



Minnesota Board of Water and Soil Resources.
Minutes.

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1/26-27/94

BWSR BOARD/STAFF RETREAT FOLLOW UP

JANUARY 26-27, 1994

1. MISSION

AMEND the mission statement of the board to more accurately reflect the mission. This should be accomplished by whatever means staff thinks is reasonable.

2. ORGANIZATIONAL

BYLAWS for the board operation are a need but the world can't stop while these are being prepared. Bylaws should be pursued which include procedures, roles, responsibilities, committee structure (responsibilities, authorities, membership, meetings, subcommittees, staff, ex-officio members, etc.).

MINUTES will be condensed to reflect only actual decisions made and a barebones report of the board's business.

EXISTING POLICIES of the board will be gathered into a policy section of the new board member's handbook.

BOARD MEMBERS HANDBOOK will be prepared and regularly updated. It will contain a board member position description, board policies, bylaws and other information as determined by staff or board member request.

MEETING ATTENDANCE AND PER DIEM. Written instructions will be prepared and distributed to board members to guide their decisionmaking.

3. COMMUNICATION

STAFF RESPONSIBILITIES will be described in narrative format for inclusion in the board member handbook.

BOARD MEMBER AND FIELD STAFF INTERACTION. Opportunities for this will be increased with a geographic focus by region. M Team should discuss this with followup the responsibility of regional supervisors.

FORMAT FOR BRIEFING BOARD MEMBERS will be developed to assist staff to provide consistent and thorough information and to assist board members to absorb information quickly. Jim Connolly has suggested format which will be blended with staff ideas.

BRIEFING INFO FOR BOARD MEMBERS BETWEEN MEETINGS is something that would be helpful but no method was agreed to. (note: could the board member update be reformatted to meet this need?)

4. PRIORITIES AND WORKLOAD

Where BWSR staff spend their time is changing. The changes do not always reflect well on the board's mission statement. Board members empowered staff to investigate the following possibilities and report back to the board:

TAKE A FRESH LOOK AT THE STAFF RESOURCES NEEDED to implement existing programs and responsibilities reflected in the board's mission statement.

RETOOLING STRATEGIES FOR ALL EXISTING PROGRAMS should be explored to see whether staff resources currently dedicated to program implementation can be freed up for customer service.

REGIONAL PRIORITIES for differential implementation of BWSR programs and staff assistance should be pursued.

These retreat follow up items should be discussed at an upcoming M Team meeting. Staff assignments should be made and a process to report and monitor progress should be decided.

1/26/94 BWSR Retreat

- what is the BWSR doing?
- what specific role ~~do~~ BWSR members serve?
- what's role of committees?
- what's role of staff?

mission statement - what's the intent?

- ~~Need~~: By-Laws (internal document)

- members
- committees
- responsibilities
- authorities
- membership
- meetings
- sub-committees
- staff
- ex-officio

- "Old Business + New Business"
- Calendar (yearly)
- formalize procedures (more)
- BWSR member handbook

Concerns

communication
self education opportunities
priorities for staff
loyalty and advocacy
board activities outside board mtgs.
handbook
timing on board packets
how to monitor activities
policy issue vs technical

member wants:

- facts; consequences
- concise, pointed narrative, admin. report
- telephone credit card
- staff to step back - don't assume members know; provide info. + consequences
- detailed material but one-page ex. summary
- Bd. Member Update - on 8 1/2 x 11!
- abbreviated financial report
- hot spots include in director's report (written report) included in mtg. packet
- * - handbook
- know who bd. reps. + staff are and what they do
- communicate more thru fax, voice mail, etc.

Minutes - brief, include action, attach reports, etc.

- staff to prioritize + put together list of what will + won't get done.
- sell importance / strength.
- per diem - members to contact Jim or Ron for approval to attend mtgs. + collect reimb.
- * Materials to be included in Feb. packet
- * - position description for board members. use each other - members + staff

-
- check on Duain Offe's expense claim
 - order name tags and desk plates for new members.
 - voice mail rep. at M-Team 2/7

- * Calendar to include M-Team mtgs., customarily routine events - as a guideline only - with fill-ins as necessary - if it doesn't work - stop.

Strategic Plan - remove 9/90 date
revisit for revision

- MAWD, AMC, MASWCD resolutions at their annual conventions - overlaps exist: Should BWSK encourage support/oppose focus on commonalities rather than differences.

- * Mission Statement - on agenda at next meeting

- * by-laws (contact AG)

minutes - condense today

{ existing policies - pull together
prepare member pd
prepare handbook
per diem for members

communication

- inform board of staff responsibilities
 - member/field staff - more ^{reg. su'visors} [work on geo. focus]
- use format for briefing board members (Jim B. + Jim C.)
- need briefing between board mtgs. but haven't resolved ^{how to do} ~~to doing~~ it.

check on FICA

to leg.
to get
more
staff

staff to provide board w/time pressures

- fresh look
- retool
- staff resources needed
- regional priorities

urge to=don't lose what's going

- have an annual mtg. w/staff + members
not at Mt. Olivet

address issue of agency's rep. on board.
(DNR, PCA, Ag, Health, ME~~S~~) agency heads

RETREAT

Morning: Interagency Coordination and Cooperation -
Opportunities for Improving Natural Resources Delivery

Context: BWSR Revisiting Strategic Plan -
Each of Agency's A Member

Statutory Responsibilities

- 1) Coordinate water and soil resources planning of counties, SWCDs, WDs, WMOs and other local governments; grants administered
- 2) Facilitate communication and coordination among state agencies and between the state and local government
- 3) Provide forum for discussion of local issues and opportunities
- 4) Report to Governor and Legislature regarding programs and recommendations for program and board membership changes to improve state and local efforts in water and soil resource management

Programmatic

- 1) Local Water Planning
- 2) Natural Resources Block Grants
- 3) RIM Reserve
- 4) Cost-Share
- 5) Wetlands
- 6) Technical Assistance
- 7) Soil Conservation

Use Strategic Plan or framework to establish goals, objectives, tasks, define roles and relationships to achieve mutual outcomes.

Questions: How do you assess current cooperation and coordination; what expectations do you have; what would you like to see happen to improve (BWSR -- Agency)
BWSR: (Agency -- Local Government)

Can your outcomes be achieved within the current establishment: (State) (Local)

negotiation

Morning

Moderator: Susan Fagrelus

Panel Discussion (Frame Around Questions)

- Nargang, DNR
- Larson, PCA
- Clark, MDA
- Moen, MDH
- Rossman, CO
- Otte, SWCD
- Cobb, WMO
- Roer, Citizen
- Governor's Office

Afternoon

- 1) Assessment of Current Strategic Plan
- 2) Brainstorming (Include Definition)
 - Objectives
 - Outcomes
 - Goals
- 3) Approach and Timeframe
 - September, 1996 (biennial budget)
 - Schedule - after Board meetings?
 - Subcommittee

Attachments

- 1) 1990 Strategic Plan and brief assessment of accomplishments since 1990
- Thoughts for discussion of revisions to the Strategic Plan
 - 1) Monitoring and Oversight and Assessment of LGUs soil and water activities
 - 2) Interagency Coordination - state and federal goals, objectives, outcomes
- 2) Local Government Roles and Responsibilities (SWCDs, Counties, WDs)

Q. 2

Network

OUTCOMES:

DESIGN FOR BWSR BOARD RETREAT

FOCUS?
OUTCOMES: 1) How can resource responsibilities related to water management in MN be best organized? 2) How can BWSR's board staff and linkage to LGs be best organized, given the direction of the legislature?
 APRIL 24TH

TIME	TOPIC	STEPS	MATERIALS	?S/COMMENTS
	PREPARATION			
30 min	WELCOME / PURPOSE / BACKGROUND	1. Welcome 2. Why we're here 3. How we got here		
	EXPECTATIONS / AGENDA	4. Goals/outcomes, with your feedback 5. Process we'll use		
15 min	CONTEXT: ECOLOGICAL SUSTAINABILITY / EFFECTIVE ORGANIZATION OF H ₂ O MGMT RESOURCES	1. Two major contextual pieces for our consideration a. ecol. sust. b. organization of H ₂ O mgmt resources		Outcomes other content
		2. Move toward clearer (?) understanding of water mgmt - collectively shared, and our options for achieving that.		
2 hrs	Agency Perspectives / Enhancing / expanding the state's capacity to manage H ₂ O	1. Introductions 2. Presentations (15 min each)	Questions	communications packet - to fax

TIME	TOPIC	STEPS	MATERIALS	?S/COMMENTS
	Agency Perspectives	3. Debate dialogue activity: create a picture of what it2019 system looks like now, where the gaps are, what can be built upon: strong + weak links	Brief piece on networks	
		NETWORK POLITICAL ORGANIZATIONAL SYSTEM		
	LUNCH			
15m.	NETWORK / ORG MODELS CONT.	What happens if we incorporate the best features of all?		
45 min	CREATE CRITERIA FOR SCENARIOS	1. Given the info from panelists + other relevant info, what are the criteria for organizing it2019 system effectively? 2. Bring in elements of customer service delivery system.		
1 hr.	SCENARIO DEVELOPMENT	1. Identify future scenarios 2. Develop conditions		

20min WRAP

1. Learnings
2. Agenda for 4/25

DESIGN FOR BWSR Retreat

OUTCOMES:

4/25

TIME	TOPIC	STEPS	MATERIALS	?S/COMMENTS
20min	Welcome Back	1. Evaluations 2. Adjustments 3. Agenda.		
1 hr.	SCENARIOS	1. How BWSR is currently responding		
		2. What it needs to do to be effective in future scenarios		
1.5 hr.	Scenario implications	1. For indiv. board members, staff, agencies, other constituents.		
		2. Any info unknown?		
1 hr	POSSIBLE ACTIONS	1. Identify courses of action implicit in the work		
		2. Action		
1 hr.	Summarize retreat for Str. Plan Direction	1. What will we communicate to others to provide direction for the Str. Plan process		

