutual agreements, cooperative working agreements and operational working agreements helped to clarify roles and responsibilities?
- Is the partnership organized and willing to work toward attaining common goals?
- What are the impacts of the service center concept and administrative convergence on the Partnership?
- What impact has the Partnership's 5-year capacity building program had?

SUMMARY: This goal identifies the need for an assessment process and the development of recommendations to improve the organizational effectiveness of the Conservation Partnership to assure conservation needs will be met on private land for the next several years. This initial effort was completed through correspondence and one conference call. During the next phase of the study effort, team members will meet to develop a scope of work and initiate the process as outlined. A first draft report for Partnership review and a final report will be prepared. Team members will solicit additional assistance to accomplish all of the tasks outlined in the "process".

Goal B: *To inspire America's citizens to recognize the value of our natural resources and to take actions that benefit conservation on private lands.*

* * * * *

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Weaknesses:

- Strengths:**

- 60+ years of experience, with 50 for Federal, state, local partnership
- Credibility and public appeal—nature image, volunteer opportunities
- Locally led conservation and autonomy
- True believers, dedicated workers
- Strong business support team

Opportunities:

- Threats:**

- NRCS merger with another federal entity
- Public funding decline, regulations increasing
- No core institution for the partnership to provide public awareness
- Federal, state, and local partnership creates confusion

Research regarding current public awareness planning in the partnership was presented to support a plan of action:

1. Key public relations points:
 - A public relations plan is needed, because if we are doing a good job, we will be recognized for it.
 - We need to do something different than we have done in the past and it must be significant or our plan won't succeed.
2. Focus groups for "Talking Conservation: What We Say/What the Public Hears" study concluded:
 - It cannot be assumed that the general public has an adequate understanding of terminology related to conservation. Messages must be few and briefly stated in order to improve public awareness.
 - Emphasize well understood and important issues: water quality, natural resources, and conservation.
 - People are interested in learning what they can do for the environment in their own backyards. Work the volunteer element into public outreach efforts.
 - The primary focus was recommended to be on local government involvement, with state and federal support.
 - The major focus should be on education and information, especially with the youth.
 - Don't make the public choose between conservation and business success.
3. A national telephone survey recently tested public response to the proposed backyard conservation program. Some key findings:
 - Over half surveyed would like to receive more information on backyard conservation practices in printed format and are familiar with their local conservation district and NRCS.
 - Almost three-quarters surveyed maintain some type of yard environment and live in a non-rural setting.
 - Of the 12 conservation practices outlined, the most interest was shown in bird houses, feeders, butterfly houses; mulching and contour gardening; efficient watering systems; and better use of fertilizer.
4. The Hartman Report, regarding earth sustainability and attitudes and behaviors with regard to the environment, found that many are unconcerned about the environment. Yet, a growing number of persons, about 50 percent, are concerned about the environment. Certain groups need to be tapped based on their interest.
5. A regional team of partnership representatives recently developed a draft East region marketing plan.
 - The problem of surface water quality was selected as the most critical issue to market, as every state in the region has it as a problem

20

- The team identified over a dozen customers, but focused on three customers we most want to market to: elected officials, general public, and landowners and users.
- Each state in the region would develop their own plan based on the template developed by the regional team.

GENERAL STRATEGY: The team feels strongly that a new initiative is needed so that the public will know the Conservation Partnership as their connection to conservation on private lands. The team decided that the Partnership should become the catalyst for an "America's Landcare" enterprise based in part on the Australian concept. In Australia, according to the publication, *Landcare*, "...one person out of every four belongs to a conservation group, actively seeking ways of improving their local environment." The high level of success of this initiative in Australia is evident from the high level of involvement of the public, the government, and private business. This provides an excellent example of how the Conservation Partnership can get the public to:

- focus on private lands conservation
- become aware of the Conservation Partnership
- take individual or collective action to get conservation on private lands

DEFINITION OF AMERICA'S LANDCARE: America's Landcare is an effort in which the people of America become knowledgeable and active partners in the conservation and wise use of the nation's natural resources.

The structure of America's Landcare consortium will include conservation-minded organizations, businesses, governmental groups and individuals who have common goals to:

- advance public awareness of the importance of our nation's natural resources
- plan and oversee activities to promote conservation of natural resources.

The consortium will facilitate, coordinate, and direct a national public awareness campaign with a consistent, unified message and identity, using an array of public relations tools.

The Conservation Partnership will serve as the catalyst and provide the staff support to mobilize this effort.

* * * *

KEY OBJECTIVE A: *By 1999, establish a broad consortium to lead America's Landcare Program.*

- ACTION 1:** Obtain Conservation Partnership buy-in to a national America's Landcare Program through internal marketing effort.
- ACTION 2:** Establish a Conservation Partnership Board of Directors to direct the effort of America's Landcare Program by spring of 1998.
- ACTION 3:** Partnership leaders agree to a national meeting, delegate staff and establish an oversight committee and a budget.
- ACTION 4:** By mid-1998, identify potential members of a consortium to establish the national Landcare program. Develop and use information materials and conduct personal solicitation and follow-up to ensure commitment and participation.
- ACTION 5:** Establish the broad consortium.
- ACTION 6:** Plan for and hold national meeting.

KEY OBJECTIVE B: *On Earth Day in the year 2000, launch the national public awareness campaign of America's Landcare Program.*

- ACTION 1:** Develop a new logo which brings the partnership together and alleviates confusion. The public will understand the concept of the concerted action and not just the names of NRCS or districts.
- ACTION 2:** Establish community conservation councils.
- ACTION 3:** By early 1999, identify target audiences to be reached to achieve the national Landcare program.
- ACTION 4:** Develop a national public awareness campaign targeted to the identified audiences.

QUESTIONS:

1. Funds must be committed up-front for the consortium and Land care program. How could this be done?
2. Who can help us identify potential financial sponsors and obtain the necessary funding to accomplish this task?
3. What additional marketing efforts might be necessary?
4. Two alternative goals have been identified on page 19. Goal A focuses on increasing the awareness of the public about the district role. Goal B focuses on the Conservation Partnership and inspiring action on the part of the public. Which goal do you prefer or can you offer an alternative?

GOAL V

Report to the nation bi-annually on the state of the land beginning in the spring of the year 2000.

CURRENT SITUATION: NRCS's "America's Private Land: A Geography of Hope" states that there is much good news about the state of America's private land. American's landowners seem to be maintaining and, in many instances, improving the health of the land on millions of acres. There remain areas, however, where the state of the land is in decline and national, state and local concern is warranted. In his preface to the document, Secretary of Agriculture Dan Glickman expresses the concern and his strategy for addressing it:

"Our Nation faces a challenge that will become increasingly important in the next millennium: How will we maintain the health of privately owned land, the "working land" on which our Country's economic and environmental well-being depends? Our next great environmental goal is conserving our private land. To achieve this goal, we must accept stewardship on private land as a shared responsibility between public and private interests..."

The Conservation Partnership is dedicated to helping locate problem areas and to working in partnership with the affected people in developing realistic, effective solutions that reverse deterioration and establish more healthy trends. These leaders need to understand this information, and become committed to and engaged in the conservation movement.

