



Minnesota Board of Water and Soil Resources.
Minutes.

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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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DATE: December 3, 1997

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

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

SUBJECT: December 17, 1997 Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 17, 1997, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Committee Recommendations

1. Clay County and Grant County Comprehensive Water Plans: The northern subcommittee of the Board has reviewed the Clay County and Grant County Comprehensive Water Plans and recommends approval.
DECISION
2. LeSueur County and Rock County Comprehensive Water Plans: The southern subcommittee of the Board has reviewed the LeSueur County and Rock County Comprehensive Water Plans and recommends approval.
DECISION

New Business

1. BWSR 1998-99 Budget: **INFORMATION**
2. Metropolitan Airports vs. Coon Creek Watershed District, File 97-5: This is an appeal by the Metropolitan Airports Commission from a wetland replacement plan decision made by the Coon Creek Watershed District. The Dispute Resolution Committee reviewed the record and written arguments, and heard oral arguments on October 2, 1997. The Dispute Resolution Committee recommends the July 14, 1997, decision of the Coon Creek Watershed District denying the application of the Metropolitan Airports Commission for a wetland replacement plan be affirmed. **DECISION**
3. Wetland Regulatory Simplification via State Programmatic General Permits: see attached wetlands update of October 17, 1997.
INFORMATION

BWSR Members, Advisors, and Staff

December 3, 1997

Page Two

4. Non-point Engineering in Metro Area, Capacity Building: The joint powers board formed by the seven soil and water conservation districts in the metro area for providing non-point engineering assistance has been developing plans to expand the services provided to member districts. Joe Newberg, supervisor with the Hennepin SWCD and chair of the Metro Association of SWCDs will be at the meeting to share and discuss with the board their ideas to use the existing joint powers organization to share expertise in additional disciplines between the districts. INFORMATION

Old Business

1. Envirothon Update: INFORMATION
2. Results of Special RIM Reserve Flood Sign-Up: see attached summary. INFORMATION
3. Red River Mediation Update: The 1997 legislature appropriated \$100,000 to fund a professional mediation of the conflict between the Red River Basin Watershed Districts and the Minnesota Department of Natural Resources related to permitting flood control projects. CDR Associates of Boulder, Colorado, was selected by mutual consent to do the first phase of the process called the assessment. They have been conducting interviews on a one on one basis as part of the assessment. Jim Birkholz from the BWSR was interviewed on November 12 as one of the persons selected by the Red River Basin Watershed Districts. The assessment part of the process was about half completed at that time. The second phase, actual mediation, will only commence if recommended by CDR Associates and agreed to by both parties. Commissioner Sando and a representative from the Red River Water Management Board will give an update on the mediation process. INFORMATION

If you have additional agenda items or require additional information, please feel free to give me a call. Lunch will be provided; board members please bring a holiday treat/dessert to share. Travel safely, I look forward to seeing you on the 17th!

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
DECEMBER 17, 1997**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approval of Minutes of October 22, 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

Recognition of Fred Bergsrud, former board member

Committee Recommendations

1. Clay and Grant Comprehensive Water Plans - recommended for approval by the northern subcommittee - DECISION
2. LeSueur and Rock Comprehensive Water Plans - recommended for approval by the southern subcommittee - DECISION

New Business

1. BWSR 1998-99 Budget - Ron Harnack - INFORMATION
2. Metropolitan Airports Commission vs. Coon Creek Watershed District, File 97-5 - Jim Haertel - DECISION

3. Wetland Regulatory Simplification via State Programmatic General Permits - John Jaschke - INFORMATION
4. Non-point Engineering in Metro Area, Capacity Building - Joe Newberg, Hennepin SWCD - INFORMATION

Old Business

1. Envirothon Update - Susan Tsakakis - INFORMATION
2. Results of Special RIM Reserve Flood Sign-Up - Tim Fredbo - INFORMATION
3. Red River Mediation Update - Rod Sando - INFORMATION

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. January 28th BWSR Meeting, St. Paul
2. BWSR Meeting and Retreat, February 25-26, Cragun's in Brainerd

Other Board Issues

Adjourn

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
DECEMBER 17, 1997**

AGENDA

9:00 a.m. Call Meeting to Order

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- Jim Anderson, Minnesota Extension Service
- Rod Sando, Department of Natural Resources
- Peder Larson, Pollution Control Agency

New Business

1. Non-point Engineering in Metro Area, Capacity Building - Joe Newberg,
 Hennepin SWCD - INFORMATION
2. Metropolitan Airports Commission vs. Coon Creek Watershed District,
 File 97-5 - Jim Haertel - DECISION
3. Wetland Regulatory Simplification via State Programmatic General
 Permits - John Jaschke - INFORMATION

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1. Clay and Grant Comprehensive Water Plans - recommended for approval by the northern subcommittee - DECISION
2. LeSueur and Rock Comprehensive Water Plans - recommended for approval by the southern subcommittee - DECISION

Old Business

1. Envirothon Update - Susan Tsakakis - INFORMATION
2. Results of Special RIM Reserve Flood Sign-Up - Tim Fredbo - INFORMATION
3. Red River Mediation Update - Rod Sando and Don Ogaard - INFORMATION

Advisory Comments

1. Rick Reimer, MACDE
2. Vern Wilker, MASWCD
3. Franklin Denn, MAT
4. Ray Bohn, MAWD
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Upcoming Meetings

1. Next BWSR Meeting, January 28, St. Paul
2. BWSR Meeting and Retreat, February 25-26

Other Board Issues

Adjourn

DRAFT

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

DRAFT

BOARD MEMBERS PRESENT:

Kathleen Roer, Allan Oehlke, Barbara Uppgaard, Lee Coe, Ginny Imholte, Dwain Otte, Tim Hvidsten, Sharon Clark, Pat Bloomgren, Ron Nargang, Jim Anderson, Marv Tripp

BOARD MEMBERS ABSENT: Darrell Bruggman, Barbara Cobb, Jim Dahlvang, Glenn Annexstad, and Peder Larson, Minnesota Pollution Control Agency (MPCA)

OTHERS PRESENT:

D'Wayne DeZiel, Minnesota Association of Soil & Water Conservation Districts (MASWCD)
Kim Benson-Johnson, Minnesota Department of Health (MDH)
Paul Burns, Minnesota Department of Agriculture (MDA)
Konrad Koosman and Mark Doneux, Washington SWCD
Wayne Edgerton, Department of Natural Resources
Rick Reimer, Minnesota Association of Conservation District Employees (MACDE)
Len Kramer, BARR Engineering
Ray Bohn and Woody Love, Minnesota Association of Watershed Districts (MAWD)
Franklin Denn, Minnesota Association of Townships (MAT)

STAFF PRESENT:

Jim Birkholz, Greg Larson, Al Kean, Jim Haertel, Gene Clark, Mary Jo Anderson, Ron Shelito

BWSR Meeting Minutes

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Chair Roer called the meeting to order at 9:05 a.m.

Adopt Agenda - Chair Roer stated that the Metropolitan Airports Commission (MAC) vs. Coon Creek Watershed District item will be delayed until the December meeting. Added to the agenda is a BWSR proposed resolution regarding the College of Agriculture, Food and Environmental Sciences in Rosemount. Moved by Marv Tripp, seconded by Lee Coe, to adopt the revised agenda. Motion passed on a voice vote.

★★
97-76

Minutes of September 24, 1997 - A correction is needed on page four; Wayne Edgerton reported on CRP, not RIM Reserve as stated. A correction is needed on page three regarding agency reports; it should read, "Minnesota River Ag Team", not the Minnesota River Assessment Program. Moved by Allan Oehlke, seconded by Ginny Imholte, to approve the minutes of September 24, 1997, as corrected. Motion passed on a voice vote.