30min WKAP

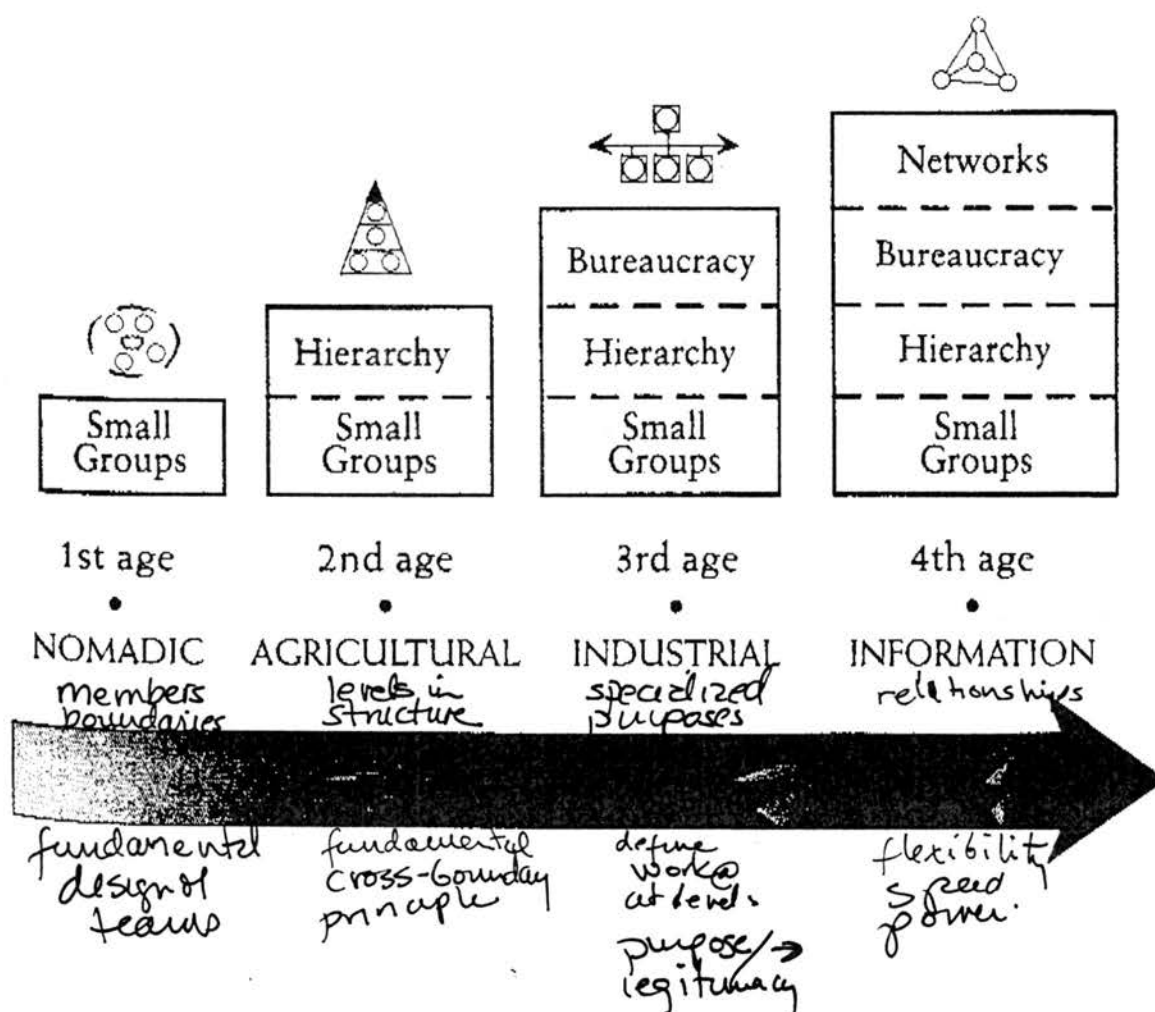
1. Learnings

"ONLY CONNECT": LINKING IN NETWORKS

In 1993, worldwide Internet (the global system linking tens of thousands of computer networks) traffic grew at an incredible annual rate of 341,634 percent.² A new Internet node—home base for another network of people—joined every 10 minutes; a new person signed on every 30 seconds.

A parallel growth in connections is happening in organizations: alliances are forming at an accelerating rate among firms of all sizes. Services are the economy's growth sector, emphasizing people and process, while manufacturing is shrinking, as agriculture did in the Industrial Age.

BUILDING CAPABILITIES



- **Unifying Purpose**

Purpose is the glue and the driver. *Common views, values, and goals hold a network together. A shared focus on desired results keeps a network in synch and on track.*

- **Independent Members**

Independence is a prerequisite for interdependence. *Each member of the network, whether a person, company, or country, can stand on its own while benefiting from being part of the whole.*

- **Voluntary Links**

Just add links. *The distinguishing feature of networks is their links, far more profuse and omnidirectional than in other types of organization. As communication pathways increase, people and groups interact more often. As more relationships develop, trust strengthens, which reduces the cost of doing business and generates greater opportunities.*

- **Multiple Leaders**

Fewer bosses, more leaders. *Networks are leaderful, not leaderless. Each person or group in a network has something unique to contribute at some point in the process. With more than one leader, the network as a whole has great resilience.*

- **Integrated Levels**

Networks are multilevel, not flat. *Lumpy with small groups and clustered with coalitions, networks involve both the hierarchy and the "lower-archy," which leads them to action rather than simply to making recommendations to others.*

1/27/94

**BOARD OF WATER AND SOIL RESOURCES
WHITE TROUT LILY ROOM (LOWER LEVEL)
MOUNT OLIVET RETREAT CENTER
7984 - 25TH STREET WEST
FARMINGTON, MINNESOTA 55024
JANUARY 27, 1994**

Appointed Members Present: Jim Nielsen, Jim Rossman, Howard Peterson, Barbara Cobb, Warren Rodning, Dwain Otte, Tim Hvidsten, Glenn Annexstad, Ted Lovdahl, Kathleen Roer, Barbara Uppgaard, and Marvell Tripp.

Agency Members Present:

Paul Burns, Minnesota Department of Agriculture (MDA)
Wayne Edgerton, Minnesota Department of Natural Resources (DNR)
Fred Bergsrud, Minnesota Extension Service (MES)

Agency Members Absent:

Kim Benson-Johnson, Minnesota Department of Health (MDH)
Wayne Anderson, Minnesota Pollution Control Agency (MPCA)

Staff Present:

Ron Harnack
Jim Birkholz
Wayne Zellmer
Doug Thomas
Jeff Nielsen
Chris Hofstede
Ron Shelito
Al Kean
Bruce Sandstrom
Mary Jo Anderson

Chairman Nielsen called the meeting to order at 12:40 p.m.

Chairman welcomed and introduced new members: Marvell Tripp, Tim Hvidsten, and Glenn Annexstad. Jim Rossman was reappointed.

**
94-01 **Adopt Agenda** - Chairman stated that the Dispute Resolution Committee (DRC) will be moved to the end of the agenda. Moved by Lovdahl, seconded by Rossman, to adopt the agenda as presented. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-02 **Minutes of December 9, 1993** - Moved by Peterson, seconded by Otte, to approve the minutes of December 9, 1993, as circulated. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Executive Director's Report - Ron Harnack reported that agency Legislative Commission on Minnesota Resources (LCMR) proposals are to be submitted to the Department of Finance on Friday. Ron will update members on the proposals next month.

Ron reported that the Wetland Conservation Act (WCA) was a major issue in January, particularly how counties mitigate highway projects the cost of program administration. Ron attended the policy committee meetings of the Association of Minnesota Counties (AMC) last week.

Committee Reports - Chairman Nielsen commented on the committee assignment sheet dated January 17, 1994, (attached). He would like to review the committees again with Ron Harnack and will make assignments at the February meeting. He asked members to contact him with interest for committees.

**
94-03 **Neal Dodd RIM Easement Modification** - Al Kean presented and referred to the January 18, 1994 memo from Marybeth Block (attached). Moved by Dwain Otte, seconded by Jim Rossman, to approve the staff recommendation of Option #4 to release 1.8 acres (1.3 acre access land 33' wide and .5 acre parking area) in exchange for 7.1 acres of native prairie. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-04 **Cost-Share Roll-Over Allocation** - Wayne Zellmer summarized the FY94 roll-over fund allocation (attached). Discussion followed. Wayne said that a synopsis of each project will be provided to members. Wayne explained the criteria that the grant team used to make the allocations, which is consistent with previous years. Moved by Lovdahl, seconded by Tripp, to approve the FY94 cost-share roll-over allocations as recommended by staff. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Pestorous Reinvest in Minnesota (RIM) Reserve Program Easement Violation - Ron Harnack summarized the attached violation and reported that Jennifer Park, Attorney General's office, recommended approval of the settlement agreement for the RIM violation. Discussion followed. Moved by Rodning, seconded by Uppgaard, to accept the Attorney General's recommendation to approve settlement agreement. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Tripp, Uppgaard, and Nielsen. Opposed: Rossman. Carried.

**
94-05

Block Grant/Wetland Conservation Act (WCA) - Doug Thomas summarized the status of the 1994 block grant application (list attached). Staff recommends option A - allowing the grants to be finalized with the understanding that the county is making progress towards adoption of WCA and needs additional time to coordinate with other units of government within the county before final adoption. Discussion followed. Moved by Rossman, seconded by Uppgaard, to accept staff recommendation to approve Option A, and send letter of allocation notification to counties. A letter noting the date of moratorium (March 15) will be sent to counties that have not adopted. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-06

Dispute Resolution Committee Recommendation - Spartz vs. Minnehaha Creek Watershed District (MCWD) - Kathy Roer, chair of the DRC, updated the BWSR on the various appeals the DRC has been hearing. Kathy reported that after hearings and deliberation in the Spartz vs. Minnehaha Creek Watershed District appeal, the DRC's recommendation is to affirm the MCWD's offer to withdraw the contractor's conditional license on this project but continue to ~~allow~~ ^{allow} that the contractor will work with a certified engineer until March when he will need to reapply for a license; and reverse the order to repair the work. Moved by Rossman, seconded by Peterson, to adopt the recommendation of the DRC to affirm paragraphs 3, 4, and 5 and reverse paragraphs 1 and 2 of the Order of the MCWD dated January 27, 1993, in the matter of Shoreline Improvement Contractor's License of Landview Landscaping, Inc. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-07

Watershed District Overall Plan Guidelines - Doug Thomas summarized the staff recommendation guidelines to work with watershed districts (attached). Moved by Peterson, seconded by Lovdahl, that BWSR endorse the proposed draft; staff directed to work with Minnesota Association of Watershed Districts (MAWD) to review guidelines and report back at a future BWSR meeting with recommendation. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-08

Howard Peterson, on behalf of MAWD, invited BWSR to attend their legislative breakfast on March 10 at Kelly Inn, at 7:00 a.m.

Wetland Heritage Advisory Committee (WHAC) - Ron Harnack briefly reported on the

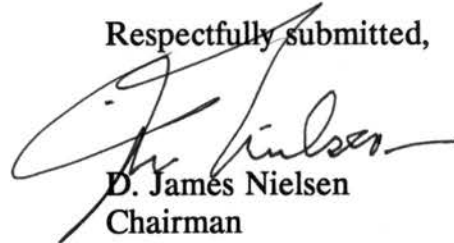
**
94-09

WHAC proposed draft study and report on wetland issues (attached). Staff will distribute information to members when report is received. Discussion followed. Moved by Rodning, seconded by Rossman, that BWSR to receive the WHAC report. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

The BWSR's next meetings are scheduled for February 23, March 23, and April 27.

Chairman Nielsen adjourned the meeting at 2:40 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. James Nielsen", is written over the printed name and title.

D. James Nielsen
Chairman

TO: Water and Soil Resources Board Members

PREPARED BY: Marybeth Block, Easement & Special Programs Coordinator

MB

DATE: January 18, 1994

BACKGROUND:

On August 26, 1993 Mr. Neal Dodd of Pope County made a request that the BWSR release 2.2 acres under a 1986 Perpetual RIM Easement in exchange for 7.1 acres of native prairie adjacent to, but not part of, the easement area. The purpose of this request was to provide an access lane to, and a parking area adjacent to, lakeshore acreage that is not part of the easement area. The BWSR considered the request on October 27, but tabled action pending the acquisition of additional information.

SUMMARY OF TECHNICAL INFORMATION: (refer to attached map as needed)

■ **WCA Wetlands Present:**

Two wetlands protected by the Wetland Conservation Act were identified. One is located within the easement area, the other is partially located on the east property line in the area not encompassed by the easement. No WCA wetlands exist on the 2.2 acres requested to be released.

■ **Landscape - Lakeshore Area not under Easement**

The NE area adjacent to the RIM easement is upland (mainly covered with trees) for approximately 75' wide. Then there is a 15 - 20' wide lake ridge in grass cover. From the top of the lake ridge to the shoreline is approximately 125' of gentle slope covered with grass.

■ **Soil Type**

The area NE of the RIM easement is mapped as La - Lake Beaches, sandy. This soil type is described as mucky sand, sand and loamy sand. Drainage ranges from very poor on level areas where the water table is near the surface (assumed for area below the lake ridge to shoreline) to excessive on the slopes (assumed for lake ridge and upland area).