A major function of the Conservation Partnership is to speak for the health of our Nation's land and its related natural resources -- soil, water, air, plants, and animals. Traditionally, we have provided data and information about natural resources through such processes and documents as the RCA process, the Natural Resources Inventory, and soil surveys. To meet this challenge adequately, the Conservation Partnership needs to bring the science, data and trends to the attention of local, regional and national leaders and affected others. This information must be presented in a way that captures their attention and engages them in the conservation movement.

KEY OBJECTIVE A: *Focus national attention on the state of the land in the year 2000.*

- ACTION 1:** Sponsor a national presidential summit on the state of the land in the year 2000.
- To be hosted by the President.
 - Would focus on Communities and Government Partnerships to protect our resources and conserve their use.
 - Would focus on the citizen, the landowner, the land user, and the impacts of the state of the land on the quality of life in America.
 - Could look at where we've been, current status, and targets for the future.
 - Could include applying state of the art technology to direct our investments in land management, conservation and protection.
 - This could be supported and built up to through using the NRCS State of the Land website.
- ACTION 2:** Evaluate real costs of state of the land activities both financial and human for a biennial effort. Make commitment necessary to get the appropriate job done. [Who: Partners]
- ACTION 3:** Host a Conservation 2025 Forum to discuss future potential international and national issues that impact the State of the Land cosponsored by all willing stakeholders. [Who: Partners]
- ACTION 4:** Sponsor final acre ceremony of nationwide soil survey on American cropland.
- Could be a celebration of progress in our understanding of America's working lands.
 - Include a celebration in 1999 of the 100th anniversary of the Soil survey.
 - Include the International Soil Survey Convention in US in 1999.

QUESTIONS OFFERED AS FOOD FOR THOUGHT:

1. Do you agree with the targets for this goal?
2. What actions listed here will help you accomplish your local, regional, or national goals?
3. What other actions or strategies should be considered?

- Focus on the value of natural resource information, and how used over the last 100 years.
 - Focus on emerging technologies for using natural resource information.
- ACTION 5:** Partner with National Science Teachers Association and others for National kickoff activities and curriculum. [Who: NACDE and NACD]
- ACTION 6:** Develop land health monitoring option for Earth Day.

KEY OBJECTIVE B: *Focus regional attention on the state of the land.*

- ACTION 1:** Sponsor regional summits on the state of the land
- Very local oriented. Very people/project oriented.
 - Could take the issues from the national summit "to the ground" to look at specific conservation achievements for specific topics and areas.
 - Could focus on specific natural resource goals from the NRCS Strategic Plan:
 - Increase the net function and value of wetlands on agricultural land
 - Announce progress and final push to achieve 2002 goals:
 - 1/2 of all cropland managed to enhance soil quality;
 - half of grazing land restored to sustainable use;
 - half of our streambanks stabilized,
 - 2 million miles of buffer strips established to protect watershed and water supplies
 - Prepare to monitor and assess changes in soil quality, grazing land health, wetland functions and watershed health

KEY OBJECTIVE C: *Focus state attention on the state of the land.*

- ACTION 1:** Sponsor land health monitoring kickoff for Earth Day.

ACTION 2: Obtain governor's official acknowledgment of state of the land activities. Develop state action items as appropriate. [Who: State conservation agency]

KEY OBJECTIVE D: *Focus local attention on the state of the land.*

ACTION 1: Obtain local ideas about potential state of the land activities.

ACTION 2: Sponsor Earth Day land health monitoring activities. A biomonitoring example would be to conduct invertebrate counts in local stream reaches.

KEY OBJECTIVE E: *Obtain leadership commitment at national, state, and local levels to state of the land goals, objectives and actions.*

ACTION 1: Leadership Commitment

a. Joint letter from leadership regarding philosophical and resource commitment to completing this action plan National, State, & local letter of commitment.

b. Institutionalize resource (staffing, budget, etc.) commitment to produce biannual report [Who: Chief, NASCA, NACD]

c. Partnership decision on inclusion of non-private lands.

ACTION 2: Prepare a historical document on the use of inventory data to shape policy, RCA, Farm Bills, State laws/programs, and public opinion. [Who: NRCS]

KEY OBJECTIVE F: *Strengthen Conservation Partnership ability to assess, display and use natural resource data.*

ACTION 1: Update state soil and water conservation long range plans. [Who: State agency]

ACTION 2: Determine data available in states to assess their land health status. [Who: State agency]

ACTION 3: Encourage cooperation between agencies to share statewide and local resource assessments.

ACTION 4: Encourage districts to update their long range plans with an emphasis on land health outcomes and measurements. [Who: NACD]

ACTION 5: Provide state agencies with state level data on soil survey and NRI. [Who: NRCS]

ACTION 6: Analyze which states have resource inventories and state of the land type analyses. [Who: NASCA]

ACTION 7: Encourage states to cooperate in the NRI and to add data collection points in order to obtain statistically valid data at watershed or local levels.

ACTION 8: Connect State agency home pages and data products to State of the Land homepage. [Who: NRCS]

ACTION 9: Produce an educational refresher course on the NRI and the available products for local and state use with the 1997 data. [Who: NRCS]

ACTION 10: Support course inclusion at state and National meetings to inform state leaders and conservation district leaders of potential uses of their information. [Who: NACD and NASCA]

ACTION 11: Develop examples of the usefulness of NRI data to the state and local level and of simple how-to-do-it techniques. [Who: NRCS]

KEY OBJECTIVE G: *Develop partnerships with other groups to further state of the land goals and activities.*

ACTION 1: Establish partnership link with Educator's groups to provide state of the land information to students.

ACTION 2: Develop an action plan to include tribal lands in data collection and analysis activities. Include Indian knowledge and perspective in analysis process.
[Who: NRCS]

ACTION 3: Develop action agendas and marketing strategy to include landuse advocate groups in data analysis queries for state of the land report at National, state, and local levels and in display and distribution of state of the land products.

ACTION 4: Institutionalize partnerships with other land advocate groups such as the Isaac Walton League, precision agriculture groups, etc.

ACTION 5: Develop national, state, and local plans to include non-private lands in the data collection and analysis process.

ACTION 6: Partner with educators to tailor educational materials to health data elements.
[Who: NCADE/NACD]

ACTION 7: Add land health monitoring activities to Envirothon program. [Who: NACDE/NACD]

GOAL VI

Institutionalize the locally led conservation process so that, by the year 2002, it will be used by the Conservation Partnership for delivering all conservation on private lands. The locally led process will ensure broad based public involvement in setting priorities, establishing programs, and allocating resources.

CURRENT SITUATION: The enactment of the Federal Agricultural Improvement and Reform Act of 1996 – the 1996 Farm Bill – signaled a shift to the original conservation district approach of locally led conservation. Congress emphasized the need for a close working relationship among conservation districts, the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA) and other government agencies. To facilitate this, conservation districts are being asked to bring together local stakeholders to provide input to the U. S. Department of Agriculture's local Farm Bill work groups in order to guide program implementation and integrate the Farm Bill with other local initiatives. Locally led conservation creates new opportunities for the Conservation Partnership, including the expansion of the partnership base. With these opportunities, comes the responsibilities for conservation districts to take the lead in planning and carrying out locally led conservation activities with private land managers utilizing all programs and local stakeholders in this effort. Conservation Districts each vary with the amount of leadership they have provided to date.