★★
97-77

Reports

Chair's Report - Kathleen Roer reported that she and Dwain Otte attended the executive budget meeting last month. The Dispute Resolution Committee (DRC) heard the Metropolitan Airports Commission vs. Coon Creek Watershed District appeal. Chair Roer attended the environmental cluster meetings. Chair Roer spoke to the staff at the all staff meeting in Brainerd. Chair Roer asked board members to let Mary Jo Anderson know what annual meetings (AMC, MAWD, MASWCD) they will be attending. Registration will be taken care of by direct billing.

Executive Director's Report - Jim Birkholz reported that Ron Harnack is on vacation this week. Jim reported on staffing issues: Bryan Alpaugh has accepted a position with the Information Technology Center at the Department of Administration. Lisa Gray, receptionist, accepted a new position; her last day with BWSR was on October 14. Jim reported that BWSR is on schedule to fill two computer positions, one in the north and one in the south. Also, two additional education positions will be filled. The Education Committee will meet today and discuss direction for filling these positions. Jim reported that BWSR has contracted with the Management Analysis Division (MAD) of the Department of Administration, to conduct an internal management study of BWSR. We hope to have a report from MAD by the end of this month. Jim stated that the "Board Member Update" is an information tool to let board members know what staff are doing and asked for feedback as to its usefulness.

Chair Roer reported that the Administrative Advisory Committee and the Education Committee will meet today after the BWSR meeting.

Dispute Resolution Committee (DRC) - Marv Tripp reported that the DRC heard the Metropolitan Airports Commission (MAC) vs. Coon Creek Watershed District appeal. Chair Roer stated that the record in this appeal is available for review from Jim Haertel and he can be contacted at any time with questions or concerns regarding DRC issues. A pre-hearing conference will be heard tomorrow regarding an appeal in Wright County.

BWSR Meeting Minutes

October 22, 1997

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Education Committee - Barb Uppgaard reported that the Education Committee will meet today.

Cost-Share/Soil Conservation Committee - Dwain Otte reported that the committee will meet in December.

Financial Oversight Committee (FOC) - Ginny Imholte reported on the status of the SWCD committee effort to review additional SWCD accounting software packages.

Agency Reports

Sharon Clark, Department of Agriculture (MDA), reported that MDA's communications manager Jackie Renner has accepted a position in the Governor's office; Jackie's position as communications manager has been filled by Mike Schomer. Sharon stated that MDA and the Iowa Department of Agriculture have been meeting to discuss a pipeline issue; a mitigation tool has been developed. Jim Birkholz will work with MDA on this. Sharon reported that MDA is also working with the environmental cluster group. Sharon stated that the application forms for the Best Management Practices (BMPs) loan program are now out.

Jim Anderson, Minnesota Extension Service (MES), stated that the education position in Duluth will be filled soon. Jim stated that MES has deferred a resolution at this point on the Middle Mississippi River Watershed Management Organization; however, they anticipate participation on this matter.

Ron Nargang, Department of Natural Resources (DNR), reported that the capital budget consumes much of DNR's staff time. DNR staff are working with SWCDs and have offered staff support in the CRP sign-up. Ron stated that a major flooding problem exists in Devils' Lake in North Dakota. Flood recovery is DNR's biggest single issue at this time. They are releasing funds for construction of levees and dikes.

Pat Bloomgren, MDH, reported that the Verdi wellfield of the Lincoln-Pipestone Rural Water System exceeds the nitrate standard and is providing bottled water to infants because of the high nitrate level in the water. Management plans will be developed to control the aquifer. Pat reported that the state task force report will be done in January. The state task force is an interagency group to look at state programs, and a technical group to review data on the wellhead protection program.

Feedlot Panel Discussion - Allan Oehlke stated that the livestock industry is a large part of Minnesota's economy. There is the need for a lot more education on livestock issues. Paul Burns introduced Becky Balk and Bob Patton, MDA; Dave Preisler, Minnesota Pork Producers Association (MPPA); and Dave Fricke and Troy Helquist, Minnesota Association of Townships. Paul Burns reported on strategies for addressing livestock odor issues. Paul also reported on the new laws affecting animal agriculture for the board members' information.

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Dave Preisler, executive director of MPPA, stated that MPPA is committed to environmental research. He commented on the state's and counties' regulatory roles on feedlot rules. He stated that MPCA is part of the solution. MPPA has zero tolerance for deliberate acts against the environment.

Dave Fricke and Troy Helquist, MAT, stated that township government must have control over land use zoning. Troy stated that the feedlot issue is more than a state problem, this is a national problem; there is a lack of state cooperation on this issue nationally; which needs improvement. MAT has to be as restrictive as the counties on the feedlot issue.

Dave Nelson, PCA, stated that the feedlot issue also involves what is land use control and what is environmental regulation. He stated that the state legislative mandates and statutes differ for county and townships; overlap and conflicts exist and local resolution is needed.

Discussion followed. It was suggested that important continuing BWSR roles are to continue to allocate cost-share dollars to SWCDs for feedlot upgrades and continue to address water quality needs. Chair Roer thanked Allan Oehlke and staff for bringing this panel together. Jim Birkholz reminded members that Allan Oehlke is our representative on the Feedlot and Manure Management Advisory Committee (FMMAC) and Al Kean is our lead staff on feedlot issues.

Chair Roer called for a break in the meeting at 11:05 a.m. The meeting reconvened at 11:25 a.m.

Old Business

97-78

Proposed resolution to support the College of Agricultural, Food and Environmental Sciences in Rosemount. Moved by Marv Tripp, seconded by Ginny Imholte, that the BWSR declares its support for the plan put forward by the College of Agriculture, Food and Environmental Sciences to University of Minnesota Higher Administration to use the entire Rosemount property for these research, teaching, and outreach activities. Motion passed on a voice vote.

New Business

97-79

Natural Resources Block Grants (NRBG) - Wayne Zellmer explained that the NRBG provides assistance to local governments to implement four natural resource initiatives. These four initiatives are: Comprehensive Local Water Planning, the Wetland Conservation Act, DNR Shoreland Management, and the MPCA Feedlot Permit Program. Moved by Barb Uppgaard, seconded by Dwain Otte, to approve and allocate the NRBG as presented. Motion passed on a voice vote.

Brown's Creek Watershed District Establishment - Jim Haertel explained that the proposed Brown's Creek Watershed District lies entirely within Washington County. Dwain Otte reported that board members have received the draft order for the establishment, held a public hearing, and recommends approval of the Brown's Creek Watershed District.

BWSR Meeting Minutes

October 22, 1997

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97-80 Moved by Dwain Otte, seconded by Marv Tripp, to accept the recommendation of metro subcommittee to approve the Brown's Creek Watershed District. Motion passed on a voice vote.

97-81 Conservation Reserve Enhancement Program (CREP) - Greg Larson stated that Minnesota's proposal is anticipated to be signed by Secretary Glickman shortly. Moved by Ron Nargang, seconded by Pat Bloomgren, to authorize the BWSR executive director to sign the memorandum of understanding with the U.S. Department of Agriculture on CREP. Motion passed on a voice vote.

Advisory Comments

Rick Reimer, MACDE, reported that MACDE met yesterday to review the summer training session and other business. Rick stated that a Living Snowfence Symposium will be held next week in Alexandria. Rick encouraged board members to attend the MASWCD annual meeting in Rochester. Rick stated that the death of Gary Westby, conservation officer, is a great loss.

D'Wayne DeZiel, MASWCD, stated that during the March-April CRP sign-up SWCDs contributed in excess of 6,000 staff hours. D'Wayne stated that there are ongoing discussions to merge NRCS with FSA; he encouraged board members not to support this. He encouraged board members to attend the MASWCD annual meeting in Rochester.