■ **Pertinent Pope Co. Shoreland Ordinance Standards**

Minimum Lot area is 80,000 sq. feet with a minimum of 200 ft. of shoreline. Lowest floor elevation above the ordinary high water mark is 3 feet. Minimum distance from a lake to a soil treatment septic drain field is 150'.

Note: the township road to the south of the easement area is a minimum maintenance road.

FINDINGS:

While Mr. Dodd is not planning to construct a dwelling on the property, it is important that the board consider the future implications if Mr. Dodd's request is granted. Interpretation of the above information indicates that constructing a dwelling on the property may be done in compliance with the above standards, but it would be difficult due to soil and topographical restrictions.

Mr. Dodd was paid \$433.37 per acre for the land under the perpetual conservation easement. If the 2.2 acres were released it would represent a \$953.14 loss to the state. Mr. Dodd has offered 7.1 acres of native prairie in exchange for the 2.2 acres. While the native prairie is ineligible to enroll as RIM Marginal Agricultural Land, it can be donated to the state. For the purpose of the assessing the value of the land offered for exchange, 1994 RIM non-cropland payment rates of \$333.32 per acre places a value of \$2,366.57 on the proposed donated parcel.

OPTIONS & STAFF RECOMMENDATIONS:

1. **Deny Mr. Dodd's request to remove any acreage from the easement area.**
NOT RECOMMENDED: *The staff does not recommend complete denial of this request. Mr. Dodd enrolled this parcel as a perpetual easement even though limited easements were accepted for enrollment in 1986. He was motivated to enroll the land because it is highly erodible and believed conserving use was the wisest land use decision. At that time he, nor the SWCD personnel assisting him, had the foresight to exclude an access lane. It is common practice today for landowners to exclude access lanes and small lots from the easement area during the easement development stage. The staff does not wish to in any way penalize Mr. Dodd because he enrolled his land at a time when the program was new and the implications of perpetual easements were not fully considered when determining the easement boundaries.*
2. **Amend the easement language to allow access and parking on the 2.2 acres on the easement area.**
NOT RECOMMENDED: *The staff does not feel this option is viable because such an amendment would contradict the provisions of the easement that require the owner not alter wildlife habitat, natural features, the vegetative cover, or other conservation practices on the easement area. This option would be confusing to subsequent landowners, and would make it difficult to assess and enforce potential violations to the easement.*
3. **Accept the landowners proposal to release 2.2 acres (1.2 acre access lane 33' wide and 1.0 acre parking area).**
NOT RECOMMENDED: *The staff feels that 1.0 acre is excessive for a parking area and recommends option #4.*
4. **Release 1.8 acres (1.3 acre access lane 33' wide and .5 acre parking area) in exchange for 7.1 acres of native prairie.**
RECOMMENDED: *The staff feels that this compromise facilitates the landowner's request for access and parking but does not release excess acreage.*

I-8

OPE CO. NOT TO SCALE

2-177
T1418
WB

21.3 30.3
WBP

28

2-315
T1459

2-316
T1461
Pema

R.I.M.
APPROXIMATELY
1.0 ACRE

7.1 ac
Native
Prairie
ex-
change

ACCESS
LANE

2-317
T1463
P.Falc
508

2-318
T1460
4
27.5

2
10.0

2-54
T1408

2-125

Neal Dodd
Rt. 2 Box 115
Montevideo, Mn. 56265

Date: August 26, 1993

Minnesota Board of Water and Soil Resources

To: Mary Miller

SUBJECT: RIM EASEMENT

Dear Mary,

This proposal is regard to RIM Easement #61-07-86-1.

We are in the process of selling this property and would like to exchange 7.1 acres (shown on map) not in Rim for approx. 5.2 acres, currently in Rim. The new owner needs to have an adequate access lane and established guideline at North end of property.

It is important to understand that very little, if any of the habitat on the 5.2 acres will be disturbed.

I am enclosing a map of the property with the detailed measurements drawn in.

Kim Kruger (Pope Soil & Water Conservation District) has worked with me on all of my Rim planning and helped put this proposal together.

I would ask that you contact him, and or, myself if you have any questions or suggestions on this proposal,

Thank you,

Neal Dodd

Neal Dodd
Rt. 2 Box 115
Montevideo, Mn. 56265

Date: August 26, 1993

Minnesota Board of Water and Soil Resources

To: Mary Miller

SUBJECT: RIM EASEMENT

*will
send
letter
for
SWCD
30*

Dear Mary,

This proposal is regard to RIM Easement #61-07-86-1.

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I would ask that you contact him, and or, myself if you have any questions or suggestions on this proposal,

Thank you,

Neal Dodd

January 17, 1994
Draft Committees (CMTE.94)

**BWSR COMMITTEE ASSIGNMENTS
JANUARY 1994**

DISPUTE RESOLUTION COMMITTEE - (2 citizen members, 1 swcd supervisor, 1 county commissioner, and 1 water management member)

Responsibility: The DRC is responsible for hearing appeals of watershed district permits; appeals of other watershed district decisions; appeals relating to the wetland conservation act rule decisions of local governments; water policy conflicts between local governments; appeals of state agencies water decisions that are of a policy nature; develop rules for the operation of the DSR and other issues as assigned by the Chair or the Board.

Authority: The authority of the DSR is established in statute and as given by the Board. Under current interum guidelines the DSR hears the issues and makes recommendations to the Board. The DSR is called by the Chair of the DSR, who is appointed by the Chair of the Board.

Membership: The DSR is appointed by the Chair of the Board with no specific term. The current members are:

* Kathleen Rohr, Chair, (citizen)	612-475-0789
* Jim Nielsen (citizen)	612-343-2806
* Jim Rossman (county commissioner)	507-282-2890
* Ted Lovdahl (swcd supervisor)	218-743-3686
* Howard Peterson (watershed manager)	612-934-2050
* Staff: Doug Thomas	612-297-5617

EDUCATION COMMITTEE

Responsibility: The education committee is responsible for the development of a education strategy for the Board; establishing annual objectives; assessing the education initiative of the Board; updating the education strategy to meet the needs of the Boards clientele.

Authority: The authority of the education committee is determined by the Board. The education committee meets 4 times a year and brings initiatives, recommendations and plans to the Board for consideration and endorsement. Once a plan is approved the education committee provides annual oversight of the implementation of the plan and reports to the Board at regular Board meetings. The Chair of the Education Committee also serves as the Board's member to the Environmental Education Advisory Board.

Membership: The education committee is a standing committee that is appointed by and serves at the discretion of the Chair of the Board. Current members are:

* Sharon Clark, Chair (citizen)	resigned from BRD
---------------------------------	-------------------

* Don Ogaard	(watershed)	resigned from Brd
* Kathleen Rohr	(citizen)	612-475-0789
* Warren Rodning	(county commissioner)	507-246-5291
* Fred Bergsrud	(minnesota extension)	
* Staff: Susan Tsakakis		
* LeAnn Buck	(MASWCD)	
* Bob Mostad	(MAWD, Sauk River Watershed District)	
* Kitty Tepley	(MACDE, Morrisison SWCD)	
* Tim Wagar	(Minnesota Extension)	

FEEDLOT ADVISORY COMMITTEE

Responsibility: The committee was established to provide Board participation on the Feedlot Advisory Group (FLAG) and to provide input to the Board on issues relating to feedlot activities of the Board. The committee will review cost-share requests where enforcement actions have been initiated and make recommendations to the Board on the request.

Authority: The Feedlot Advisory Committee is advisory only. The committee has authority to speak on behalf of the Board at meetings of FLAG and other meetings relating to feedlot issues. The committee has the authority to review requests relating to cost-share where to the landowner is under enforcement actions. The committee makes recommendations to the Board. The committee reports to the Board at the regular monthly meetings.

Membership: The committee is appointed by and serves at the discretion of the Chair of the Board. The current members are:

* Jim Rossman, Chair	(county commissioner)
* Ted Lovdahl	(swcd supervisor)
* Staff: Al Kean	

RIM RESERVE STRATEGIC PLAN COMMITTEE

Responsibility: The committee has the responsibility to advise the Board on the development and implementation of the RIM strategic plan.

Authority: The committee is advisory only. The committee has the authority to attend RIM Reserve policy and program meetings to maintain a perspective of the RIM Reserve policy and program issues and options.

Membership: The committee is appointed by and serves at the discretion of the Chair of the Board. The current membership is:

* Barb Cobb	(water management organization)
* John Bolton	(swcd supersivor)
* Barbara Upgaard	(county commissioner)
* Staff: Marybeth Block	

SOIL MANAGEMENT STRATEGIC COMMITTEE

Responsibility: The committee is responsible for development of a

implementation strategy to achieve the goals for soil conservation as defined in the Strategic Plan of the Board.

Authority: The committee is advisory. The committee has the authority to attend meetings relating to the responsibilities of the committee and to make recommendations to the Board on policy, rules, and fiscal issues relating to the implementation of a soil conservation program.

Membership: The committee is appointed by and serves at the discretion of the Chair of the Board. Current membership is:

- * Don Ogaard (watershed manager) resigned Brd
- * Dwain Otte (swcd supervisor)
- * Staff: Dave Behm

WATER PLAN REVIEW COMMITTEE

Responsibility: The committee has the responsibility to review county water plans, water management organization plans, watershed district overall plans, and amendments to same and to advise the Board on the adequacy of the plans.

Authority: The committee is advisory. The committee has the authority to schedule and attend meetings to review plans and make recommendations regarding adequacy at the next Board meeting.

Membership: The committee is ad hoc and is appointed by the Chair of the Board on a as need basis.

LGU COMPREHENSIVE PLAN COORDINATION COMMITTEE

Responsibility: The committee has the responsibility to advise the Board on the following issues: a) Policy of the Board relating to compliance with the development of and the reporting on metro water management plans; b) the revision of rules relating to the development of second generation county water plans; c) policies relating to the coordination and or integration of county water plans, watershed district overall plans, soil & water conservation district comprehensive plans and metro surface and ground water plans.

Authority: The committee is advisory. The committee has the authority to schedule and attend meetings to carry out their responsibilities. The committee makes reports to the Board at regular meetings. Specific issues for Board discussion will be scheduled at special agenda items at regular Board meetings.

Membership: The committee is appointed by and serves at the discretion of the Chair of the Board. Membership is:

- * Barb Cobb, Chair (WMO)
- * Barbara Upgaard (Co. Cmsr)
- * Dwain Otte (SWCD)

- * Howard Peterson (WD)
- * Jim Nielsen (citizen)
- * Staff: Doug Thomas

Statutory Committees or Boards to which the Board is Assigned Membership:

Environmental Quality Board (EQB)

Statute requires that the Chair represent the Board. The EQB meets every third Thursday of the month. Related committees of the EQB:

- * EQB\Water Resources Committee - Ron Harnack
- * EQB Tech Advisory Committee - Doug Thomas

Environmental Education Advisory Board

The Board's representative is appointed by and serves at the discretion of the Chair of the Board.

- * Chair of the Board's Education Committee
- * Staff: Susan Tsakakis

Advisory Council on Wells & Borings

The Board's representative is appointed by and serves at the discretion of the Chair of the Board.

- * Warren Rodning (county commissioner)
- * Staff: Eric Mohring

Pesticide Advisory Committee

The Board's representative is appointed by and serves at the discretion of the Chair of the Board.