There are also significant locally led efforts already organized relating to natural resource conservation that must be recognized for their contribution. Several federal and state agencies have programs that follow the basic principles of locally led conservation. Environmental Protection Agency, US Forest Service, US Parks Service each have programs centered on community based program planning and implementation. A multi-organization national support team has been organized to facilitate consistent/uniform support for the concept of locally led conservation resulting in maximum participation of all stakeholders. The support team was began in March 1997 and has drafted action plans related to locally led conservation support resources and assistance, information gathering, packaging sharing and evaluating, and stakeholder involvement. Some implementation activities have been started including the sharing of successful locally led activities, methods of forming local work groups, and reference materials. The locally led conservation process is the single best opportunity for advancing conservation program activity, through the involvement of a diverse group of local people in resource needs assessments, goal setting, and program needs.

GENERAL STRATEGY: Provide direct assistance to state conservation partnerships in the support of locally led conservation efforts, by utilizing the collective ideas and efforts developed by the Locally Led Conservation – National Support Team and the Conservation Partnership Leaders.

VISION: Efficient and effective use of financial, educational, and technical resources from a variety of sources, utilized for locally driven conservation programs developed by more than 3,000 local work groups nationwide.

* * * * *

KEY OBJECTIVE A: *To help the conservation districts, or other locally led conservation leader, facilitate on-the-ground conservation through information exchanges and process assistance. Communicate to community stakeholders a “non-ownership” explanation of the benefits of participating in locally led conservation efforts and the options for obtaining technical and financial resources. Provide support resources and assistance for ongoing and new locally led conservation efforts.*

ACTION 1: Brief the Conservation Partnership Forum on the goals and activities of the Locally Led Conservation National Support Team. (completed – July & October '97)

ACTION 2: Prepare a brief summary of locally led conservation guiding principles that clarifies the philosophy, definitions of terms, and emphasizes the inclusive nature, communication, commitment, voluntary nature, more than any one program, and sustainability and economic considerations.

ACTION 3: Develop and implement a communications strategy to get the guiding principles document shared with partners through out the states. Monitor understanding and implementation of guiding principles.

ACTION 4: Obtain agency and organization “buy in” from as many potential stakeholders as possible. Obtain signatures of agency and organization leaders on the guiding principles. Encourage leaders to announce locally led conservation as the process used for conservation program delivery.

**QUESTIONS OFFERED AS
FOOD FOR THOUGHT:**

1. Do you agree with the targets for this goal?
2. What actions listed here will help you accomplish your local, regional, or national goals?
3. What other actions or strategies should be considered?

ACTION 5: Encourage agency and organization heads to designate participation in locally led conservation as a priority for agencies and organizations to encourage participation vertically within the agency or organization.

ACTION 6: Encourage each state to identify point(s) of contact for locally led conservation and to include a locally led conservation component in their state technical committees if it doesn't already exist.

ACTION 7: Identify, and make available financial, technical, economic, social, and legal resources to locally led conservation efforts.

KEY OBJECTIVE B: *To identify and gather information on resource condition & management, resource priorities, financial, technical, and educational resources, partnerships, successful programs and package to share this information in an easily accessible and usable form for locally led conservation activities using primary media including internet.*

ACTION 1: Conduct a benchmark inventory of current locally led conservation activities by polling state conservation agencies, checking with state conservationists, and state associations and cross check with partner organizations. Extra cost will be explored to incorporate as part of CTIC multiplier survey

ACTION 2: Inventory natural resource information that is available on databases, and pull together all major groups to gather and look for the best materials. Develop known clearing house that is inter-linked and encourage integrated packaging of information

ACTION 3: Ask conservation districts, agricultural industry, agricultural commodity groups, RC&D's and other partners to identify what information is needed. Part of this need will be incorporated in the CTIC multiplier survey together with findings of NRCS Policy Review Survey. Set priorities based on needs identified.

ACTION 4: Identify gaps in information and activities based on the needs matched to existing data.

- ACTION 5:** Continue to gather locally led conservation success stories, including methods, processes, projects, and examples and make these available to Conservation Partners using existing media.
- ACTION 6:** Gather from states information on issues needing to be addressed, communicate these to leadership and respond. Develop a strategy for evaluating the impact of locally led conservation efforts.
- ACTION 7:** Involve the Conservation Partnership Operations Work Group in providing assistance and/or training for state conservation partners in the development of their locally led conservation support system.
- ACTION 8:** Develop a reference list of locally led conservation reference material, meeting designs, concepts, and guidance materials to share with state conservation partnerships.

KEY OBJECTIVE C: *Maximize stakeholder involvement.*

- ACTION 1:** Work with NASDA regarding their development of a flexible model for identifying and involving stakeholder groups.
- ACTION 2:** Identify each stakeholder's motivation, interests, needs, commitment, role, advantages/disadvantages in locally led conservation participation. Motivators to consider include regulation, money, technical assistance, law suits, stewardship, should be proactive
- ACTION 3:** Design a system for education and communication with stakeholder groups and other target audiences. This system could include updates, community service ads, internet, newsletters, and a feed back mechanism from stakeholder groups

- ACTION 4:** Encourage the use of locally led conservation process in the development of local annual plans of work, long range plans, and local multi-organization operating agreements.
- Develop joint information material on diverse groups working together to accomplish conservation.
 - Share success stories to show how some districts have benefited from having a diverse board that looks like the population it serves.
 - Hold a national meeting of the Partnership to discuss, promote and showcase outreach and diversity efforts.
- ACTION 5:** Through the Partnership information network, provide examples of opportunities for increased participation (e.g., associate supervisors, youth boards, auxiliaries).
- Include at least one success story in each NACD "Tuesday Letter".
 - Utilize the new NRCS Division of Outreach to collect and share success stories.....NRCS This Week; state home pages; NACD; State Agencies; etc.

GOAL VII

Persons included in the definition of Leader: Leaders include decision makers, such as elected officials (i.e., President, Congressional members, governors, state legislators, etc.), Executive Branch Administration officials; private sector members from the corporate, entertainment, and non-profit world; and District, State agency, and NRCS leaders.

Currently, there are few Congressional leaders or governors who are regularly “beating the drum” for conservation. The Conservation Partnership has not identified and successfully recruited a nationally known spokesperson to make more visible the Conservation Partnership and/or its vision. The Conservation Partnership is again faced with the potential through congressional action of elimination of the stand-alone natural resources conservation agency within USDA. Some state conservation agencies have been eliminated from state budgets. The turn-over rate for District leaders is increasing at the same time as those same leaders need to be handling more and more complex issues. The majority of NRCS leadership at the state and national levels has changed during the past four years.

1. Each of the six teams addressed leadership from their goal's perspective. Beyond those actions already identified in the preceding sections, what other objectives and actions need to be addressed?
2. What strategies can be used to engage and motivate the leaders, as defined above, to action?