Franklin Denn, MAT, stated that MAT is preparing for their annual conference, November 21-22. He would like to show a video on townships at an upcoming BWSR meeting.

Woody Love, President of the Minnesota Association of Watershed Districts, on behalf of MAWD he welcomed Brown's Creek Watershed District. He invited board members to attend their annual meeting, December 5-6 in Alexandria. He thanked those who assisted in the flood relief follow-up.

The next BWSR meeting will December 17th in St. Paul.

Chair Roer adjourned the meeting at 12:00 p.m.

Respectfully submitted,

Kathleen Roer
Chair

OVERVIEW OF THE CLAY COUNTY WATER PLAN UPDATE

BACKGROUND

Clay County's original Comprehensive Local Water Plan was developed as part of the 15 county Northwest Minnesota Project in 1989 and 1990. Since plan adoption, implementation of the plan has been under the direction The Clay County Department of Planning and Zoning with Tim Magnusson serving as the Local Water Plan Coordinator. The county utilized a Clay County Water Planning Advisory Committee to assist in development of the update. The plan update lists 20 individuals who participated in the revision and review of the plan. The updated plan includes the required additions and does a good job of addressing the major water management issues in Clay County. The Updated Plan recommends transfer of implementation responsibility from the Department of Planning and Zoning Office to the Clay Soil and Water Conservation District.

COUNTY DESCRIPTION

Clay County is located along the western border of Minnesota with the Red River of the North separating Clay County from Cass County in North Dakota. The City of Moorhead, population 32,295, serves as the county seat. Clay County contains about 200 DNR protected water bodies which cover about 7,200 acres. Clay County is part of 2 watershed districts, the Buffalo-Red River and the Wild Rice Watershed Districts.

Clay County's topography is dominated by the flat Red River Valley on the western side, however the county has an elevation range of over 600 feet from east to west. The eastern half of the county has undulating slopes of 3 to 20%, while the east is flat with slopes of 0 to 0.5%. The major watersheds in the county include the Red River, Buffalo River, and Wild Rice/Marsh River. According to Anderson and Craig (1984), Clay County has 13.2% of it's pre-settlement wetlands remaining which covers about 7,000 acres or 4.9% of the total land area of the county.

Some of the major initiatives of the Clay County Water Plan Update focuses on surface water quality protection, sedimentation, and flooding, and well head protection for urban areas. The catastrophic 1997 spring flood emphasized the high flood potential in the Red River Valley and also increased the sedimentation loading to the county's river system. Plan implementation initiatives focus on establishing permanent cover on critical riparian buffer strips, land retirement programs like RIM and CRP, cooperative watershed projects with Wilkin County and the watershed districts and wellhead protection plans for Moorhead and Dillworth.

STAFF REVIEW Clay County has completed the mandatory additions to their Updated Local Water Plan. State agencies have provided comments on the update. In winter, 1997 the 2 Watershed Districts took issue with some of the language regarding flooding in the draft plan. This issue has been resolved through review of various studies and acknowledging the various viewpoints on the causes of flooding in the Red River Valley. BWSR staff are not aware of any major review issues at this time.

Committee Recommendations #1

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

GRANT COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1997

(FOR BOARD ACTION)

The Grant County Comprehensive Local Water Plan (Plan) was approved February 28, 1990 by the Minnesota Board of Water and Soil Resources (BWSR) and adopted by Grant County in May 1990. Grant County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on August 25, 1997, at which time the final ninety-day state review process began. The final review period ends November 24, 1997.

On December 12, 1997, the BWSR Water Plan Review Committee will meet with BWSR staff and representatives of Grant County to review and discuss the Plan Update.

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

The Grant County Local Water Plan Update includes the new requirements. It also incorporates new information in the assessments section of the Plan and organizes the implementation section into three initiative areas concentrating on goals and objectives identified during the public input process. The initiative areas are Surface Water, Ground Water and Land Resource. Objectives include management of wetlands, solid waste and development of programs for surface and ground water monitoring and protection. Major activities to accomplish these goals include education programs, incentives, technical assistance and regulations.

BWSR staff has reviewed the Grant County Comprehensive Local Water Plan Update 1997 to 2002 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

Committee Recommendations #2

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

**LE SUEUR COUNTY COMPREHENSIVE
LOCAL WATER PLAN UPDATE - 1997**

(FOR BOARD ACTION)

The Le Sueur County Comprehensive Local Water Plan was approved by the Minnesota Board of Water and Soil Resources (BWSR) on November 28, 1990 and adopted by Le Sueur County on December 11, 1990. Le Sueur County submitted a Plan Update, required in the Plan, to the BWSR on September 8, 1997, at which time the final ninety-day state review process began. The final review period ended December 7, 1997.

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

On November 24, 1997, the BWSR Water Plan Review Committee met with BWSR staff and representatives of Le Sueur County to review and discuss the Plan Update.

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

The Le Sueur County Local Water Plan Update includes the new requirements. The Plan Update incorporates the watershed approach to water resource management by describing in detail the Cannon, Le Sueur, Middle Minnesota and Lower Minnesota River major watersheds in the county. Another new part of the document is the plan implementation schedule which defines the timing, cost, and partners for the actions in the plan. Well sealing, groundwater quality protection, streambank stabilization, wetland mapping —prioritization and restoration, soil conservation and individual sewage treatment upgrades in unincorporated and rural subdivisions are seen as high priority actions for the county. Other actions planned are to provide technical assistance for the development of wellhead protection plans, provide storage areas to reduce peak runoff rates and reducing sedimentation and erosion along drainage ditches.

BWSR staff has reviewed the Le Sueur County Comprehensive Local Water Plan Update 1998 to 2003 and find that relevant requirements of law and rule have been satisfied under M.S. 103B and M.C.A.R. 9300.

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

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

(FOR BOARD ACTION)

The Rock County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on September 25, 1991 and adopted by Rock County on October 22, 1991. Rock County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on July 30, 1997, at which time the final ninety day state review process began. The final review period ends October 28, 1997.

A written overview of the Plan Update was prepared by BWSR staff on October 29, 1997 for information and review.