- * John Bolton (swcd)
- * Ted Lovdahl, alternate (swcd)
- * Staff: Dave Behm

FY 94 ROLL-OVER FUND ALLOCATION

SUMMARY

Number or applications received: 70
 Funds requested: \$851,482
 Funds available: \$208,000
 Applications recommended for funding: \$208,000

ALLOCATION STRATEGY

Due to the great disparity between funds requested and funds available, it was the BWSR staff Grants Team's goal to divide the funds available amongst as many SWCDs as possible, while funding as many practices as possible and to not target a specific practice(s) or geographic area. Late applications would be prioritized low.

Some of the roll-over applications were funded by FEMA, as part of the flood recovery effort. It was also part of the Grants Team's strategy to fund projects with FEMA funds before roll-over funds. Application #23 may yet be funded by FEMA. If it is funded by FEMA, the \$6,731 will be allocated to another SWCD.

A summary of projects funded by FEMA via BWSR's flood recovery effort, follows this roll-over report. This report is titled "FEMA ASSISTANCE REQUESTS FROM BWSR." These projects were damaged by last summer's storms and were previously funded through BWSR.

The following is a list of all roll-over applications received. The Grants Team recommends projects listed in **bold** be funded.

#	DISTRICT	PRACTICE	AMOUNT
1	Cass	SLR (lake)	7,100.00
2	Kanabec	ECS	50,000.00
3		AWCS	35,000.00
4		AWCS	30,000.00
5	Scott	SWCS-wascobs	3,301.00
6		SWCS-waterway	1,500.00
7		SWCS-(side inlet structure)	2,250.00
8		SWCS-waterway, wascob, grade stab.	15,000.00
9		SWCS-grade stab.	15,000.00
10	Chippewa	SLR (stream)	10,000.00
11	Stearns	SLR (stream)	7,500.00
12	Traverse	Field Windbreaks	20,000.00 (10,000.00)
13	Marshall-Beltrami	ECS	1,654.00

#	DISTRICT	PRACTICE	AMOUNT
14	Rice	Terraces	7,500.00
15		Terraces	1,500.00
16	Watonswan	SWCS-waterway	1,556.00
17	Steele	SWCS-wascobs	10,000.00
18	Pennington	SWCS-grade stab.	9,450.00
19		SLR (stream)	5,538.40
20	West Polk	ECS, CAS	20,000.00
21	Lincoln	SWCS-wascobs	8,699.00
22		*well sealing	10,500.00
23	Kandiyohi	SLR (roadside)	6,731.00
24	Carver	SWCS-road culverts?	4,700.00
25		SWCS-ecs?	5,000.00
26	South St. Louis	SLR (lake)	20-50K
27		SLR (stream)	4,000.00
28		SLR (road)	2,500.00
29	Blue Earth	AWCS	15,000.00
30		AWCS	22,500.00
31		AWCS	29,480.00
32	Freeborn	SWCS-wascobs	4,395.00
33		SWCS-grade stab.	1,275.00
34	Goodhue	SLR (stream)	50,000.00
35		SWCS-waterway	4,000.00
36		SWCS-waterway	1,250.00
37	Dakota	SWCS-wascobs	6,600.00
38		SWCS-waterway	1,350.00
39		SWCS-waterway	1,500.00
40		SWCS-waterway	3,300.00
41	Jackson	SWCS-waterway	1,500.00
42		SWCS-waterway	750.00
43		SWCS-waterway	750.00
44		SWCS-waterway	1,500.00
45		SWCS-waterway	1,125.00
46	Aitkin	SLR (lake)	8,000.00
47	Fillmore	Terraces	100,000.00 (12,018.00)

rec.
for
funding

tentative

#	DISTRICT	PRACTICE	AMOUNT
48	Nobles	CAS, SWCS-waterways Diversions	21,787.00 (13,600.00)
49	Brown	AWCS	14,150.00
50		AWCS	25,950.00
51		AWCS	28,875.00
52	Anoka	CAS-slr?	27,000.00
53		SLR (stream)	30,000.00
54	Pipestone	SWCS-waterway	6,430.00
55		SWCS-waterway	5,300.00
56		SWCS-waterway	2,128.00
57		SWCS-waterway	11,650.00
58		*well sealing	6,333.57
59	Rock	Terraces	4,044.00
60		Terraces	7,950.00
61		Terraces	5,250.00
62		Terraces	8,702.00
63		Terraces	8,000.00
64		AWCS	8,500.00
65		Terraces	1,688.00
<u>LATE APPLICATIONS</u>			
66	Wabasha	ECS	5,250.00
67		SWCS-?	5,625.00
68	Kittson	SLR (stream)	5,000.00
69	Norman	AWCS	23,017.50
70	Blue Earth	AWCS	15,000.00

* well sealing is not an approved practice

acronyms

AWCS-animal waste control system
 SLR-streambank, lakeshore, and roadside
 SWCS-stormwater control system
 ECS-erosion control structure
 CAS-critical area stabilization
 wascob-water and sediment control basin

FEMA ASSISTANCE REQUESTS FROM BWSR

SWCD DISTRICT	PROGRAM	LANDOWNER	REPAIRS	TECHNICAL	ADMINISTRATIV	TOTAL	DIST. TOTAL
CARVER	SLR	DAKOTA RAIL	\$5,146.00	\$514.60	\$566.10	\$6,226.70	
CARVER	COST/SHA	RON OLSON	\$4,200.00	\$420.00	\$462.00	\$5,082.00	
CARVER	RIM	FRANK SIMON	\$8,400.00	\$840.00	\$924.00	\$10,164.00	
CARVER	SLR	CITY CARVER	\$248,000.00	\$24,800.00	\$27,280.00	\$300,080.00	\$321,552.70
COTTONWOOD	RIM	HENRY VONK	\$2,700.00	\$270.00	\$297.00	\$3,267.00	
COTTONWOOD	RIM	DEAN STENZE	\$5,000.00	\$500.00	\$550.00	\$6,050.00	\$9,317.00
FREEBORN	COST/SHA	BURROWS FA	\$2,600.00	\$260.00	\$286.00	\$3,146.00	
FREEBORN	COST/SHA	NEIL ANDERS	\$2,250.00	\$225.00	\$247.50	\$2,722.50	
FREEBORN	COST/SHA	HILLIARD THO	\$500.00	\$50.00	\$55.00	\$605.00	\$6,473.50
GOODHUE	COST/SHA	BRIAN FLOM	\$9,000.00	\$900.00	\$990.00	\$10,890.00	
GOODHUE	COST/SHA	RODNEY RAU	\$7,900.00	\$790.00	\$869.00	\$9,559.00	
GOODHUE	COST/SHA	LARRY BUCHT	\$10,600.00	\$1,060.00	\$1,166.00	\$12,826.00	\$33,275.00
JACKSON	RIM	MIKE DEWALL	\$2,810.00	\$281.00	\$309.10	\$3,400.10	
JACKSON	RIM	ROBERT MAD	\$270.00	\$27.00	\$29.70	\$326.70	
JACKSON	RIM	IDA, BETH AM	\$700.00	\$70.00	\$77.00	\$847.00	
JACKSON	RIM	WILBERT HAR	\$500.00	\$50.00	\$55.00	\$605.00	
JACKSON	RIM	CLAYTON PEL	\$520.00	\$52.00	\$57.20	\$629.20	
JACKSON	RIM	ROBERT PELZ	\$2,000.00	\$200.00	\$220.00	\$2,420.00	\$8,228.00
LINCOLN	COST/SHA	MARGE JERZA	\$1,000.00	\$100.00	\$110.00	\$1,210.00	
LINCOLN	COST/SHA	DONALD EVER	\$1,500.00	\$150.00	\$165.00	\$1,815.00	\$3,025.00
LYON	RIM	RON WEIDAUE	\$3,000.00	\$300.00	\$330.00	\$3,630.00	\$3,630.00
MAHNOMEN	COST/SHA	ART SWEEP	\$550.00	\$55.00	\$60.50	\$665.50	\$665.50
MARTIN	COST/SHA	L. P. NEPPL	\$5,000.00	\$500.00	\$550.00	\$6,050.00	
MARTIN	COST/SHA	W. LINDELL	\$1,345.00	\$134.50	\$147.95	\$1,627.45	
MARTIN	COST/SHA	H. ARMBRUST	\$2,500.00	\$250.00	\$275.00	\$3,025.00	
MARTIN	COST/SHA	D. BREMER	\$5,000.00	\$500.00	\$550.00	\$6,050.00	
MARTIN	COST/SHA	RADENUS PAR	\$2,154.00	\$215.40	\$236.94	\$2,606.34	\$19,358.79
MURRAY	COST/SHA	R.J. HEGER	500	\$50.00	\$55.00	\$605.00	\$605.00
NOBLES	COST/SHA	A. KRUSE	\$2,200.00	\$220.00	\$242.00	\$2,662.00	
NOBLES	COST/SHA	G. KRAMER	\$1,300.00	\$130.00	\$143.00	\$1,573.00	
NOBLES	COST/SHA	F. GOEBEL	\$4,700.00	\$470.00	\$517.00	\$5,687.00	
NOBLES	COST/SHA	V. EICKHOFF	\$2,000.00	\$200.00	\$220.00	\$2,420.00	\$12,342.00
WEST POLK	COST/SHA	JON NELSON	\$410.00	\$41.00	\$45.10	\$496.10	\$496.10
REDWOOD	SLR	CTTNWD RVR	\$50,000.00	\$5,000.00	\$5,500.00	\$60,500.00	
REDWOOD	RIM	SEE ATTD	\$24,767.00	\$2,476.75	\$2,724.43	\$29,968.18	\$90,468.18
ROCK	COST/SHA	A. BOUVE	\$8,000.00	\$800.00	\$880.00	\$9,680.00	
ROCK	COST/SHA	V. SANDAGER	\$9,500.00	\$950.00	\$1,045.00	\$11,495.00	\$21,175.00
WATONWON	RIM	S. JOHNSON	\$750.00	\$75.00	\$82.50	\$907.50	
WATONWON	RIM	K. KOLSTAD	\$1,200.00	\$120.00	\$132.00	\$1,452.00	
WATONWON	RIM	P. SCHMITZ	\$400.00	\$40.00	\$44.00	\$484.00	
WATONWON	COST/SHA	A. NOVEN	\$937.90	\$93.79	\$103.17	\$1,134.86	
WATONWON	COST/SHA	H. WOLLE	\$400.00	\$40.00	\$44.00	\$484.00	
WATONWON	COST/SHA	H. REED	\$761.00	\$76.10	\$83.71	\$920.81	
WATONWON	COST/SHA	S. KELSEY	\$600.00	\$60.00	\$66.00	\$726.00	
WATONWON	COST/SHA	V. ENGER	\$470.00	\$47.00	\$51.70	\$568.70	\$6,677.87
YELLOW MEDICI	COST/SHA	E. SCHWARTZ	\$300.00	\$30.00	\$33.00	\$363.00	
YELLOW MEDICI	COST/SHA	R. VANDEROS	\$800.00	\$80.00	\$88.00	\$968.00	
YELLOW MEDICI	COST/SHA	M. SCHRUNK	\$4,000.00	\$400.00	\$44.00	\$4,444.00	
YELLOW MEDICI	SLR	WTRSHD DIST	\$1,000.00	\$100.00	\$110.00	\$1,210.00	
YELLOW MEDICI	SLR	WTRSHD DIST	\$163,600.00	\$16,360.00	\$17,996.00	\$197,956.00	\$204,941.00
			\$613,740.90	\$61,374.14	\$67,115.60	\$742,230.64	\$742,230.64

STATE OF MINNESOTA
Office of the Attorney General

TO : ~~RONALD HARNACK~~, JIM BIRKHOLZ
and MARYBETH BLOCK

DATE : January 14, 1994

FROM : JENNIFER K. PARK *JKP*
Assistant Attorney General

PHONE: 296-0695 (Voice)
296-7000 (TDD)

SUBJECT: SETTLEMENT AGREEMENT FOR RIM VIOLATION

Attached is a revised draft of the Settlement Agreement and Amended RIM Easement ("Agreement") for the RIM violation in Freeborn County. I think this matter should be presented to the Board at the meeting on January 27, 1994, if at all possible.