COMMENTS:

APPENDIX I: TEAMS AND TEAM MEMBERS

Public Awareness	
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Ray Beck	DNRC, Helena, MT
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Homer Wilkes	NRCS, Jackson, MS

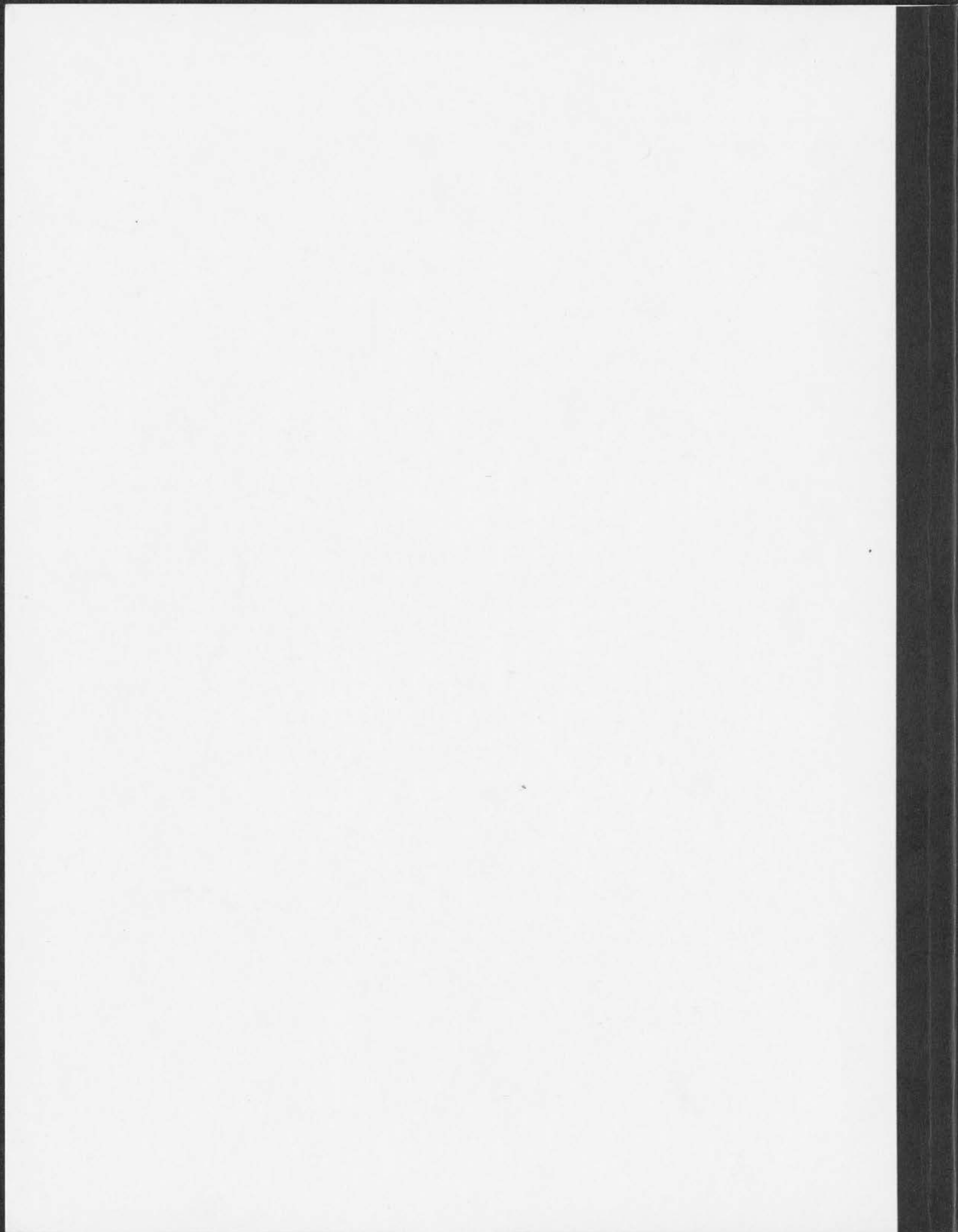
State of the Land	
Carole Jett	NRCS, Washington, DC
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Dave Carvey	NRCS, Madison, WI
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* Team Leaders' names are in bold

Locally Led	
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Organizational Effectiveness	
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Sharon Ruggi	NY Fed of RC&D Councils, NY



INTEROFFICE MEMORANDUM

September 22, 1997

TO: Interested board staff and board members,
FROM: Marybeth Block, Special Projects Coordinator
SUBJECT: Whole Farm Planning



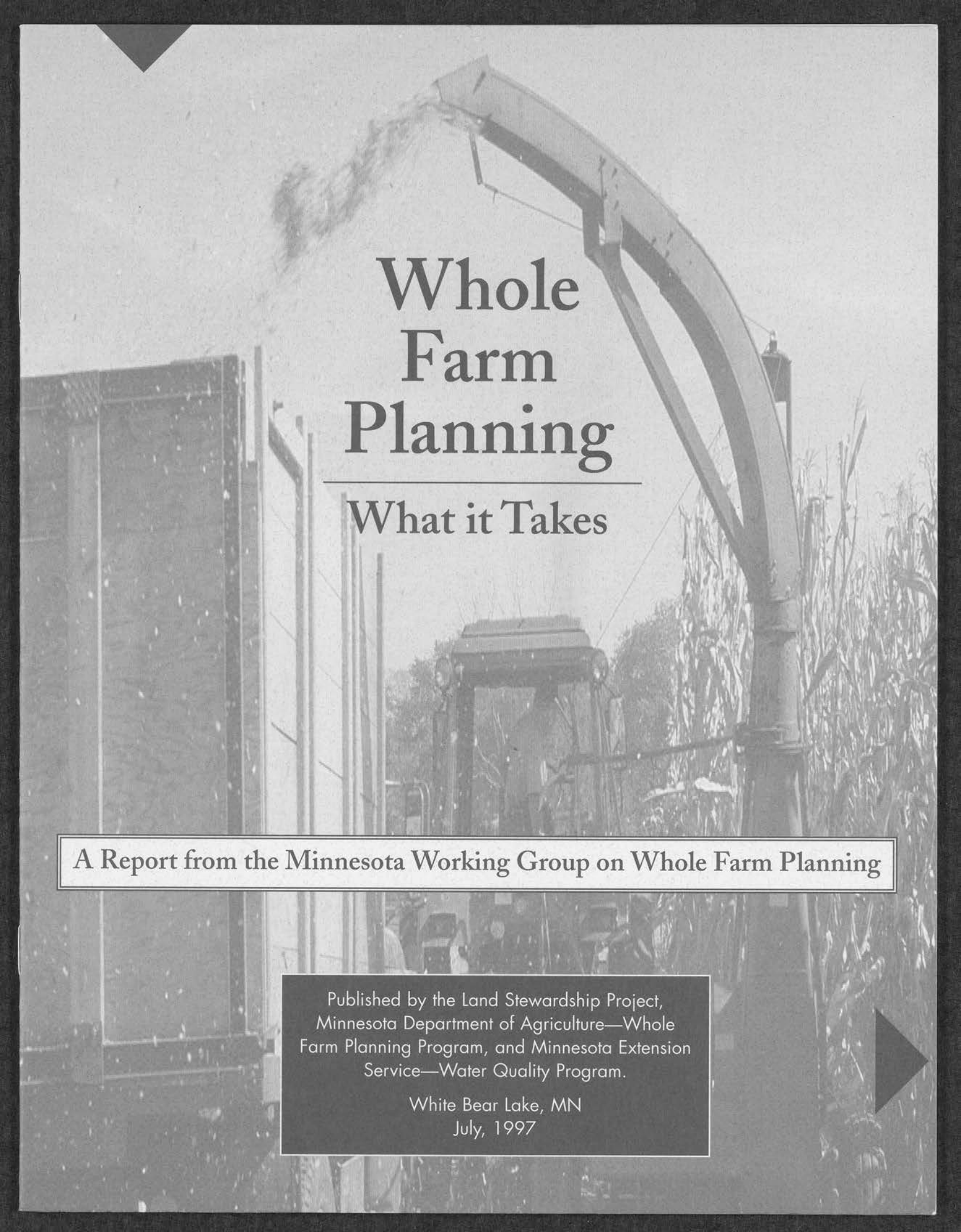
Much has been said of late about the merits of "whole farm planning." And while there are many models and methods being characterized as whole farm planning, the concept and how it is carried out has yet to be clearly defined. It may never be *clearly* defined.