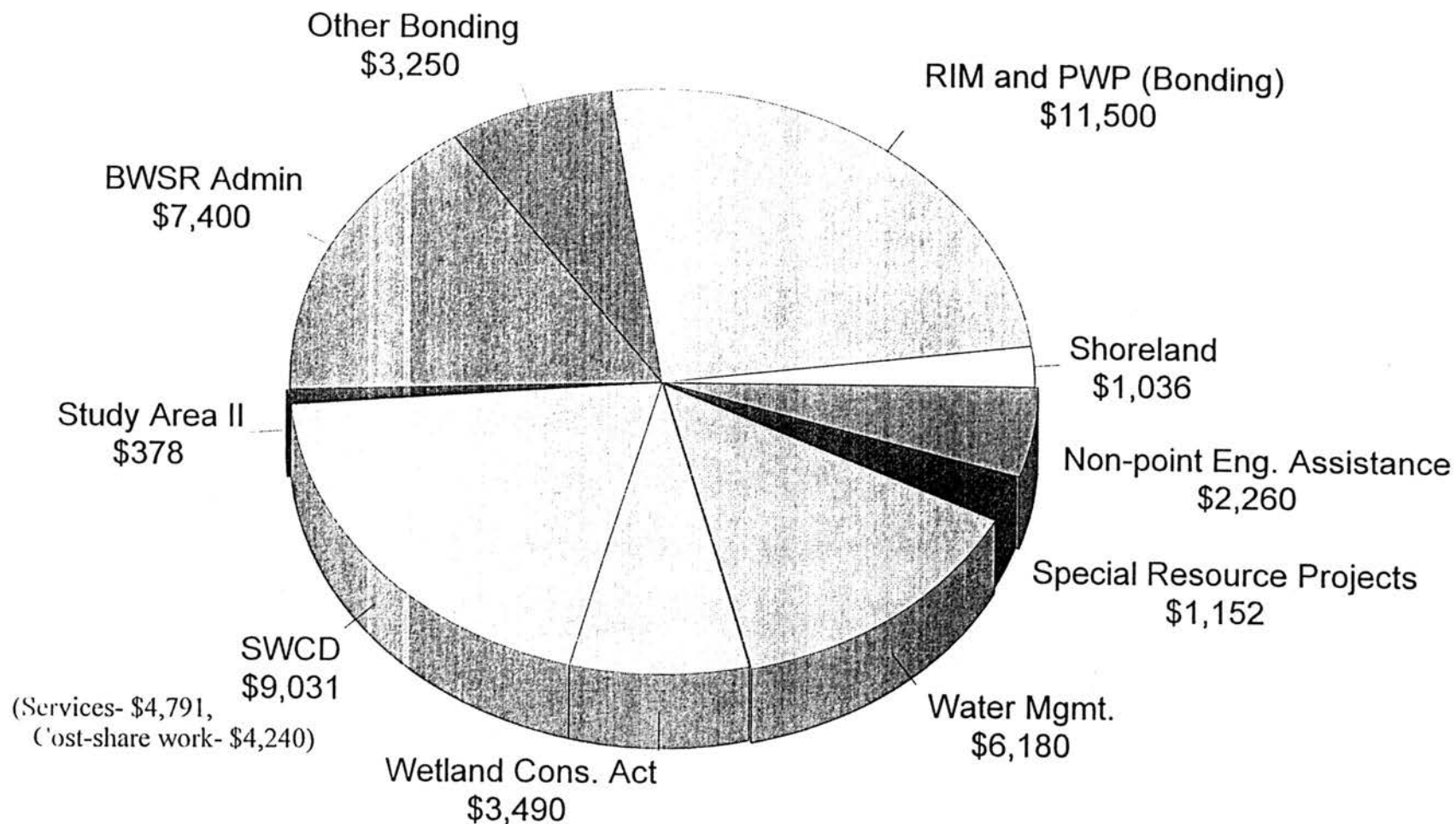
On November 24, 1997 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Rock County to review and discuss the Plan Update.

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

The Rock County Local Water Plan Update includes the new requirements. The implementation section is organized into two major goals of surface and ground water. Objectives and prioritized actions outline efforts in Administration, Monitoring, Inventory, Land and Water Treatment, Planning/regulation, and Education. Objectives include protection, management and increased monitoring of surface water and groundwater resources; identify geologically sensitive groundwater areas; continue to identify point and nonpoint pollution sources; and protection of highly erodible lands and critical areas from wind and water erosion. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

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

BWSR 1998-99 BUDGET



New Business #1

* Values in Thousands



MEMORANDUM

December 2, 1997

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

Field Offices

Northern Region:

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

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

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

Southern Region:

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

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

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

Metro Region:

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

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TO: Board Members

FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Metropolitan Airports Commission v. Coon Creek Watershed District
WCA Appeal, File 97-5

The above referenced appeal is on the agenda for a decision at the December board meeting. After hearing the appeal, the Dispute Resolution Committee (DRC) had placed the matter on the agenda for the October board meeting, however, it was removed from the agenda for consideration of a request by legal counsel representing the Metropolitan Airports Commission (MAC) to present further arguments before the full board. After due consideration, the Chair of the board denied the request for further arguments insofar as oral arguments were presented to the DRC.

Oral arguments were heard by the DRC at a hearing that was convened on October 2, 1997. Prior to the hearing, the DRC was provided with several documents, as follows:

- The record that the Coon Creek Watershed District based its decision on, which the parties agreed consisted of 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 Metropolitan Airports Commission v. Coon Creek Watershed District"; and Exhibits 1 through 3 as identified in the document entitled "Supplement to Administrative Record of The Coon Creek Watershed District, In the Matter of Metropolitan Airports Commission v. Coon Creek Watershed District" dated August 28, 1997.

- The written brief entitled "Metropolitan Airports Commission's Brief in Support of Appeal", dated September 5, 1997, containing 21 pages plus attachments.
- The written brief entitled "Coon Creek Watershed District's Brief in Opposition to Appeal", dated September 17, 1997, containing 18 pages.
- The written brief entitled "Metropolitan Airports Commission's Reply Brief in Support of Appeal", dated September 25, 1997, containing 13 pages.

MAC applied to the Coon Creek Watershed District (District), acting as the Local Government Unit (LGU) for administration of the Wetland Conservation Act of 1991 (WCA), for approval of a wetland replacement plan to allow expansion of an airplane hangar area on the western side of the Anoka County-Blaine Airport (Airport). On July 14, 1997, the District denied MAC's wetland replacement plan, finding that feasible and prudent alternative sites exist for the development of additional airplane hangar space at the Airport which would have less impact on wetlands than that currently proposed by MAC.

On appeal, MAC first argued that BWSR could exercise de novo review of the District's decision, as opposed to applying the "clearly erroneous" standard, since the decision involved the application of law to facts. However, the District argued that BWSR should apply the "clearly erroneous" standard of review to the District's decision (see Minn. Rules Chapter 8420.0250, subp. 3¹ for BWSR's standard of review in this matter). The DRC found that the "clearly erroneous" standard applied in this case.

MAC argued that the District applied the incorrect rule provision to reach the conclusion that feasible and prudent alternatives exist to the construction of the additional airplane hangars at the western end of the Airport. The DRC found that the District properly applied the rules in reaching its determination that feasible and prudent alternatives exist (see Minn. Rules Chapter 8420.0520, subp. 3.C(2)). The record shows that two other areas, namely the Northern and East Building areas, are not only feasible alternatives, but that MAC's future plans indicate airport expansion in the two areas. MAC argued that the Northern and East Building Areas would be more costly to develop than the proposed Western Building Area. However, Minn. Rules Chapter 8420.0520, subp. 3.C(2)(e) state "... Economic considerations alone do not make an alternative not feasible and prudent."

¹ All references to Minn. Rules Chapter 8420 are laws of 1995 as amended by 20 Minn. Reg. 2629 (June 10, 1996).

Board Members, File 97-5

December 2, 1997

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Finally, MAC argued that the District placed additional requirements upon MAC which are not found in the rule. The DRC found that the record does not support MAC's contention. Although it appears that the District encouraged MAC to develop a comprehensive plan, the District's decision to deny the wetland replacement plan application was based upon the required alternatives analysis.

Following oral arguments in this matter, the DRC unanimously adopted a resolution recommending that the District's action be affirmed.

As I stated at the board meeting on October 22, 1997, you all have the opportunity to review the record, the written briefs, and the tape recording of the DRC hearing if you so desire. Please contact me if you wish to review any of these items, or if you have any questions or comments on this matter.

cc: Ron Harnack

Matt Seltzer

Doug Thomas

Bruce Sandstrom

John Jaschke

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,

DRAFT

vs.

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 hangar 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.

DRAFT

DRAFT

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 December 17, 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: December ____, 1997

Minnesota Board of Water and Soil Resources

DRAFT

By: _____
Its Chair

DRAFT

MEMORANDUM

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

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

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

BOARD MEMBER UPDATE ITEMS - Wetlands (10-17-97)

WCA Permanent Rule Adoption:

John Jaschke and Matt Seltzer have begun the Wetland Conservation Act (WCA) Rule Amendment process that will simply convert the existing exempt ("emergency") rules developed to incorporate the 1996 legislative changes -- which will expire on June 10, 1998 -- into permanent rules without any changes. This process began with a request for comments mailed to all potential parties that have an interest in the WCA and publication in the State Register. The rule adoption process which is very exacting will be completed in May of 1998 or possibly earlier if no hearing is requested. A substantive WCA rule amendment that will address proposed improvements to the rule will begin in late 1998 or early 1999.