As I explained in my earlier memo dated 12-8-93, the Agreement provides that Pestorous (the original RIM landowner) will extend the 10-year easement by 4 years on a 2.35 acre riparian buffer strip on the original RIM easement. Kogel, the current landowner who built a house on a 0.98 acre parcel of the RIM easement, will pay BWSR \$500.00 for the administrative costs of processing this agreement.

I was fortunately able to convince Kogel's title insurance company, Old Republic, to reimburse Kogel for his liability under the Agreement (see my attached letter to Old Republic). Pestorous has already agreed in principle to the amended RIM Easement. The only thing that needs to be added to this draft is a legal description of the buffer strip and an Exhibit A.

I strongly recommend that the Board approve this Agreement because it is a reasonable way for BWSR to enforce its rights not only against the original RIM landowner, but against the subsequent landowner as well. Although BWSR had no direct contract with the title insurance company ("privity of contract" in legal jargon), we were able to work with the title company to facilitate our settlement with the RIM landowners. Most importantly, the natural resources are protected through the extended RIM easement.

Please inform me of the Board's action on this Agreement so that we can then forward a final executed copy to the Insurance Company for payment to Kogel.

JKP/ac1



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

PUBLIC RESOURCES SECTION
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155-4199
TELEPHONE: (612) 297-1075

January 13, 1994

Beverly Everson, Esq.
Old Republic National Title Insurance Company
400 Second Avenue South
Minneapolis, MN 55401

Re: Title Policy for Ryan A. Kogel and Michelle R. Kogel
Policy No. SV2076559
Claim No. 21254
RIM ID No. 24-03-86-01

Dear Ms. Everson:

I am writing to confirm our telephone conversation on January 11, 1994, in which you informed me that Old Republic will reimburse Mr. and Mrs. Ryan Kogel for their liability to the State in the amount of \$500.

As I indicated, I will send you a copy of the executed Settlement Agreement after the Board of Water and Soil Resources approves it at the next scheduled Board meeting. At that point, we would ask that you send a check for \$500 to Mr. and Mrs. Kogel, who would then endorse it over to the State of Minnesota to satisfy their liability under the Settlement Agreement.

Thank you for your prompt attention and cooperation in this matter. We are very pleased that we were able to resolve this matter amicably and expeditiously.

Very truly yours,

A handwritten signature in cursive script that reads "Jennifer K. Park".

JENNIFER K. PARK
Assistant Attorney General

(612) 296-0695

cc: Ryan and Michelle Kogel
✓ Ronald Harnack, BWSR Executive Director
Jim Birkholz, BWSR Assistant Director
Marybeth Block, Easement Coordinator
Jeff Nielsen, BWSR Regional Supervisor

DRAFT 1-14-94

SETTLEMENT AGREEMENT AND AMENDED RIM EASEMENT

This Settlement Agreement and Amended RIM Easement ("Agreement"), made this ____ day of January 1994, is made by and between Gerald M. Pestorious and Elna I. Pestorious, husband and wife (collectively, "Pestorious"), Ryan A. Kogel and Michelle R. Kogel, husband and wife (collectively, "Kogels"), and the State of Minnesota, by and through its Board of Water and Soil Resources ("BWSR").

WHEREAS, on March 27, 1987, Pestorious granted a Limited "RIM" Reserve Conservation Easement, RIM I.D. No. 24-03-86-01 ("RIM Easement") to the State of Minnesota, acting by and through its Commissioner of Agriculture; and

WHEREAS, the RIM Easement was a limited 10-year easement which expires on March 27, 1997; and

WHEREAS, the RIM Easement was recorded in the Office of the County Recorder for Freeborn County on September 22, 1987 as Document No. 325303; and

WHEREAS, BWSR has been substituted for the Commissioner of Agriculture as the agency having jurisdiction over RIM Reserve Conservation Easements by act of the legislature found in Chapter 353, Section 2-11, Laws of 1989; and

WHEREAS, pursuant to the RIM Easement, the State of Minnesota paid Pestorious the sum of \$13,959.00 for placing 27.0 acres under the RIM Easement, which Easement covered following described land, to wit:

Part of the NW 1/4 SW 1/4 NE 1/4;
Part of the W 1/2 SW 1/4 SW 1/4 NE 1/4;
Part of the N 1/2 NE 1/4 SW 1/4 NE 1/4;
Part of the NW 1/4 SE 1/4 NE 1/4;
Part of the N 1/2 SW 1/4 SE 1/4 NE 1/4;
Part of the NW 1/4 SE 1/4 SE 1/4 NE 1/4;
Part of the W 1/2 NE 1/4 SE 1/4 NE 1/4;

Part of the S 1/2 SE 1/4 NW 1/4 NE 1/4;
Part of the S 1/2 SW 1/4 NE 1/4 NE 1/4;
Part of the SW 1/4 SE 1/4 NE 1/4 NE 1/4;
ALL IN Sec. 10, T. 102 N, R. 22 W., Freeborn County, Minnesota; and

WHEREAS, the RIM Easement prohibited, among other things, the alteration of wildlife habitat or other natural features, construction or placement of permanent, temporary, or mobile buildings, structures, or fixtures upon the easement unless specifically approved by the Commissioner of Agriculture, and spraying with chemicals or mowing upon the easement except as provided therein; and

WHEREAS, the RIM Easement further provided that Pestorious would maintain permanent vegetative cover and supporting conservation practices on the easement area; and

WHEREAS, the RIM Easement further provided that the easement and the covenants and agreements contained therein shall run with the land, and shall be binding on all persons and entities who shall come into ownership or possession of the lands subject to the easement; and

WHEREAS, the RIM Easement further provided that Pestorious would notify the State in writing at least 30 days prior to the sale or transfer of the lands subject to the easement; and

WHEREAS, on February 10, 1993, pursuant to a warranty deed, Pestorious sold to Kogels a 0.98 acre parcel of land for the sum of \$10,000.00, which parcel of land was located on the RIM Easement and is legally described as follows, to wit:

Lot 1, Block 1, Westcrest Addition in the W 1/2 NE
1/4, Sec. 10, T. 102 N., R. 22 W., Freeborn County,
Minnesota; and

WHEREAS, Pestorious did not notify BWSR that they had sold a portion of the RIM Easement area; and

WHEREAS, Kogels purchased title insurance from Albert Lea Abstract Company, an agent for Old Republic National Title Insurance Company ("Old Republic"), for the

land they purchased from Pestorious, which title insurance policy did not disclose the existence of the RIM Easement on the land purchased; and

WHEREAS, neither Pestorious nor Kogel were aware that the land purchased was subject to the RIM Easement; and

WHEREAS, Kogels began construction of their house on the RIM Easement on April 1, 1993; and

WHEREAS, BWSR is authorized to enforce RIM easements through specific performance, injunctive relief, or monetary damages, including attorney's fees, pursuant to Minn. Stat. sec. 103F.515, subd. 9 (1992). The amount of monetary damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater; and

WHEREAS, the RIM Easement provides that the damages for enforcement of the easement may not exceed the total amount paid under the easement with interest from the date of default; and

WHEREAS, BWSR is authorized to modify conservation easements pursuant to Minn. Stat. Sec. 84C.02(a) (1992); and

WHEREAS, Old Republic has agreed to reimburse Kogel for his liability to the State under this Settlement Agreement.

NOW, THEREFORE, the parties agree as follows:

1. This Agreement is contingent on approval by the entire Board of Water and Soil Resources.
2. In order to compensate the State of Minnesota for the lost natural resources, Pestorious hereby amends the RIM Easement by extending the term of the RIM Easement by four years, which Amended RIM Easement shall expire on March 27, 2001. The Amended RIM Easement shall consist of a 33-foot wide riparian buffer strip around the portion of Lake Valhalla that borders the RIM Easement, which area covers approximately

2.35 acres. The Amended Rim Easement is shown on the attached Exhibit A, which is incorporated herein by reference, and covers the following described land, to wit:

[Insert Legal description for Buffer Strip]

3. The Amended RIM Easement is subject to the same terms as the original RIM Easement and the original conservation plan on file with the Soil and Water Conservation District Office for Freeborn County. The Amended RIM Easement shall run with the land and shall be binding on Pestorious, their heirs, successors and assigns.

4. In order to compensate the State of Minnesota for its administrative costs in enforcing the RIM Easement, upon execution of this Agreement, Kogels shall promptly obtain from Old Republic a check in the amount of \$500.00, which check Kogels shall endorse over to "State of Minnesota" and promptly forward to the Minnesota Board of Water and Soil Resources, 155 South Wabasha Street, Suite 104, St. Paul, MN 55107, attn: Marybeth Block.

IN TESTIMONY WHEREOF, the parties have set their hands.

GERALD M. PESTORIOUS

ELNA I. PESTORIOUS

RYAN A. KOGEL

MICHELLE R. KOGEL

STATE OF MINNESOTA
Board of Water and Soil Resources

Director

ACKNOWLEDGEMENT

STATE OF MINNESOTA)
) ss.
COUNTY OF FREEBORN)

The foregoing instrument was acknowledged before me this _____ day of _____, 1994, by Gerald M. Pestorious and Elna I. Pestorious, husband and wife.

Notary Public

Notary seal or stamp

ACKNOWLEDGMENT

STATE OF MINNESOTA)
) ss.
COUNTY OF FREEBORN)

The foregoing instrument was acknowledged before me this _____ day of _____, 1994, by Ryan A. Kogel and Michelle R. Kogel, husband and wife.

Notary Public

Notary seal or stamp

ACKNOWLEDGEMENT BY STATE

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 1994, by _____, to me known to be the _____ Director of the Board of Water and Soil Resources.