In November of 1996 a group of 26 individuals from diverse backgrounds came together to discuss whole farm planning. Under the leadership of the Minnesota Department of Agriculture, the Minnesota Extension Service and the Land Stewardship Project the group reviewed several approaches to whole farm planning. They proceeded to agree upon what they felt were the essential elements of a whole farm planning process, the components of the plan as well as the essential outcomes. I was pleased to represent the BWSR on the Working Group on Whole Farm Planning.

Attached is a report of our conclusions. I encourage you to take a minute to read through it. Recently there has been a "push" to find the appropriate means to encourage comprehensive farm-level planning. It is a relatively safe assumption that federal programs, such as the farm bill, will continue to place funding priority on projects that are rooted in a planning process that looks beyond a field or an isolated pollution problem.

The Working Group is discussing how to share this information with local extension agents and SWCD staff and board members. Please let me know if you would like to be apprised of the group's activities, if you have ideas about sharing the information or if you just want to discuss whole farm planning in general.

cc: D'Wayne DeZiel & LeeAnn Buck - MASWCD



Whole Farm Planning

What it Takes

A Report from the Minnesota Working Group on Whole Farm Planning

Published by the Land Stewardship Project,
Minnesota Department of Agriculture—Whole
Farm Planning Program, and Minnesota Extension
Service—Water Quality Program.

White Bear Lake, MN
July, 1997



Acknowledgments

The Whole Farm Planning Working Group was convened by the Land Stewardship Project, the Minnesota Department of Agriculture Whole Farm Planning Program and the Minnesota Extension Service Water Quality Program. The Working Group would not have been possible without the participation and involvement of the members who volunteered their time and insights. The Working Group wishes to thank those who presented information about their farm planning activities and Dave Nelson for facilitating the first meeting at which the Working Group determined its agenda.

The conveners gratefully acknowledge supporters of the Working Group. The Land Stewardship Project received funds from the W.K. Kellogg Foundation, the Wallace Genetic Foundation, the Weyerhaeuser Family Foundation and the Great Lakes Protection Fund through a grant to the Minnesota Project. Publishing costs were partially covered by a grant from the Northwest Area Foundation to the Land Stewardship Project. The Minnesota Department of Agriculture supported the Working Group through its Whole Farm Planning Program and with in-kind services. The Minnesota Extension Service also provided in-kind services.

Members of the Whole Farm Planning Working Group wrote and reviewed the text. Editing was by Dana Jackson and layout by Katie Clapp.



MINNESOTA EXTENSION SERVICE

UNIVERSITY OF MINNESOTA

Contents

Introduction	1
Participants in the Whole Farm Planning Group	1
Executive Summary	3
Whole Farm Planning Forums	5
Essential Elements of the Whole Farm Planning Process	7
Essential Components of a Whole Farm Plan	9
Essential Outcomes of Whole Farm Planning	11
Recommendations from the Whole Farm Working Group	13
Farm Planning Approaches and Tools Reviewed by the Whole Farm Planning Working Group	15

Introduction

This is a report from the Minnesota Working Group on Whole Farm Planning which was convened by the Land Stewardship Project, Minnesota Extension Service Water Quality Program, and the Whole Farm Planning Program of the Minnesota Department of Agriculture in November of 1995. The three lead groups came together because they had a mutual interest in exploring the concept of "whole farm planning" and developing a foundation of understanding about how it would contribute to Minnesota agriculture. Twenty-six individuals with multiple perspectives participated in four meetings of the Working Group held in 1995 and 1996, and the shared views of their discussions are summarized in this report.

Whole Farm Planning—What it Takes presents three important topics discussed by the Working Group: the essential elements of the whole farm planning process, the essential components of a whole farm plan and essential outcomes of whole farm planning—followed by recommendations of the Working Group based on their discussion of these topics. The report also includes a summary of the whole farm planning forums that the Whole Farm Planning Program of the Minnesota Department of Agriculture held in the winter and spring of 1996. As part of its process, the Working Group reviewed several approaches to whole farm planning. An annotated description of those tools is provided at the end of this report.

Participants in the Whole Farm Planning Group

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Executive Summary

Whole farm planning is a process for on-farm decision-making that includes all aspects of the farm. It can be used by the farm family to balance the quality of life they desire with the farm's resources, the need for production and profitability and long-term stewardship of the land. It can help the farm family achieve its goals while enhancing the environment and relationships with the community. Whole farm planning is a collaborative process that brings together farmers and other professionals in an interactive exchange of information. It is a holistic approach based on developing comprehensive goals.

The process is distinct from other farm planning approaches because it is founded on long term goals the farm family has for its future. To set long term goals, the farm family should have a thorough understanding of the farm's resources and be able to view the farm as part of the community. The larger community may have already established objectives to assure long-term productivity and sustainability of the natural resources and human communities of the area. If those objectives are clearly understood, a farm family can take them into account in setting its goals.

Whole farm planning becomes useful when it guides the farm family to choose the farming practices and systems best suited to meeting their goals. Whole farm planning provides an opportunity for more varied farming systems and solutions that go beyond best management practices.

This report is based upon an analysis of seven farm planning approaches already being discussed or practiced. Not all of these can be considered whole farm planning, nor do they need to be. The Whole Farm Planning Working Group distilled elements common to all and concurred that in order to be promoted as whole farm planning, a planning approach must include certain essential elements. They defined essential elements for the planning process itself, for the content of the planning system, and for the outcomes that can be achieved.

Essential Elements of the Whole Farm Planning Process

- Whole farm planning participation is voluntary.
- Whole farm plans are confidential and the property of the farmer, who can share any portion as seems appropriate or useful.
- The planning process identifies the farm family's goals for the farming operation.
- The planning process is flexible.
- The planning process integrates information and ideas resulting from cooperation among farmers with the information and ideas of service providers.
- Information about farm planning is accessible and understandable.