Wetland Regulatory Simplification:

The Programmatic General Permit (GP-17/96) effort has been revived after a meeting between Ron Harnack and Col. J.M. Wonzik, District Engineer for the St. Paul District Army Corps of Engineers, earlier this month. Although the details of a such general permit are complex, the concept is simple: persons or projects sponsors who are now required to get both WCA and Federal Clean Water Act wetland permits would only need to get the WCA approval if the federal agencies concur that the WCA approval meets or exceeds federal requirements. The goal of the GP is threefold:

- i. To provide "one-stop shopping" for landowners at the local government level by reducing regulatory duplication;
- ii. To reduce the paperwork for Corps staff allowing them more time to provide on-site field reviews, training, and wetland planning participation with LGUs; and
- iii. To enhance wetland protection while accomplishing items (i.) and (ii.) without any changes to federal and state regulations, and without any extra effort required of LGUs.

All of these goals have been identified as action items in the State Wetland Plan.

Benefits of a Programmatic General Permit have been realized in the twelve local government units that have been implementing GP-17 on a pilot basis for over two years. This topic will be on a future Board meeting agenda.

A meeting to resolve the issue of wetland mitigation location will be held on October 23, 1997 between the state and federal agencies. The issue is: when is it best to require mitigation onsite or nearby and when does it make more sense to allow wetland impacts to be replaced in areas of greater need. The federal policy generally states "closer is better" which is different than the state policy which allows transfers from greater than 80% areas to less than 50% areas. There is a need, as identified through the State Wetland Planning Process, to merge the two policies into one unified approach that landowners can use as a basis for their project proposals.

Minnesota Routine Assessment Method for Evaluating Wetland Functions (MNRAM):

A draft second version of the MNRAM wetland functional assessment method has been developed by the Interagency Wetland Group and distributed for review to potential users. Changes to the method include refinement of the wildlife habitat and hydrology sections. And Eric Mohring, with some research and hands-on empirical testing, thoroughly revised the

Groundwater Interaction section. Barbara Ohman has coordinated a workshop to held on October 21, 1997 to discuss MNRAM and the other functional assessment methods presently under development or in use. Invited guests include Dick Novitsky from Oregon and Sue Galadowitch from the University of Minnesota. Many local government staff and wetland consultants will be attending this session. A larger conference on the same topic is in the primarily stages of planning for the fall of 1998 in conjunction with the Society of Wetland Scientists and the MN Wetland Delineators Association.

EPA Wetland Grants:

BWSR has been successful in receiving EPA Wetland Grant funds for several projects over the past years, three of which are now in the early stages of development: 1) "Wetlands of Minnesota". This publication being developed via a contract with the University of Minnesota (with editorial contributions and oversight by the Interagency Wetlands Group) will be a complete scientific description of the wetlands of Minnesota with color photos, charts and other technical information. It will include detailed information on wetland soils, hydrology and vegetation as well as some discussion of wetland functions and values and the history of wetlands in Minnesota; 2) Wetlands of Minnesota web-page. Because wetlands are a topic that ranges widely among the agency responsibilities and among the types of issues that they generate from regulatory to research items, having a web site dedicated to Wetlands of Minnesota will provide a valuable service to both the public and the private sectors. A web-page could include research items, regulatory topics, etc. accessible to landowners, local governments and interest groups that would otherwise require searching many sources; 3) Forest road wetland crossing demonstration. Jim Lemmerman and Mark Nelson will be developing a workshop in Northeastern Minnesota to demonstrate some new technology which allows the placement of removable mats across wetlands so that logging equipment can be moved in and retrieved without permanent fill into wetlands. This workshop will be scheduled in the summer of 1998.

Wetland Banking:

John Jaschke and Matt Seltzer, in conjunction with Michael Fleming, a recent law school graduate, have developed a package of reforms to the wetland banking process and documentation which will lead to a more consistent and legally sound process for BWSR, LGU and buyers and sellers record keeping of wetland banking credits. A meeting to review these potential reforms with local governments and some buyers and sellers of wetland credits has been scheduled for November 20, 1997.

An interagency report on wetland banking as required by the 1996 Legislature is nearly finished will be approved by the agency leaders within the next month. Included in the report are recommendations for improving the banking system, some of which are already under way, and recommendations for additional resources for managing a database and tracking projects from impacts to replacements. Copies of the report are available by contacting John Jaschke or Barbara Ohman.

Road Replacement Program:

Dan Eklund and Barbara Ohman, with assistance from Steve Miller and the Board Conservationists, have been finalizing the appraisals, agreements and designs for the sites selected for replacement of the wetland impacts caused by public road authorities over the last

two years. With a little luck some of these projects will get started yet this late fall. Also, a meeting is scheduled for November 19, 1997 to meet with some of the local road authorities and agency staff to review ways to improve the process based on experiences of the past year. There have been some concerns expressed about the level of technical review and the process for notifying interested persons of a road project that comes up unexpectedly.

Wetland Plans:

Several wetlands plans in greater than 80% counties (Beltrami, St. Louis and Koochiching) are now in the early stages of development. Ron Harnack will be traveling to Koochiching County on November 4 to kick-off their wetland planning effort. Mark Nelson and John Jaschke have been involved in preliminary discussions with Koochiching County and SWCD staff. Dan Eklund and Mark Nelson are helping to assure that St. Louis County gets off on the right foot and Brian Dwight has been appointed to the Beltrami County Wetland Management Planning Policy Committee. Development of these plans will be watched carefully as the 1996 amendments to the WCA were targeted at counties with more than 80% of their original wetlands remaining and these are areas where the most flexibility is possible. Earnest participation from agency staff will lead to sound plans that can be both supported by both local and statewide interests.

Prepared by John Jaschke

s:board.wet

December 1, 1997

TO: Board Members

FR: Tim Fredbo, Easement Program Manager



RE: RIM Reserve Special Flood Sign-up

The RIM staff review of flood sign-up applications was completed in October. We received 54 applications which totaled \$3.2 million in funding requests. A total of 41 applications, representing approximately \$2.7 million, were approved for funding. The Board authorized a special flood sign-up at the June 25, 1997 meeting, which made \$2.7 million available for RIM Reserve easement acquisition. Only state declared flood disaster counties were eligible to submit applications.

Only those easement applications that will inherently help to reduce impacts of future flood events, (i.e. riparian floodplain and wetland restoration easements) were selected for funding. Approved applications encompassed 2,881.5 acres. A more complete characterization of the special flood sign-up is depicted in the enclosed *attachments 1 & 2*. *Attachment 1* lists a breakdown of funded applications by easement type, and a tabulation of funded applications by county (SWCD). *Attachment 2* shows the county distribution of funded easement applications on a map of the state.

Some interesting points to note when reviewing these attachments:

- 96% of the easement acquisition dollars approved for funding were allocated to easement applications in the Minnesota River watershed area.
- No RIM applications were received from any SWCD's in the Red River watershed area. (20 year easements were not an option under this special flood sign-up)
- All requests for funding via the RIM Reserve program that were submitted to the Minnesota Recovers Coordination Committee via the community application process were approved for funding in this special sign-up. Community applications were submitted by Redwood, Chippewa, Swift, Lac Qui Parle, Yellow Medicine, and Lyon SWCDs.
- The ratio of total landowner demand for easement funds versus available supply of easement acquisition funds is only 1.2 to 1. Demand is lower than what we have experienced in the past. I believe this can be attributed to the time of year that the sign-up was held in SWCDs and that only flood disaster counties were eligible.