Notary Public

Notary seal or stamp

APPROVED AS TO FORM AND EXECUTION
BY THE ATTORNEY GENERAL

BY _____
Assistant Attorney General

Dated _____

COMMISSIONER OF ADMINISTRATION

By _____

Dated _____

COMMISSIONER OF FINANCE

BY _____

DATED _____

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer K. Park
Assistant Attorney General
520 Lafayette Road, Suite 200
St. Paul, Minnesota 55155

PARK.AB6

(Attachment)

STATUS OF 1994 BLOCK GRANT APPLICATION
WCA ADOPTION & LOCAL MATCH

	DATE APPLICATION REC.	BLOCK RESOLU. OK	COUNTY WCA ADOPTION	WCA CASH MATCH	WCA INKIND MATCH	BWSR WCA GRANT
AITKIN	1/15/94	YES	YES			36000
ANOKA	1/15/94	YES	METRO			36000
BECKER	1/14/94	YES	YES	8350	8350	16700
BELTRAMI	1/14/94	NO	3/15/94	18000	18000	36000
BENTON	1/5/94	YES	YES	8600	27400	36000
BIG STONE	1/5/94	YES	?			10000
BLUE EARTH	1/14/94	YES	2/94	0	19200	19200
BROWN	1/12/94	YES	YES	5000	5000	10000
CARLTON	1/13/94	YES	YES	9600	9600	19200
CARVER	1/12/94	NO	METRO	0	36000	36000
CASS	1/13/94	NO	YES	6000	30000	36000
CHIPPEWA	1/14/94	YES	YES	5000	5000	10000
CHISAGO	1/14/94	MAYBE	YES	0	26700	26700
CLAY	1/10/94	YES	YES	3750	3750	7500
CLEARWATER	1/15/94	YES	3/8/94	9600	9600	19200
COOK	1/13/94	NO	YES	0	12000	12000
COTTONWOOD	1/8/94	YES	YES	0	10000	10000
CROW WING	1/13/94	YES	YES	6000	30000	36000
DAKOTA	1/11/94	MAYBE	METRO	36000	0	36000
DODGE	1/14/94	YES	YES	0	16700	16700
DOUGLAS	1/13/94	YES	YES	9600	9600	19200
FARIBAULT	1/12/94	YES	YES	5000	5000	10000
FILLMORE	1/14/94	YES	YES	5000	5000	10000
FREEBORN	1/12/94	NO	2/94	5000	5000	10000
GOODHUE	1/14/94	MAYBE	YES	8350	8350	16700
GRANT	1/13/94	YES	YES	11072	0	10000
HENNEPIN	1/14/94	NO	METRO	30000	6000	36000
HOUSTON	1/12/94	YES	YES	5000	7200	12200
HUBBARD	1/15/94	YES	YES	13350	13350	26700
ISANTI	1/12/94	NO	YES	0	27000	26700
ITASCA	1/11/94	YES	YES	9600	9600	19200
JACKSON	1/14/94	YES	YES	0	10000	10000
KANABEC	1/13/94	YES	YES	13350	13350	26700
KANDIYOHI	1/10/94	YES	YES	9600	9600	19200
KITTSO	1/13/94	NO	1/18/94	2315	7014	9329
KOOCHICHING	1/15/94	YES	2/28/94	0	19200	19200
LAC QUI PARLE	1/15/94	YES	SOON	0	10000	10000
LAKE	1/12/94	YES	EARLY 94	0	16700	16700
LAKE OF THE WOODS	1/13/94	YES	YES	13350	13350	26700
LE SUEUR	1/13/94	YES	1/25/94	0	16700	16700
LINCOLN	12/28/93	YES	YES	0	10000	10000
LYON	1/13/94	YES	YES	0	10000	10000
MCLEOD	1/14/94	YES	YES	0	16700	16700
MAHNOMEN	1/6/94	YES	YES	0	12200	12200
MARSHALL	1/13/94	YES	3/15/94	0	19200	19200
MARTIN	1/11/94	YES	YES	5000	5000	10000
MEEKER	1/13/94	YES	YES	2206	13804	19200
MILLE LACS	1/13/94	YES	YES	9600	9600	19200
MORRISON	1/13/94	YES	YES	13350	13350	26700
MOWER	1/13/94	YES	YES	6100	6100	12200
MURRAY	1/12/94	YES	YES	0	10000	10000
NICOLLET	1/11/94	MAYBE	YES	0	16700	16700

STATUS OF 1994 BLOCK GRANT APPLICATION
WCA ADOPTION & LOCAL MATCH

	DATE APPLICATION REC.	BLOCK RESOLU. OK	COUNTY WCA ADOPTION	WCA CASH MATCH	WCA INKIND MATCH	BWSR WCA GRANT
NOBLES	12/29/93	YES	YES	5000	5000	10000
NORMAN	1/13/94	YES	YES	6100	6100	12200
OLMSTED	1/14/94	YES	1/25/94	0	26700	26700
OTTER TAIL	1/14/94	NO	YES	0	19200	19200
PENNINGTON	1/15/94	YES	YES	9616	7084	16700
PINE	1/12/94	YES	YES	26700	0	26700
PIPESTONE	1/13/94	YES	YES	0	10000	10000
POLK	1/10/94	MAYBE	YES	0	16700	16700
POPE	1/15/94	YES	1/18/94	0	12200	12200
RAMSEY	1/3/94	MAYBE	METRO	0	26700	26700
RED LAKE	1/12/94	YES	YES	0	12200	12200
REDWOOD	1/10/94	YES	YES	0	10000	10000
RENVILLE	1/11/94	YES	YES	0	10000	10000
RICE	1/13/94	YES	1/28/94	5000	14200	19200
ROCK	1/14/94	YEES	YES	0	10000	10000
ROSEAU	1/14/94	YES	2/94	0	26700	26700
ST. LOUIS	1/13/94	NO	YES	47515	0	26700
SCOTT	1/15/95	MAYBE	METRO	27300	26000	36000
SHERBURNE	1/12/94	YES	YES	18000	18000	36000
SIBLEY	1/14/94	YES	YES	5000	7200	12200
STEARNS	1/14/94	YES	YES	0	36000	36000
STEELE	1/11/94	YES	YES	0	12200	12200
STEVENS	1/3/94	YES	YES	0	10000	10000
SWIFT	1/14/94	YES	YES	0	12200	12200
TODD	1/12/94	YES	YES	9600	9600	19200
TRAVERSE	1/12/94	YES	YES	5000	5000	10000
WABASHA	1/14/94	YES	YES	0	12200	12200
WADENA	1/6/94	YES	YES	8350	8350	16700
WASECA	1/12/94	NO	2/15/94	0	12200	12200
WASHINGTON	1/6/94	YES	METRO	14000	22000	36000
WATONWAN	1/14/94	YES	YES	0	10000	10000
WILKIN	1/14/94	NO	YES	0	10000	10000
WINONA	1/15/94	YES	YES	0	12200	12200
WRIGHT	1/7/94	YES	YES	18000	18000	36000
YELLOW MEDICINE	1/13/94	NO	YES	5000	5000	10000

NOTES:

APPLICATION REC. - DATE RECEIVED BY BWSR

RESOLUTION OK - IS BLOCK GRANT APP. RESOLUTION CORRECT

WCA ADOPTION - DATE WCA LOCALLY ADOPTED BY COUNTY

DATES INDICATE TENTATIVE DATE OF ADOPTION BY COUNTY

LOCAL CASH - CASH MATCH IDENTIFIED IN PLAN

LOCAL INKIND - INKIND MATCH IDENTIFIED IN PLAN

WCA GRANT - AMOUNT COUNTY IS ELIGIBLE TO RECEIVE

1/27/94 agenda #9

Motion: To adopt the recommendation of the DRC to affirm paragraphs 3, 4 and 5 and to reverse paragraphs 1 and 2 of the Order of the MCWB dated 9/27/93 in the matter of: Shoreline Improvement Contractor's License of Landview Landscaping, Inc.

7-4139 fax to Matt

DRAFT

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

WATERSHED DISTRICT WATERSHED MANAGEMENT PLAN GUIDELINES

DRAFT

One of the first major tasks of a newly-created watershed district is preparing a Watershed Management Plan. Watershed districts are encouraged to complete their initial Plan within one year of establishment. The Minnesota Watershed Act - Chapter 103D - requires a Water Management Plan to contain "a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district" (Minnesota Statutes, Section 103D.401). A district's proposed Plan must be submitted to affected counties, cities, soil and water conservation districts, the Minnesota Department of Natural Resources, and the Minnesota Board of Water and Soil Resources for review and comment. Final approval is the responsibility of the Minnesota Board of Water and Soil Resources.

A Watershed Management Plan should contain the following five key components:

1. An inventory of pertinent information on the district that describes the watershed's setting and hydrologic characteristics;
2. A description and assessment of existing and potential water and water-related problems;
3. A description and assessment of possible solutions to high priority problems;
4. A statement of the broad goals and the specific objectives for water management within the district; and
5. A list of district policy statements that define the district's role in managing water and water-related resources, and that establish district performance standards for sound water management.

Level of Detail Required

The level of detail required in a Plan is not prescribed by law or agency rule. Watershed districts are encouraged to be specific when defining their objectives and policies. If a Plan does not contain concise policy statements and measurable objectives, there is no way to evaluate how well the Plan is being followed and to what extent the Plan's management strategy is working.

Guidance Materials Available

The MBWSR has adopted formal rules governing the content of metropolitan watershed management organization plans and county comprehensive water plans. Minnesota Planning published a "Handbook for Comprehensive Local Water Planning" that incorporates the MBWSR's county water plan rules, along with examples of various plan elements, and names and phone numbers of state agency staff persons who can supply water-related data from agency files. Attached is a list of Plan development recommendations that contains key ideas from these planning assistance materials. Also attached is a generic outline for Watershed Management Plans to help watershed districts format their Plans. Watershed districts are encouraged to review all of these assistance materials before beginning development of their Plan.

Comprehensive County Water Plans

Watershed districts that include counties with approved comprehensive county water plans should make sure that they involve local county water plan coordinators in the district's planning process to ensure coordination and consistency between watershed and county plans. Districts should take full advantage of opportunities to complement and build upon existing management efforts of counties and soil and water conservation districts.

WATERSHED MANAGEMENT PLAN DEVELOPMENT RECOMMENDATIONS

1. PLANNING PROCESS

- A. Publicize your planning process and seek information and ideas from the public, local governmental units, resource agencies, and interested organizations.
- B. Recruit and appoint experienced and interested people for the Advisory Committee.
- C. Meet with officials, managers, and staff of other local governmental units, resources agencies, and resource organizations to form working relationship and to gain a basic understanding of the nature and scope of their water management programs and activities.
- D. Establish and maintain communications and information-sharing with other local units and agencies throughout the planning process.
- E. Select a competent and capable individual to lead and coordinate Plan development.

II. WATERSHED INVENTORY

- A. Compile and present basic information on the watershed's geography, topography, soils, geology, land use and cover, surface and ground waters, water use, and existing water management plans and programs.
- B. Make use of the "Handbook for Comprehensive Local Water Planning" for a listing of resource agency people to contact for specific types of water-related

information, and for ideas you may be able to apply in your watershed.

- C. Coordinate with the lead contact person in each county that has a comprehensive county water plan to avoid duplication of effort in compiling inventory information and to maximize cooperation and coordination.
- D. Contact area colleges to investigate opportunities for graduate students in resource management to work on the Plan as a special project. Students in social sciences or geography may be interested in conducting a watershed poll to gain information on public attitudes and perceptions regarding water resource management issues.

III. PROBLEM IDENTIFICATION

- A. Locate, describe, and rate the severity of existing and potential problems in the areas of water quantity, water quality, erosion and sedimentation, fish and wildlife resources, recreational opportunities, and water supply needs.
- B. Acknowledge and use the comments and information received from the public, other local governmental units, and resource agencies.
- C. Assess the adequacy of existing local, state, and federal water-related programs to address identified problems.
- D. Identify major program gaps in terms of authority, scope, enforcement, budget support, public awareness, etc.

IV. POSSIBLE SOLUTIONS

- A. Discuss alternative approaches to solving or preventing identified water

problems, and assess their applicability and potential effectiveness in the District.

- B. Carefully consider gaps in the information needed to make sound management decisions, and include data collection and analysis needs as an element of long-term solutions to problems.
- C. Fully assess the existing plans and regulations of other governmental units and agencies, and resource protection technical assistance and grant monies available, to make sure the District takes full advantage of existing programs in formulating coordinated solutions.
- D. Consider all possibilities in formulating solutions, including: adopting or revising water-related regulations; collecting and analyzing water-related data; improving enforcement of existing regulations and programs; developing information and education programs; investigating and developing water management projects; promoting joint cooperative ventures with other governmental units and agencies; and promoting changes in legislative or agency policy on relevant issues.

V. GOALS AND OBJECTIVES

- A. Set forth the District's long-term goals and short-term objectives for all priority water issues affecting the watershed.
- B. Make sure the District's short-term objectives are measurable to give the Board of managers and other interested persons means of evaluating progress towards the District's goals.

- C. Establish priorities within the Plan to differentiate between objectives the District would like to accomplish and objectives the District believes it must accomplish.
- D. In addition to water resource management issues, make sure the goals and objectives address other important issues, including intergovernmental relationships and public information and education.