The farmer will lead the planning process. Training may be required to help farmers and agency staff work together with the farmer as leader.

Essential Content of a Whole Farm Plan

- Long- and short-term goals are defined by the farm family.
- The plan contains an inventory of the farm resources that will help participants understand the current situation and what is possible in the future.
- The plan lists short- and long-term decision-making guidelines that help improve the environment, meet profitability goals and move the family toward its desired quality of life.
- A process for on-farm observation and record-keeping is included.

Essential Outcomes of Whole Farm Planning

The outcomes of whole farm planning are important both to the farmer and to the public. Six outcomes are essential in order for whole farm planning to achieve wide acceptance and use. Whole farm planning will improve or maintain:

- Profitability
- Quality of life
- Natural resource conditions
- Sustainability
- Relationship with the community
- Ability to observe and evaluate changes in practices and management

Recommendations

The Working Group makes the following recommendations:

- ▶ The U. S. Congress and the Minnesota Legislature should consider the essential elements of whole farm planning as they authorize and fund new and existing agricultural and environmental initiatives.
- ▶ Natural resource agencies, researchers, farm service providers and farm organizations should integrate whole farm planning elements into new and existing programs. Staff should be encouraged to participate and be given training in whole farm planning.
- ▶ Those who are developing new plans should see that the processes are farmer-based and promote creative collaborative effort.
- ▶ The use of the term "whole farm planning" should be reserved for those planning tools that include most of the essential elements described by the Working Group.
- ▶ The Working Group should continue as an entity in order to promote experimentation, learning and networking related to whole farm planning.

The Working Group notes considerable interest in whole farm planning in Minnesota. It is clear from our review of the farm planning approaches already being utilized in this state and elsewhere, and it is clear from the results of the whole farm planning forums conducted by the Minnesota Department of Agriculture. A summary of these listening sessions follows.

Whole Farm Planning Forums

In the winter and spring of 1996, the Whole Farm Planning Program of the Minnesota Department of Agriculture involved approximately 40 farmers and spouses from across Minnesota in a dialogue on whole farm planning through a series of seven regional forums. A diversity of farming philosophy and farm enterprises was represented at the forums. The farm families were asked to respond to the following very personal questions:

- ▶ How do you currently do your most comprehensive farm planning?
- ▶ Do you have a deep sense of where you want your farm to go? Describe your ideal farm.
- ▶ Is your farm vision related to your present planning process?

The participating farmers generally found it stimulating to visit this important, but not often talked about, part of their lives. The following views emerged from these discussions that apply directly to the whole farm planning discussion.

Current Comprehensive Planning. Planning is an ongoing process. It can be divided into creative planning and structured planning. Creative planning happens all year long and is stimulated by observation of yield variation, weed pressure and overall field performance. Structured planning happens in reaction to specific deadlines with professionals, such as the banker or the Natural Resource Conservation Service.

Ideal Farm. When asked about their ideal farm, farmers shared a desire for manageable debt and reduced stress so that they could enjoy farming more. They crave respect from their community, and want to be seen as professionals who are caring for the land. There is a desire to engage in land stewardship practices (soil building, complex rotations) but they feel their ability and desire to do so is absolutely linked to their ability to pass on the farm to an heir.

Connection Between Planning and Vision. The farmers generally felt that their farm vision was related to their planning process, but that they need to work to clarify their long-range goals. They feel isolated and desire to network more with other farmers. A sense of powerlessness hinders realization of their vision. They want to be more proactive with respect to the marketplace and profitability.

Environmental stewardship was not mentioned once during the discussions about current comprehensive planning practices. However, there was extensive discussion of stewardship when the farmers were asked where they wanted their farms to go. This sense of stewardship appears to be inseparable from the ability to pass on the farm and the ability to secure stable, long-term profitability.

The results of these forums raise several important questions for the whole farm planning discussion:

- ▶ How can a planning process be encouraged that taps into the latent desires of these farmers to improve their land and their livelihood for the long haul?
- ▶ What are the characteristics of current farm planning tools that cause farmers to focus away from their vision of farm health?
- ▶ How can whole farm planning tools be structured enough to show the farmer's commitment to environmental stewardship while, at the same time, be flexible enough to encourage the creativity necessary for dealing with the farm economy and ecology?

The Whole Farm Planning Program would like to further this dialogue with more farmer forums and move toward prototype planning tools for Minnesota.

Essential Elements of the Whole Farm Planning Process

The Working Group felt that defining the essential elements in a planning process was the first step in understanding whole farm planning. The group identified six as essential, that is, all of them need to be part of the planning process. These six elements are all related and in many instances cannot be separated from each other.

► **Whole farm planning participation should be voluntary.**

It is extremely important that whole farm planning be voluntary. Farmers should be able to choose whether or not they take part in a whole farm planning process sponsored or initiated by government agencies. Farmers need to control the planning process and pick and choose the planning tools to use. The farmer should determine which service agencies and advisors to use for assistance in farm planning. Natural resource agencies, researchers, farm input companies, and farm groups need to realize that whole farm planning may mean a change in the roles that they play in working with farmers.

► **Whole farm plans are confidential and the property of the farmers who can share any portion of the plan as seems appropriate or useful.**

Plans should be confidential, with farmers free to share parts of the plans with whomever they choose. For example, a farmer might want to share portions of a plan dealing with tillage with the government agency to whom he or she applies for cost share assistance, or could choose to share financial records and plans with prospective lenders. A conservation plan, which could be part of a whole farm plan, may be required for participation in government farm programs.

► **The whole farm planning process helps the farm family to identify its goals for the farming operation.**

Setting short-term and long-term goals for a farm operation is difficult to do, but is necessary for whole farm planning. A planning process should include training on how to do comprehensive goal setting.

► **The planning process is flexible.**

Farming is an occupation with innumerable variables, which include swings in market prices, weather, environmental concerns, prices for inputs, financing, and consumer preferences in purchasing. There should be flexibility in the planning process so that farmers can make adjustments in their plans and operations in response to the variables in their unique situations.

- **Whole farm planning is not a one-time process, but a series of decisions, analysis and replanning.**
- **The planning process helps farmers integrate information and ideas with information and ideas of those who have an interest in the farm enterprise.**

A process of whole farm planning ideally will incorporate all of the players who have an interest in the farm enterprise, which could include parents or other relatives, neighbors, lenders, government program or conservation agencies, business service providers, nonprofit organizations, environmental groups, and watershed organizations. These players can help the farmer by providing a knowledge base in a team setting and shouldering some of the enormous work load involved in comprehensive whole farm planning.

► **Information about whole farm planning is accessible and understandable.**

Whole farm planning is a different approach to planning than most people are accustomed to. Therefore, it may be necessary to provide training to farmers and to public and private farm service providers on the concepts and the process of whole farm planning. Information about the process should be accessible and understandable to all.

Essential Components of a Whole Farm Plan

Four components are essential to a whole farm plan.