97-01 RIM SPECIAL FLOOD SIGN-UP

Total Demand	\$3,217,787.36
Funded	\$2,696,356.51

Breakdown of Funded Applications by Type

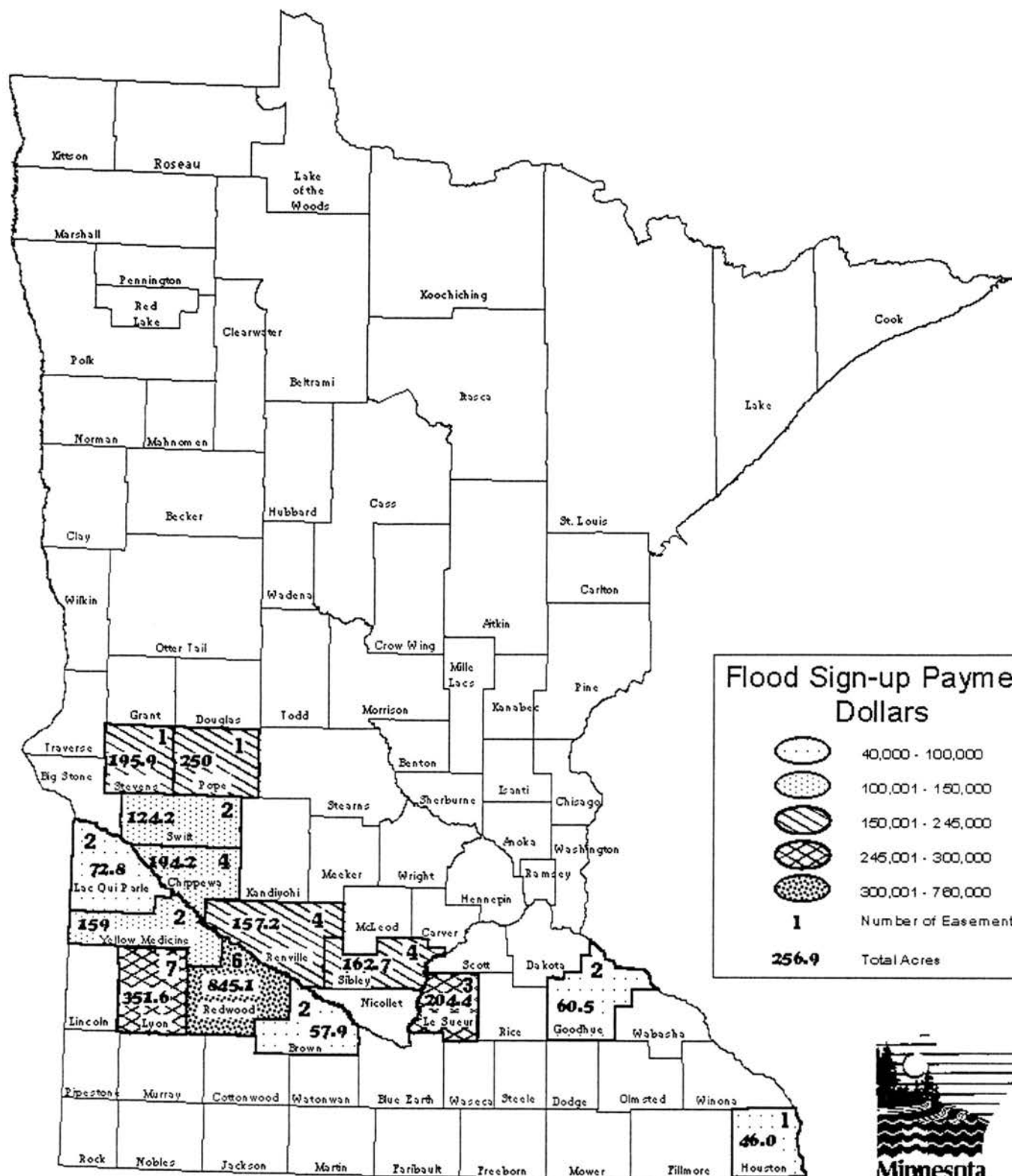
	# of Easements	Acres	Dollars
Wetland Restorations	11	1,088.00	1,045,189.82
Riparian	30	1,793.50	1,651,166.69
	41	2,881.50	\$2,696,356.51

Breakdown of Funded Applications by County

County	# of Easements	Acres	Dollars
Brown	2	57.9	83,692.87
Chippewa	4	194.2	109,974.52
Goodhue	2	60.5	71,201.45
Lac Qui Parle	2	72.8	49,911.68
LeSeuer	3	204.4	249,285.30
Lyon	7	351.6	284,256.94
Pope	1	250	220,000.00
Redwood	6	845.1	756,448.66
Renville	4	157.2	207,093.64
Root River (Houston)	1	46	43,641.09
Sibley	4	162.7	215,344.42
Stevens	1	195.9	168,045.00
Swift	2	124.2	115,643.31
Yellow Medicine	2	159	121,817.63
	41	2,881.50	\$2,696,356.51

96% (\$2,581,513.97) of the applications funded are in the Minnesota River Basin.

1997 RIM Special Flood Sign-up



OVERVIEW OF THE GOODHUE COMPREHENSIVE WATER PLAN UPDATE FOR THE JANUARY 21, 1997, BWSR MEETING

INTRODUCTION

Goodhue County has prepared a Comprehensive Water Management Plan in accordance to Minnesota Statutes 103B and Minnesota Rule Chapter 9300. The Water Plan Update covers a period of 5 years, 1998-2002.

Goodhue County is part of the nine county Southeastern Minnesota Water Resources Joint Powers Board (JPB). The JPB is supported by a technical committee made up of county water plan coordinators and cooperating resource agency staff. The region shares two prominent water management challenges: 1) a karst geology which leaves the areas's groundwater vulnerable to pollution and 2) a well-drained terrain which predisposes low lying areas to flash flooding.

PHYSICAL DESCRIPTION OF COUNTY

Goodhue County is located along the Mississippi River in southeast Minnesota. The majority of the 493,445 acres or 771 square miles is cropped (62%), 8% is pastured, 16% is forested lands and the remaining 14% is represented by developed property including cities, water resources, public lands and other activities. As surveyed by the Department of Natural Resources, 33,000 acres (7%) remain covered by intact natural vegetation communities. Natural communities are primarily located in areas too wet or too steep for farming purposes.

Goodhue County is represented by two very diverse topographic settings. Steep, forested bluffs represent the eastern portion of the county with stream-cut river valleys. The western portion of the county is characterized by gentle, rolling hills with extensive cropland. The county may be divided into three major watersheds: Mississippi River, Cannon River and Zumbro River. The Cannon and Zumbro Rivers eventually flow to the Mississippi River. The county has a mature landscape with well-developed, natural drainage systems. There are no natural lakes and few wetlands except in the Mississippi Valley.

The soils of Goodhue County formed mainly from loess (windblown silt deposits) covers most areas of the county, except for parts of the west and southwest. Old glacial till overlies bedrock in most of the county; but it has been eroded away in and near the bluffs and bedrock valleys, especially in the area bordering the Mississippi River. Although glacial drift can be thicker than 200 feet in parts of the county, in most places it is relatively thin and does not significantly change the surface topography from the bedrock topography.

The bedrock units known as the St. Peter Sandstone, Prairie du Chien Group and underlying Jordan Sandstone provide much of the drinking water to the county. Much of the landscape in Goodhue County is underlain by karstified bedrock. The most important feature of Karst is the dissolution of the carbonate bedrock which creates solution channels, small cavities, caves and sinkholes all of which allow quick movement of surface water and pollutants into the groundwater and aquifers.

ACCOMPLISHMENTS

Goodhue County and cooperating agencies have accomplished a number of successful implementation activities under the original water plan. Some accomplishments of the plan include: Household Hazardous Waste Program, educational seminars for businesses generating hazardous waste, feedlot assessments, nutrient/manure management program, well location information, well sealing, education for individual sewage treatment installers, Geologic Atlas initiated, recycling program, watershed prioritizing and well water sampling at county fairs.