VI. POLICIES AND PROPOSED ACTIONS

- A. Develop policy statements that define the role and responsibilities the District will serve in managing water resources in the watershed, and set forth proposed programs, projects, or activities the District intends to carry out to achieve its goals and objectives.
- B. Make sure the policy statements explain how the District views its management role in relationship to other governmental units and resource management agencies.
- C. Ensure that the Plan fulfills the requirements of specific state or federal program criteria if the District intends to apply for specific grants.
- D. Make sure that the data and information in the Plan supports and justifies the policy statements.

WATERSHED DISTRICT

GENERIC WATERSHED MANAGEMENT PLAN OUTLINE

- I. INTRODUCTION (historical perspective, district formation, acknowledgement of assistance...)

- II. INVENTORY
 - A. Watershed Setting
 - 1. Geography (location, size...)
 - 2. Topography (high/low elevations, slopes, surface features...)
 - 3. Soils (general soils map, permeability, erodibility...)
 - 4. Geology (primary aquifers, confining layers, known flow directions...)
 - 5. Land Use and Cover (general land use map, vegetative cover map, special land uses...)

 - B. Water Resources
 - 1. Subwatersheds (subwatershed map, lake drainage basins...)
 - 2. Surface Water (lakes, streams, ditches, wetlands...)
 - 3. Ground Water (distribution, yield, quality...)

 - C. Water Use
 - 1. Appropriations (from streams, lakes, ground water...)
 - 2. Recreation (parks, wildlife management areas, forests, lakes, and rivers...)

III. EXISTING AND POTENTIAL PROBLEMS

- A. Water Quantity (flooding, lake levels, low streamflows...)
- B. Water Quality (lakes, streams, groundwater...)
- C. Erosion and Sedimentation (critical erosion map, sedimentation map...)
- D. Fish and Wildlife Resources (fishing and hunting surveys, data trends, declining habitat...)
- E. Recreational Opportunities (public demands, declining lake quality...)
- F. Water Supply (water contamination, health advisories, well interference...)

IV. POSSIBLE SOLUTIONS

- A. Improvement Projects (retention dams, wetland restoration...)
- B. Public Information and Education (news articles, brochures...)
- C. Regulatory Initiatives (rules governing runoff control, soil loss, feedlots...)
- D. Resource Management Programs (data collection, watershed modeling, technical or financial assistance to landowners...)
- E. Intergovernmental Coordination and Cooperation (communication, joint ventures, memos of understanding...)

V. GOALS AND OBJECTIVES

- A. Water Quantity
- B. Water Quality
- C. Erosion and Sedimentation
- D. Fish and Wildlife Resources

E. Recreational Opportunities

F. Water Supply

VI. PROGRAMS AND POLICIES OF OTHER ORGANIZATIONS

A. Local (township, city, county, soil and water conservation districts...)

B. State (MBWSR, DNR, PCA, MDH...)

C. Federal (SCS, ASCS, COE, USFWS, EPA, USGS...)

D. Private (Ducks Unlimited, Pheasants Forever, Nature Conservancy...)

VII. POLICIES AND PROPOSED ACTIONS

A. Project Investigation and Initiation

B. Public Information and Education

C. Regulation of Activities Affecting Water Resources

D. Special Resource Management Programs

E. Intergovernmental Coordination and Cooperation

APPENDICES:

A. Resource Data

B. Hydrologic Data

C. Project Data

FORWARD TO
SUPERVISORS
PLEASE!!!

JAN BOARD PAK
MT

STABLE SWCD FUNDING COMMITTEE REPORT

The Minnesota Association of Soil and Water Conservation Districts and the Association of Minnesota Counties have formed a committee to seek stable funding for Soil and Water Conservation Districts.

MEMBERSHIP:

Supervisors:

Jerome Flottemesch, RR, Callaway MN 56521	(218-375-2141)
West Ottertail SWCD	
John Anderson, 1820 229th Ave. NW, Bethel MN 55005	(612-753-3050)
Anoka SWCD	
Franklin Turnock, RT2, Box 182, McGregor, MN 55760-9746	(218-768-2713)
Aitkin SWCD	
Brita Sailer, RT1, Box 435A, Park Rapids, MN 56470	(218-732-4562)
Hubbard SWCD	
Arlan Moger, RT1, Box 87, Dundee, MN	(507-274-5131)
Murray SWCD	

Commissioners:

Martin Lepak	St. Louis County
Charles Gkuggisberg	Brown County
Orville Meints	Chippewa County
Alan Melby	Clay County
Doran Horner	Roseau County

The following is a statement from Jerome Flottemesch, West Ottertail SWCD Supervisor, which was presented to the convention body at the 1993 MASWCD Convention.

Stable funding for districts has been a problem as long as I can remember. Especially as the number of employees has grown and the need to provide them with some semblance of security and fringe benefits.

The programs and the need for districts to service them with technical help has continued to grow over the years without an increase to state service grants or the necessary administrative funding connected to the various programs.

This has put the burden on the districts to request from their county commissioners allotments out of county general funds to pay for the cost of SWCD programs.

Often this has caused a yo-yo effect on many districts as elections change the make up of both the district and commissioner boards and requires a large amount of re-education to continually justify the need. This is especially a problem during periods when the state has been balancing its budget by pushing back to local governments (and their real estate taxes) more of the cost of many programs.

Some county commissioners then look at what is mandated and what is not and make cuts and often not looking at what services are provided. To my knowledge three (3) districts have been informed that they are a nonessential part of government and are to have their county funding phased out over 3 years (1/3 each year.)

Prior to our committee meeting I met with East and West Ottertail district board representatives and have had correspondence with the Douglas district office

The committee supervisors met with D'Wayne De Ziel 1/2 hour prior to the first committee meeting to discuss our agenda.

We spent the first part of the joint meeting with the commissioners discussing what districts do (see attachment A) and the increasing SWCD workload with funding for the projects but no adequate AND ESPECIALLY STABLE funding for administrative and technical personnel costs.

One of the main purposes of the meeting was to come to an agreement on a method of stable funding for districts which could be supported by both the MASWCD and AMC.

During the discussion it became evident that irregardless of the feelings of the supervisors present there was no way an agreement would be reached on passing legislation authorizing the districts direct or indirect taxing authority. Supervisors at the MASWCD conventions have never been able to agree to pass a resolution themselves to authorize such authority and the commissioners were against authorizing any more taxing districts of any kind. During the last legislative session district taxing authority never made committee due to opposition by AMC.

A discussion ensued and it became evident that just keeping a good working relationship and providing information to the county commissioners was not the sole solution.

We discussed what is being done in a number of other states and we focused on Ohio's programs. They use a one to one match of state and county dollars.

Some of the items discussed at the meeting were:

1. Lack of communication by SWCDs with County Commissioners, legislators and the population at large.
2. SWCDs have went about their job in a quiet and efficient way but in doing so have kept a low profile and in some cases no profile to the public at large or government officials. Many people confuse SWCD employee's and board members with SCS and/or ASCS. Even many SWCD supervisors call themselves SCS board members.
3. SWCDs need a stable source of funding especially as we have entered into long term technical assistance and have a number of employees which require some stability and benefits in their job.

4. MASWCD conventions have always voted against local levy authority for districts.
5. AMC opposes additional local levy authorities.
6. New state environmental regulations are coming down on local government. SWCDs should have the technical responsibilities to help solve the problems and counties have the regulatory authority. Counties through ordinances, the Sheriff and County Attorney should have the regulatory and enforcement authority.
7. Possible name change from Soil and Water Conservation District (SWCD) to Natural Resource Conservation District (NRCD). Everything we do is soil and water connected so our name is proper but SWCD has a rural farm connotation and it may be better to change our name in the eyes of the public.
8. The County Commissioners proposed that SWCD administrative dollars come directly from the State Department of Revenue and not through a state agency such as BWSR. (At present monies which in the eyes of the legislators are for SWCDs often are diverted to other needs often on a regional or state wide basis.)
9. Proposed that state county matching dollars for SWCDs be 2/3 state and 1/3 county. For instance if a SWCD currently receives \$30,000 from a county the SWCD would, under this proposal, receive \$60,000 from the state for a total of \$90,000. This formula would probably need some further consideration such as minimums and maximums, work loads, programs involved by the district etc.,
10. The commissioners felt that the Minnesota Association of Township Officer (MATO) should be invited to participate. As we work to an agreement it will be necessary to get the proper legislation passed. To do so will take political muscle and the numbers alone of both MASWCD and AMC do not equal MATO.
11. I personally sensed an unspoken question arise during the discussion (I AM PARAPHRASING) as to this problem. SWCD responsibilities have evolved from mainly AG oriented service organization to one which includes all of the state and its soil and water resources (which means all natural resources.) Have all SWCDs enlarged their outlook and taken on the additional responsibilities? If not whose fault is it? - the district's and/or it's board or the county and/or it's board? or who?

We tentatively set a meeting for Jan. 20, 1994 to finish putting together our proposal. Myself and the rest of the committee, I am sure, would like to hear any of your ideas or opinions. Keep in mind that whatever solution we come up with has to be agreed upon by the AMC and passed by the legislature. This will be no small matter and will take the support of all supervisors putting pressure on their legislators, knowing full well that the proposal will not be 100% agreement by all supervisors. The alternative will be to do nothing. Remember all legislative action is a compromise and the objective is to pass some action. If legislation does not completely do the job it will be easier to correct than to get passed.

What do Minnesota Soil and Water Conservation Districts do? The function of a Soil and Water Conservation district is to take available technical, financial and education resources, whatever their source, and focus or coordinate them so that they meet the needs of the local land user.

The one on one working relationship between SWCD staff and landowner is the reason SWCDs are so very effective as protectors of Minnesota Natural Resources.

Ag Land preservation
AG waste systems (design and construction)
Anoka Sand Plains (SWCD Joint Power Board)
Arbor Day programs
Assisting Lake Associations (AGNIPS)
Model to predict effects of conservation practices.
Best Management Practices for Manures & Pesticides
Classroom Education Programs
Coastal Zone Management (Lake Superior)
Conservation Reserve (CRP) (SWCDs approve landowner plans)
Conservation Tillage
County fairs
CRM (Crop Residue Management)
Demonstration Plots
Drainage Ditch Authority
Dry Hydrant (Fire Fighting in rural areas)
Earth Day programs
Environmental Fairs
Envirothon (State and National Competition environmental knowledge bowls)
Feedlot
Forestry programs
GIS (Geographis Information System)

Goodyear Contest (SWCD self evaluation program)
Great Lakes Commission (Remedial Action Plans RAP)
HEL (Highly erodible lands)
Integrated Pest Management studies
Irrigation Permits
Landfills (solid waste)
Local Water Planning (Planning and Implementation)
Logging workshops
MNRAP(MN River Assement Plan)
MNRIP MN River Implementation Plan)
MN River Study Area II (10 county JPB)
National, State and District Poster/Essay program for 5th through 12th grades
Composting
Non-point pollution (NPDES)
Outdoor Classrooms
Recognizing Outstanding Conservation Cooperators (Farmer Magazine and SWCD annual program)
Plot reviews
Radio Promotions
Rain Gauge monitoring
Recycling
Regional Development Commissions
Reinvest in Minnesota (RIM)
Resource Conservation Districts
Root River, Redwood-Cottonwood and other rivers - Joint Power Boards.
Septic system siting
Shoreland conservation programs
SLR (Streambanks, Lakeshore & Waterways)
Soil Loss Ordinances
Soil Stewardship programs for churches
Soil Surveys
Take Pride in America
Terrace (design and construction)
Stock pond (design and construction)
Tours (Local Legislative)
Tree Sales, Planting and Maintenance programs

Urban Forestry
Waste control
Water Permits
Water Quality Studies
Weed Inspectors
Well Inventories
Well Monitoring
Well Sealing
Wetland Conservation Act (WCA)
Wetland Inventory
Wetlands Reserve (WRP)
Wildlife (Design and supervise
construction for landowners)
Windbreaks (Design and installation of
Field and Homestead windbreaks)
Woodland Councils

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JAN 06 1994

DEPT OF WATER
& SOIL RESOURCES

NOVEMBER - DECEMBER 1993, NARRATIVE

Barbara Liukkonen

Water Resources Education Coordinator

RON HARNACK

BWSR

Suite 104/155 S Wabasha

St Paul MN 55107

Educational Programs/Projects

■ **Improving Water Resources Education at the Local Level**

I worked with the Lake County Environmental Health Department to help design and develop a display on lead exposure in the home that was used at the NE Regional Learning Expo in Duluth. The booth incorporated information from MES and MDH on how to test for lead and how to minimize risk from lead in drinking water, paint chips, and other sources. Although the Fair wasn't well attended, the display will be available for other programs in the future.