► Short- and long-term goals

There is no doubt that the farm must be profitable to survive. Goal setting in whole farm planning must take that into account. However, with whole farm planning the bottom line is expanded; the family has a chance to set goals that integrate profitability with quality of life, production preferences and environmental health. Whole farm planning is distinct from other processes in that it is also founded on the long-term vision the farm family has for the farm's future. The vision may include intergenerational transfer, how the farm landscape might look decades into the future, and the long term health of the land and natural resources.

A farm is located in a watershed and a community setting. There may be important objectives set by the larger community to assure long-term productivity and sustainability of natural resources and human communities in the area. If those objectives are clearly understood, a farm family can take them into account in setting its own goals.

► An inventory of farm resources

An inventory of farm resources is necessary to understand the opportunities for change and the constraints or limits that govern what can be done. People are an integral part of the farm's resources. Besides the farm family, others integral in planning may include family members, an absentee land owner, hired hands, advisors or neighbors that actively participate in the farm's decision-making. Of course, there are physical resources on the farm such as machinery, and equipment, barns, and housing. Capital assets and liquidity are important resources. The topography and natural ecosystems of the farm provide opportunities and pose limitations that must be taken into account. The inventory of resources around the farm should include soils, habitats for wild plants and animals, streams or springs, and wind patterns.

► Short, and possibly long-term, decision-making guidelines

Whole-farm planning only works when it becomes an ongoing decision-making aid. Criteria for evaluating actions that transform existing problems into steps toward the goals need to be identified and appropriate actions taken. This will happen continuously—each day brings a new set of problems and potential decisions and actions. The family also needs to ask who is going to be affected by decisions made for the farm.

Whole farm planning offers an opportunity to consider not only individual practices but the farm as a whole. Depending on the situation, a whole-farm plan will need to identify possible decisions relating to the following farm components: water quality and water cycling, soil conservation and soil quality, management of nutrients and their cycles, crop rotation and diversity, wildlife habitat, climatic variation, pests and pesticide management (including pollution prevention and pest problem prevention), animal husbandry, impacts of animals on the land, tillage, mechanical cultivation, mechanical harvesting systems, marketing options and economic viability.

► On-farm observation and record keeping

Historically, the results of a farm plan were evaluated by counting how many acres were planted according to a particular production practice, such as conservation tillage. However, through whole farm planning, farmers and their advisors have the opportunity to develop more varied farming systems and creative solutions that fall outside of best management practices. As a result, more innovative ways of monitoring change will be needed. Moreover, neither experts nor farmers can always successfully predict the impacts of decisions on the farm environment or the profitability of the farm. Instead, continual on-farm observations of environmental effects, financial impacts and family well being by the farm family itself will be integral to whole farm planning. Monitoring need not be expensive or require highly specific measurements.

Financial record keeping may be necessary if the whole farm plan is to meet the requirements of a cost-share or other government program. In addition, record keeping of various kinds can aid in understanding the financial implications of a set of decisions and enable farmers to compare environmental impacts from one year to the next.

Financial monitoring has been focused on enterprise and whole farm profitability. That is likely to continue to be the case. Farmers interested in whole-farm planning may want to add other indicators of long-term sustainability such as dependence on government programs.

Essential Outcomes of Whole Farm Planning

Outcomes are the results or intended purposes of a program or project. The outcomes of whole farm planning are important both to the farmer and to the public. The Whole Farm Planning Working Group concluded that the six outcomes of whole farm planning should be to improve or maintain profitability, quality of life, natural resource conditions, sustainability, relationship with the community, and an ability to observe and evaluate changes in practices and management.

These six outcomes are considered essential if whole farm planning is to achieve wide acceptance and use. In all cases, the implementation of the whole farm plan should either improve or maintain these elements.

► Profitability

Profitability is important to all producers, although the desired level of profitability will vary based on the goals a farm family sets. The ability to assess how changes in farming practices have affected profitability is important in developing a whole farm plan. In many cases the farmer may find it necessary to evaluate a practice (on a limited basis) in the short term in order to determine how it might impact profitability if applied on a large scale.

► Quality of Life

Like profitability, quality of life is measured against the family's goals. Quality of life may include such measures as time for family and community, environment in which one works or lives, stress level, peace of mind, sense of control, and other factors unique to the family unit's goals.

► Natural Resource Conditions

The natural resource conditions that the farmer is likely to consider as essential in a whole farm plan are those that most affect the family unit or that impact the productive capacity of the farm. Those resource conditions closest to the family include the quality of the drinking water supply for humans and livestock, air quality in or around the home and livestock buildings and the aesthetic or recreational attributes of nearby streams or lakes used by the family. Natural resource conditions that impact the land's productive capacity include soil erodibility, soil quality and biological diversity. Minimizing the potential pollution of resources beyond the immediate area is also important to whole farm planning, but may not be as essential an outcome to the individual farmer as to the public.

► Sustainability

Sustainability is largely a combination of the other factors. From a family perspective it may be difficult to continue to operate a farm or pass on a farming operation if it isn't profitable, doesn't provide a desirable quality of life and is degrading the resources in a way that will not sustain production.

► Relationship with the Community

The relationship between the farm family and the community is a two-way street. The farm family might obtain goods and services from the community, including household items, production inputs, schools, and social activities. The community might, in turn, obtain the farm family's leadership or participation in the community. Relationship with the community may also be determined from the public's viewpoint by observing the impact that the farming practices in the area are having on the natural resources and community quality of life.

► The Ability to Observe and Evaluate Changes in Practices and Management

Most, if not all, whole farm plans will include recommended practice or management changes. A desired outcome of the plan is that farmers develop the ability to observe and evaluate those changes from both economic and environmental perspectives. This ability can be enhanced by producers coming together to share their experiences with new farming practices or management changes. This meeting and sharing is another beneficial outcome of the whole farm planning process.

Recommendations from the Whole Farm Planning Working Group

One plan will not work for all farmers. There are many farm planning processes and tools, and each has components that may be useful to certain farmers and for different farming enterprises and systems. But, as farms and farming management styles differ, so do the processes within the different planning tools. Each process and tool has merits, but none is suitable for all farms.

The discussions of the process of whole farm planning, the essential components of a whole farm plan, and the desired outcomes led the Minnesota Working Group on Whole Farm Planning to make the following recommendations.

- ▶ We recommend that the U. S. Congress and the Minnesota Legislature consider the essential elements of whole farm planning as they authorize and fund new and existing agricultural and environmental initiatives. We recommend that this report and other whole farm planning documents be disseminated and discussed with agriculture policy people to increase their understanding and commitment to whole farm planning.
- ▶ The federal Farm Bill passed in 1996 has increased flexibility in farming options and created new incentives for developing more diverse farming systems. Whole farm planning can be used as a way to take advantage of the flexibility and incentives of this legislation.
- ▶ We recommend that state and federal agricultural and natural resource agencies integrate whole farm planning elements into new and existing programs. Whole farm planning is a new concept and may mean a change in roles for agency staff working with farmers. Training in understanding the concept of whole farm planning may be necessary.
- ▶ We recommend that farm organizations and non-profit groups commit staff time to whole farm planning. Other organizations such as commodity groups, livestock associations, and conservation clubs should also become knowledgeable about whole farm planning and make it a priority in their work. Farm business management instructors, bankers, independent consultants, etc. can make a big difference in moving whole farm planning forward if they promote it to client farmers. We recommend that they become conversant with the essential content of a whole farm plan.
- ▶ We recommend that the common features, strengths and weaknesses of existing planning tools, such as Farm*A*Syst Farmstead Assessment, the National Resource Conservation Service's SWAPAH, Holistic

Management, FarmWin, Planetor, and others be documented. This will enable farmers and farm service providers to assess which aspects of specific planning tools are useful for their farms and situations. Then they can choose the planning tool or develop their own package of tools that is useful for their farm.