These actions and those accomplishments highlighted in the Water Plan Update represent a substantial increase in local water resources management and protection. Goodhue County's commitment to water protection and cooperative efforts have set the stage for further gains in local water management.

Goodhue County has implemented changes in water plan administration this past year. As of July 1, 1997, the Goodhue SWCD was delegated the responsibility for completing the water plan update. Goodhue SWCD will also be responsible for the Natural Resource Block Grant as part of the water plan administration. A full-time water plan coordinator was hired by the SWCD in August 1997 and represents a major increase in staff time available for implementing the local comprehensive water plan.

STAFF REVIEW

The Water Plan Update builds on the 1990 Water Plan. The original water plan contained a vast amount of data which is either contained in this document, on file or has been updated based on new data and information. All data used in the original plan and the update are accessible for use and will be updated on a regular basis as the plan is implemented. The required implications and assessments of the compiled resource data are included in the appendices of the Water Plan.

New topics addressed in the Water Plan Update include watershed management; wellhead protection practices, storm water runoff management for both urban and rural areas; designation of high priority wetland preservation areas; designated areas for wetland enhancement, creation, and restoration; the utilization of a resource recovery facility as treatment for waste and contaminated materials and possibly the mining of old landfills. Along with these new topics, the previous goals and objectives of the existing water plan were reviewed. These topics included agricultural and residential chemical runoff and control; solid waste management; erosion and runoff control; underground and above ground storage tank maintenance; public, private and industrial waste treatment; water management areas (wetland, streams, rivers, and watersheds); well construction, abandonment and testing; shore land, floodplain and bluff land protection and recreation.

The Water Plan Update will focus on the protection and management of its surface water, ground water and related resources. Each of the issues addressed in the plan has specific goals and objectives, descriptions of anticipated costs, time frames for implementation and the agencies to be involved in the program. The primary focus of the goals, objectives and action plans is on educating, inventorying resources, monitoring and assessing water quality and quantity, assisting local units of government, enhancing existing ordinances and improving coordination among government agencies.

The water plan was submitted for final review on October 13, 1997.

OVERVIEW OF THE JACKSON COUNTY COMPREHENSIVE WATER PLAN FOR THE DECEMBER 17, 1997 BWSR BOARD MEETING

INTRODUCTION

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

Jackson county is a member of the South central Water Plan Coordinators which meets regularly to coordinate planning and implementation activities.

Jackson County began its original Comprehensive Water Plan (Plan) in 1986. The Board of Water and Soil Resources (BWSR) approved Plan was adopted by Jackson County on December 10, 1990.

The Comprehensive Water Plan Update (Plan Update) was initiated on December 28, 1994. The newly formed Jackson County Environmental Office provided the leadership for the Plan Update. The updated Plan will remain in effect through 2007.

PHYSICAL DESCRIPTION OF COUNTY

Jackson County consists of 458,880 acres, of which 95 percent is cultivated farmland with the balance in urban development or water areas. Jackson county contains portions of 6 major watersheds, which drain both into the MN River and the Missouri Basins. Jackson county is home to the Heron Lake waterfowl Mecca of years past.

PLAN ACCOMPLISHMENTS

1. Comprehensive testing program of private water wells.
2. Education and incentive program to seal abandoned wells.
3. Septic system upgrade activities county wide.
4. Lakeshed treatment of Heron Lake.

STAFF REVIEW

The Jackson County draft Plan Update was submitted to BWSR for final state agency review in October of 1997. The review committee will likely meeting around the first of the year, and it is anticipated that BWSR will be asked to approve the Plan Update at their January board meeting.

OVERVIEW OF THE OLMSTED COMPREHENSIVE WATER PLAN UPDATE FOR THE JANUARY 21, 1997, BWSR MEETING

INTRODUCTION

Olmsted County has prepared a Comprehensive Water Management Plan in accordance to Minnesota Statutes 103B and Minnesota Rule Chapter 9300. The Water Plan Update covers a period of 5 years, 1998-2002.

Olmsted County is part of the nine county Southeastern Minnesota Water Resources Joint Powers Board (JPB). The JPB is supported by a technical committee made up of county water plan coordinators and cooperating resource agency staff. The region shares two prominent water management challenges: 1) a karst geology which leaves the area's groundwater vulnerable to pollution and 2) a well-drained terrain which predisposes low lying areas to flash flooding.

PHYSICAL DESCRIPTION OF COUNTY

Olmsted County is located in southeast Minnesota and has a total land area of 419,840 acres or 656 square miles. Although the county is an urbanizing county, over 80% of the land remains in agricultural use. Approximately 56% of all land in the county is cropped and about 25% is managed as pasture or grassland. Most urbanization is occurring in the South Zumbro Watershed which contains nearly all of the City of Rochester. The other watersheds remain largely agricultural. Less than 3% of the land remains in pre-settlement vegetation communities. Communities include lowland hardwoods and floodplain forests, maple-basswood forest (Big Woods), mixed oak forest and prairie grasses.

The county has a mature landscape with well-developed, intricate drainage systems, few large naturally-occurring wetlands and no natural lakes. Small wetlands are found in portions of the county in the headwaters and in the floodplains. There are three major river systems (Zumbro, Root and Whitewater) that drain the county. The major stream valleys have very steep sides and are cut as deep as 300 feet in some areas. In stream valleys and some other areas, the landscape is highly dissected and outcrops of limestone, shale and sandstone bedrock are very common. Soils in Olmsted County vary considerably including glacial till soils in the southwest, loess (windblown silt deposits) soils covering most of the county and sandy outwash plains located in the valleys. Most soils are at high risk for water erosion. The erodible nature of the soils result in sedimentation in floodplains and streambank erosion being a major source of sediment loading to the waters.

Olmsted County is characterized as karst geology, which in this area consists of distinct layers of limestone, dolomite, shale and sandstone. The most important feature of karst is the dissolution of the carbonate bedrock which creates solution channels, small cavities and caves and sinkholes all of which allow quick movement of surface water and pollutants into the groundwater and aquifers. There are several aquifers which underlie the county. The upper carbonate aquifer consists of the Maquodeta, Dubuque and Galena group limestone and dolomite bedrock layers. The St. Peter-Prairie du Chien-Jordon, or middle aquifer, is located below the Decorah Shale confining layer and is the major supply of drinking water. Upper aquifers recharge lower aquifers primarily along the edge of confining units. Recharge along the edge of the Decorah Shale confining unit in the Rochester area has been modeled and studied by the US Geological Survey and was found that it was the source of 54% of the water recharge to the aquifer supplying the City of Rochester's drinking water. Although a large part of the county has the Decorah Shale confining layer intact below the surface, there are also large areas in the north half of the county where the Decorah Shale layer has been eroded away.

ACCOMPLISHMENTS

Olmsted County has been working to implement their 1990 plan primarily through integrating water management goals into ongoing programs. A survey completed in 1997 found that nearly 80% of the 267 proposed water management actions in the 1990 plan are either underway or completed. Examples of accomplishments in program management and resource management include:

- ◆ Coordination of county environmental services programs through the Environmental Commission and Management Team. The two groups oversee implementation of the county's environmental management plans for water, solid waste, environmental health and land use.
- ◆ Revolving Loan Fund Program (MPCA and MDA) has resulted in \$1.5 million being used to help finance water conserving plumbing retrofits; septic system repairs and replacements; unused well sealing; water and energy conserving landscaping; manure and feedlot management; and environmentally protective fertilizer, tillage and weed equipment.
- ◆ The City of Rochester has undertaken the first steps in developing a wellhead protection program. Pollution sources have been inventoried, and a statistically designed groundwater quality study has been completed. All information is entered into a database that is linked to a geographic information system (GIS).
- ◆ A holistic stormwater management approach was used in designing and developing the Mayo Run Project east of Rochester. That includes wetlands, prairie plantings, ponds and other landscape features that provide stormwater retention and treatment while enhancing the natural beauty of the community. The project now serves as a model for the city-wide stormwater management planning that is underway. A wetland comprehensive management plan for the urban service area is being developed in conjunction with this stormwater management plan, and both are in final draft form.
- ◆ Many educational activities have been completed including storm drain stenciling projects, integration of Great Rivers Projects and the River Watch Program in area schools and native vegetation roadside management demonstration projects.