- ▶ We recommend that new planning tools be developed that are farmer friendly and amenable to being used in a collaborative process with many sectors of the agricultural community. Farmer involvement in the development of new tools is necessary, and they need to be built from a basis of farmer creativity.
- ▶ We recommend that planning tools include most of the essential elements discussed in this report in order to be called "whole farm planning." Tools that lack essential elements such as goal setting and flexibility should not be called whole farm planning. These tools may be excellent for some aspect of farm planning, such as nutrient management or manure control, but are not comprehensive enough to take the whole farm into consideration.
- ▶ We recommend the Working Group continue to meet quarterly. It is important to expand the group to include more representatives from the independent crop consultant and farm service sectors of the agricultural community because these groups provide planning services to farmers. This group should continue to work together to bring many people to an understanding of the benefits of whole farm planning for protecting the environment and supporting profitable farms and healthy communities.

Farm Planning Approaches and Tools Reviewed by the Whole Farm Planning Working Group

Holistic Management

Holistic Management is a practical, thought model for whole farm management developed by Allan Savory. This planning and decision-making approach helps farm families manage the land, the people involved in decision-making and money as one inseparable whole. The farm family begins by identifying the whole under management. The family, with assistance from advisors as needed, identifies how the environmental processes, such as the water cycle, are functioning on the farm. The heart of the process is developing a goal for the farm that includes profit, the family's quality of life, and social and environmental values. Management options are tested to determine if decisions are environmentally, financially, and socially sound and will lead toward achievement of the goal. While implementing production and financial plans, farm families monitor how well the plans are working, and adjust or re-plan as needed. Holistic Management has been applied in all kinds of farming systems as well as other natural resource and business settings. The decision-making approach does not specifically deal with regulations.

For further information, contact Audrey Arner, Land Stewardship Project, at (320) 269-2105.

Natural Resource Conservation Service SWAPAH (Soil, Water, Air, Plants, Animals with Human Interaction) Process

One of the first steps in formulating a conservation management system with a decision maker is to inventory all actual and potential resource concerns for the five resources: soil water, air, plants and animals. The client should understand all the resource concerns identified on a field under current use and management. In order to develop conservation management systems, the applied conservation system must treat each identified concern until it reaches the standard of the established quality criteria. The impacts of these applied resource conservation practices beyond the specific field and farm also have to be considered in the planning process.

In order for this process to fully work, it must be site specific with consideration given to the resource concerns in the larger geographic area impacted by the site specific land unit. The SWAPAH process to achieve complete resource planning requires input from other technical partners and stakeholders in the conservation planning process.

For further information contact Dennis Neffendorf, Natural Resource Conservation Service by phone at (612) 290-3670 or by e-mail at dwn@mn.nrcs.usda.gov.

Farm*A*Syst Farmstead Assessment

This cooperative United States Department of Agriculture and Environmental Protection Agency program, is currently administered by Extension offices, Soil and Water Conservation Districts, and the Natural Resources Conservation Service in 18 states. Participants use a series of worksheets to identify pollution risks associated with practices carried out around the farmstead. Alternative practices which reduce or eliminate identified risks are suggested. As a state-sponsored process, Farm*A*Syst clearly indicates how farm operations can comply with environmental regulations. A companion system, Field*A*Syst, designed to deal with cropland management, is currently being developed. Included are worksheets for irrigation well management and protection.

For further information contact Jim Anderson, Minnesota Extension Service by phone at (612) 625-8209 or by e-mail at janderson@mes.umn.edu.

PLANETOR

Planetor is a comprehensive environmental and economic farm planning tool for croplands developed by the Center for Farm Financial Management at the University of Minnesota. Farmers and agency personnel are trained to use this software package, which helps them evaluate the potential for soil erosion, pesticide leaching and runoff hazard, pesticide toxicity, nitrogen leaching and phosphorus runoff for practices they are considering. The program predicts the economic impacts of changes in pesticide use, tillage, nutrient management or crop rotations. PLANETOR does not suggest practices or articulate regulations.

For further information contact Kevin Klair, Center for Farm Financial Management at (612) 625-1964 or by e-mail at kklair@mes.umn.edu.

FarmWin

FarmWin was developed by Sunrise software in a cooperative research and development agreement with the Agricultural Research Service in Morris, Minnesota. FarmWin contains production record keeping (livestock and crops), financial management, inventory management, and basic mapping, integrated into one program. Having all these in one program reduces the need for a user to have a separate financial program, a separate mapping program, and a separate field history program. In FarmWin, all components are integrated; information is stored and accessed in the same databases.

Each inventory item contains a report within itself about any actions affecting this item, and the current values of this item. For example, a grain bin report could show

the bushels on hand and the dollar value of those bushels. A field report could show the amount of carryover nutrients from the current growing season. This report can be filtered by the user to see only the types of actions the user wishes to see. Reports can also be customized and data can be accessed for further interpretation and analyzing.

For further information contact Sunrise Software at (320) 589-4030 or by e-mail at kbrustuen@mail.mrsars.usda.gov.

Ontario Environmental Farm Plan

The Ontario Environmental Farm Plan (OEFPP) is similar to Farm*A*Syst in its format, a series of worksheets that farmers fill out to identify practices that may be damaging to the environment. The OEFPP is more extensive, including management of feedlots, pastures, cropland and greenhouses. Upcoming worksheets will cover nursery/landscape and equestrian operations. Environmental legislation and standards are included in each worksheet, as are suggested practices. Farmers identify areas that need immediate action, set a time line for addressing less urgent problems, and identify barriers to action.

Although the OEFPP is sponsored by the government, it was developed and is administered entirely by farmers, through the Ontario Crop and Soil Improvement Association.

For further information contact John Lamb, Minnesota Project at (612) 645-6159 or by e-mail at water007@gold.tc.umn.edu.

Yardsticks

"Yardsticks" are tools being developed for use in Minnesota based on a system that has been used successfully in the Netherlands and commonly referred to as "Dutch Yardsticks." The nutrient yardstick was developed first; a pesticide yardstick and biodiversity yardstick are under development.

In using the nutrient yardstick, farmers keep records of all nutrients brought onto their farms in the form of feed, fertilizer, rain, and nitrogen fixation. At the end of the season, they determine the quantity of nutrients that were removed by way of marketed crops or livestock, dead animals, etc. with the remainder being the amount of nutrients potentially lost to the environment. With this baseline information, the process of deciding how much to reduce this amount potentially lost and how to achieve that reduction is determined by the farmer. At the end of the season farmers can repeat the initial process to see if they have achieved their goals.

For further information contact Mark Ritchie at (612) 379-5980 or by e-mail at iatp@igc.apc.org.



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