These actions and those accomplishments highlighted in the Water Plan Update represent a substantial increase in local water resources management and protection. Olmsted County's commitment to water protection and cooperative efforts have set the stage for further gains in local water management.

STAFF REVIEW

The 1998-2002 Olmsted County Water Plan's organizing principle is "sustainability." Sustainability is often defined as "meeting the needs of present generations without compromising the ability of future generations to meet their needs." During the planning process, an emphasis was placed on developing strategies for continued implementation of the goals and objectives of the 1990 Water Plan. The Water Plan Update document provides a planning framework to guide local water management initiatives. The plan includes:

- ◆ A concise statement of water resource needs and goals. **Water Plan Mission** - To help individuals and communities meet their water needs by protecting the county's lakes, rivers, streams, wetlands, springs and aquifers. **Goals** - To maintain sources of potable groundwater for public and private drinking water supplies; to maintain sources of non-potable water for fire protection, cooling, processing, irrigation and livestock watering; to maintain streams, rivers, lakes, reservoirs, wetlands and springs for swimming, boating, fishing, wildlife and biological diversity and to minimize flood damage to homes, farms, businesses and public properties.

- ◆ Strategies for program and resource management. Implementation strategies include: 1) help communities identify their **potable water, non-potable water, recreation and flood protection needs**; 2) help individuals and communities recognize and understand what must be done to meet their water resource needs; 3) help communities develop partnerships with residents, businesses, farmers, governments and other organizations within watershed, subwatershed or aquifer areas; 4) help watershed-based community partnerships develop measurable goals and objectives with systems for monitoring, evaluating and reporting progress and 5) help individuals and communities meet their water needs through education, technical assistance, incentives, capital improvement, monitoring, regulation and enforcement.
- ◆ A summary of the identified priorities by surface water management areas, ground water management areas, water bodies, pollution management strategies, landscape management strategies and water resource management issues.
- ◆ A proposed system for monitoring, evaluating and reporting progress toward meeting goals and objectives. Water management measurements and assessments will be made in the following areas: 1) government water management programs and activities; 2) public responses to government water management programs and activities; 3) the scale, location and trends of land use and other activities related to Water Plan goals and objectives; 4) changes in water quality and quantity in lakes, river, streams, wetlands and groundwaters and 5) impact on individual and community water needs.
- ◆ A summary of water and related resource management services that will be provided by the county and other local, state and federal agencies. Service strategies include: 1) coordination and facilitation; 2) information, education and technical assistance; 3) financial incentives; 4) monitoring, assessing and reporting; 5) rules and regulations and 6) plan review, inspections and enforcement.

Implementation of the plan will be mainly through existing agencies and local government work plan activities. The Water Plan Update document summarizes specific implementation activities that will be undertaken by the county during the planning period. Additionally, the plan contains a glossary, a summary of phone numbers and addresses of local water resource services and a chronology of significant water management events in the county.

The Water Plan Appendices document includes a copy of the 1990 Water Plan with updated background information and additions as noted in the Water Plan Update document. Also included in the Appendices are other local water and related natural resource plans that will be used to guide water resource management decisions in Olmsted County.

The water plan was submitted for final review on October 13, 1997.

OVERVIEW PENNINGTON COUNTY COMPREHENSIVE LOCAL WATER PLAN

BACKGROUND:

On February 28, 1990 The Board of Water and Soil Resources approved the Pennington County Comprehensive Local Water Plan (CLW). On May 8, 1990 the Pennington County Board of Commissioners locally adopted the CLWP. On December 13, 1994 the Pennington County Board of Commissioners passed a resolution to update the CLWP. The administration of the CLWP until present has been handled by the Northwest Regional Development Commission; however, starting in 1998 the County will employ a Water Plan Coordinator/Technician who will be housed in the SWCD office.

Some of the major activities that have been implemented over the past seven years have been an abandoned well inventory and sealing program, participation in a four-county groundwater study, suspended sediment study on two rivers, and an aggressive educational campaign on many water related topics.

INTRODUCTION TO PENNINGTON COUNTY:

County Description

Pennington County is located in northwestern Minnesota, approximately 300 miles northwest of Minneapolis. It has a total land area of 398,080 acres. Pennington County was first settled in the late 1800's and established in 1910, when voters elected to separate from Red Lake County. The county was named after and in honor of Edmund Pennington, president of the Soo Line Railways.

Geologic Setting

All of Pennington County has been influenced by the waters of Glacial Lake Agassiz. As the water level of this lake receded, a succession of beach ridges formed, most notably in the western third of the county. A number of small basins also formed. Lacustrine sands, silts, and clays were deposited in these basins. Changing eddies and currents caused the formation of sandbars, which occur throughout the county. Calcareous loam and clay loam glacial till underlies these deposits.

There are three distinct geomorphic regions that occur in Pennington county. They are classified as the Agassiz Inter-Beach, Agassiz Red River Valley and Agassiz Red Lake. These regions are physiographic areas defined by topographic relief and soil parent, or substrate, material.

General Land Use

Pennington County is generally rural. About 95% of the land area in the county is farmed, primarily producing wheat, oats, corn, soybeans, and barley. There are about 240,000 acres in Pennington County which would be classified as prime farmland or 60 percent of the total area; some is in land uses other than cropland. Winter rye is grown on the well drained, gravel and sand ridges. Small acreage of flax and buckwheat are also grown in the county. Sunflowers have diminished but are increasing again. Both oilseed and confectionery types are grown. The acreage of this crop is increasing, and many of the crops are raised under contract. Some livestock oriented operations are scattered throughout the county. These farming operations are fewer than grain raising operations. There is also a small amount of land used for railroads, elevators and industry in the county.

STAFF REVIEW

The 1997 Water Plan Update outlines a direction designed to maintain and improve the county's water resources. The approach is based on the assumption that water quality in the County is good but more supportive data is needed and reasonable approaches can be designed in conjunction with agencies and property owners.

Information and Study

Water Quality Monitoring - Establish a more organized system for collection and reporting surface and ground water quality.

Shallow Ground Water Study - Complete a closer examination of the shallow ground water system.

Water Quality

Water Quality Custodian - Identify areas in the county where general water quality protection improvements could be made.

Sediment Reduction - Implement a sediment removal and reduction program as a focus of the water custodian effort.

Potential Contamination - Identify specific sources of potential water contamination and measures to eliminate them.

Recreation - Support the maintenance of water based recreation, especially if there is a water quality function.

Cost Sharing - Fund or seek funding for cost sharing programs which address water quality issues identified in the Plan.

Program Support

Education - Fund educational programs which stress factual information about local water resources.

Agricultural Best Management - Support MN Extension and the water friendly direction of agricultural management practices.

Flooding - Support the Red Lake Watershed District in examining flooding and water movement issues.

Land Use Planning - Support the County Board in establishing a land use planning effort.

Legislation

Problem Based Legislation - Work with state agencies and the legislature to establish a factual base for program design.

The Plan Update was submitted for Final Review on October 30, 1997. Staff will continue to assist the county in its updating process by providing final review comments and coordinating any needed resolution to concerns identified by others reviewing this plan.