Many counties organized planning meetings to develop educational components for their 1994 water plan workplans. I met with reps from the SWCD and extension offices in Chisago, Isanti, Kanabec, and Pine counties to generate ideas for possible programs. In 1994 those counties will

- sponsor multi-county water testing programs for private wells,
- reprint copies of the shoreland BMPs and work with county lake associations, and
- address manure management concerns using MAPS and other efforts.

These three programs fit mutual goals in all four counties; additional projects that fit individual counties may also be implemented, but working together on the three large projects will be most efficient and effective.

Brian Dwight and I met with the water plan coordinator(s) and extension agent in Lake of the Woods County to try to help define educational components for the water plan and clarify extension's role in plan implementation. LoW will be hitting stride in implementation for the first time this year and there have been recent personnel changes in the extension office so we reviewed expectations and considered whether educational projects that have worked elsewhere might fit the goals in LoW's plan. As the 1994 workplan is completed there should be a better match between what expertise the extension office can provide and what is needed to implement the educational objectives of the plan successfully.

The Arrowhead water quality team met to refine educational plans for 1994. Water plan coordinators, SWCD staff, and extension educators from Carlton, Cook, Itasca, Kooch, Lake, and St. Louis counties meet quarterly to review county goals, assess programs, and determine new directions for the year. This is the group that produced the Shoreland BMPs and sponsors the **Arrowhead Currents** newsletter. Plans for 1994 include re-writing the **Expecting a Baby** brochure in simpler language, completing additional Shoreland BMP fact sheets, exploring video options to support the BMPs, and piloting a course to educate volunteer shoreland owners to serve as local educational resources for neighbors and other lake associations.

Discussions with water plan coordinators, extension agents, and/or SWCD staff in Todd, Norman, Pennington, Marshall, Benton, Aitkin, Stevens, Clay, Polk, and others at meetings or by phone should lead to some additional educational projects in 1994 workplans.

MES circulated a request for innovative proposals in early December and I helped develop several. The Prairie Cluster (Douglas, Grant, Pope, Stevens, Traverse) submitted a small request for funds to address lead in municipal water supplies since recent testing identified at least three communities that exceed the action level for lead in the water supply. The Arrowhead Cluster submitted a proposal to help fund the 800 Water Information Line, identified as a priority in

county water plans. Counties in northwest Minnesota requested funds to assist with pesticide testing in wells identified as at-risk through earlier water testing. Lake County submitted a proposal for a video on water conservation in the home. Successful proposals will be notified in early January. All the proposals would support educational projects or programs furthering goals set forth in local water plans and all were collaborative efforts between extension, water planning coordinators, SWCDs, and/or community health services.

Following a request from a UMD geology department faculty who saw the MES RFP, I spent some time trying to build a partnership between him and Lake County that ended up being unsuccessful because of the short time frame and unfamiliarity between the potential partners. I also fielded questions from two other UMD faculty members curious about the RFP. Circulating RFPs through academic departments should make for better projects and stronger collaborations, but in the future, clearer guidelines and a longer time frame would make it easier to build successful partnerships.

A major water festival is being planned for Douglas County for May 3, 1994. I met with reps from the SWCD, Extension, RC&D, MN Water Well Association (MWWA), local schools, and businesses to plan for the event that will highlight National Drinking Water Week, bringing together all fourth graders in the county for a day of water-related activities. More importantly, the group will distribute materials to teachers for advance preparation and will use pre- and post-tests to evaluate the effectiveness of the entire project. I provided lots of background materials for presenters and teachers.

■ Shoreland Issues

We had an organizational meeting for upcoming issues of the **Arrowhead Currents**, which will be in February, April, June, and August. We identified which county would be highlighted each issue, outlined themes, and assigned responsibilities. I have added the SWCDs and Extension offices in "my" other 36 counties to the mailing list because the newsletter will be a good resource on shoreland issues across northern Minnesota.

■ Environmental Education

A North Shore educator asked me to serve as a resource for a committee attempting to coordinate classroom and informal EE to improve effectiveness and reduce duplication. The Lake Superior Center and DNR are working on bringing Project WET to Minnesota and I was asked by both for input on how to build a coalition to involve key players in the process.

Program management

I scheduled and attended a BWSR Education Committee meeting and revised the WREC job description to help clarify the northern position and prepare for initiating a similar position in the southern half of the state. I attended daylong BWSR all-field staff and northern-field staff meetings, the MASWCD convention, the MES Northwest District conference, and participated in discussions about the new MES Specializations.

Professional Contributions and Development

The annual meeting of The International Coalition was in Winnipeg this year and I was asked to role play as part of an activity designed to illustrate and encourage those attending to participate in public meetings. The activity turned out to be a highlight of the meeting and received a lot of positive response. I also attended a conference on **Landuse and Ground Water Protection** aimed at local decision makers.



Board Member Update

October, November, and December, 1993

The mission of the Board of Water and Soil Resources is to provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources.

NORTHERN REGION UPDATE

October saw the end of the flurry of wetlands activities for north region staff. As the ground began to freeze and the snow began to fall, wetland activities dropped off dramatically. This was a welcomed relief for the north staff which were spending up to 70 percent of their time on wetlands activities. The decrease in wetlands activities coincided nicely with a very demanding RIM sign-up period and an ambitious fall training schedule. Staff tackled a RIM/PWP special and regular sign-up periods this fall and we received many high quality easements. We also had a chance to put the newly retooled RIM materials out there for a test run. Training activities included a round of block grant training sessions, WCA administrative training, cost-share rules input meetings, and RIM training. North region field staff teamed up with central office program staff to pull off these very successful clientele base training opportunities. We got favorable feedback from LGU's regarding both the content as well as skill of our presenters at all these sessions.

The convention season brought something new to BWSR. This year as we tried hosting hospitality rooms at the AMC, MASWCD, and, MAWD conventions. We had a clientele survey available at each location to solicit clientele feedback regarding BWSR's programs and working relationships with clientele. Most BWSR staff agree the hospitality rooms were a moderate success. We got in some good clientele interaction and perhaps with a little more PR next year we can do an even better job. Thanks to all BWSR staff and Board Members who stopped by and visited with clientele for a while.

Some individual staff highlights from this fall include:

Brian conducted a round of county board visits to take input re WCA. Brian visited each board in his area to give them a chance at some informal input on their own turf. Brian sez there is still significant resistance to the permanent program in his area. Brian has met with Marshall County regarding their quest for implementation of a county soil loss ordinance. This might be a topic worthy of a report at a state board meeting. Brian has also been active as the chair of our training team laying plans for

clientele training this winter. One highlight will be a leadership session planned for late January put on by BWSR and Extension staff. Stay tuned for details.

Bill attended a week long wetland soils and hydrology training course in Hickory Corners Michigan. Keith Grow also attended from the north staff. This was one of many such classes that BWSR field staff will need to attend as we are looked to more and more as the wetland experts in Minnesota. Bill also put on his traveling shoes and attended The International Coalition Land and Water Stewardship Conference in Winnipeg Canada. Bill and Barb Liukkonen represented BWSR at this annual event. When Bill wasn't visiting other states and counties on behalf of BWSR he made three county board visits to discuss WCA, he participated in three water resource advisory committee meetings, and provided assistance to Lakehead Pipeline to coordinate WCA concerns with the installation of a pipeline through 6 counties.

Dale spent many hours assisting East and West Ottertail SWCDs preserving their county budget appropriation. Ottertail is/was proposing a thirty percent budget cut with ultimate zeroing out the SWCD budget in the next couple years. Dale worked closely with the two SWCDs to develop some great summaries of the economic impact the SWCD programs have for the landowners and the resources of Ottertail county. Dale also helped the districts rally local citizen support. It all paid off. In a last minute move at

their December board meeting, the county agreed to temporarily reinstate the SWCD allocations. This is a temporary victory and more work will need to be done. In other activities Dale remains busy with WCA assisting LGUs with questions relating to adoption of the permanent program, running some interference between Itasca county, the DNR, the CORPS, and Senator Lessard regarding some local WCA issues. Last but not least, Dale spent time with Ottertail County preparing for a WCA violation court case.

Jim Lemmerman assisted in an Area III " Basic Forestry Training " session at the Cloquet Forestry Center. This cooperative session(BWSR,DNR,SCS,private consultant) was well attended and received rave reviews. Jim participated in a week-long Best Management Practices(BMP) Audit in southeastern Minnesota. The audit group reviewed forest practices that have been applied such as forest road construction, skid trail construction, and timber stand improvement. The biggest departures from BMP standards were road and skid trails. This is the third year of the audit process to establish base-line data. Jim has also been on the road visiting many SWCDs in the state primarily assisting them with their involvement in the forest stewardship and stewardship incentives programs. Two recent visits were made to Kooch and Crow Wing Counties.

Mark also spent much of his time this fall on WCA issues. Mark toured existing banking sites in Carlton County with the local

tech. panel. The sites are mitigation for county highway projects. Mark viewed some wetland sites in Hermantown with seven inches of snow on the ground. Even though construction slows down, land sales continue and people want to know about wetland impacts. Along with Nick and Barbara, Mark served on the planning committee for the fifth annual Erosion Control Conference sponsored by the Minnesota Erosion Control Association and Associated General Contractors. Mark will be lining up many of the speakers.

Barb Liukkonen presented two seminars on the health risks of nitrates for infants and pregnant women to health professionals in McLeod County. Barb attended a national workshop for groundwater educators in Kalamazoo Michigan. Many of the participants were impressed with the partnership we've established between BWSR and Extension in good ol Minnesota. Barb taught a week long elderhostel course on Minnesota lakes. She also presented a paper at the National Geological Society of America's annual meeting in Boston. The paper highlighted nitrate contamination in Gully (Polk County) promoting the use of private well test data to assist in developing comprehensive ground water protection policies.

Chris Hofstede spent some time early on getting reoriented to BWSR issues and events of the past year following his return from a one year leave of absence. Chris then began a series of

clientele meetings/visits to gather information on BWSR's cost-share program and our planning and reporting system. Locals seem to be saying that less bureaucracy and more program flexibility is what is needed at this time. Chris also spent time visiting with BWSR field and program staff also gathering feedback. Chris plans to organize some clientele focus groups to look at ways to more effectively use our programs and partners to get more conservation on the land.

Dan has spent time this fall strengthening the working relationship between Crow Wing County and the SWCD. New staff in place in both offices has created an opportunity to develop stronger working relationships. They are focusing on WCA and water plan implementation. Dan also assisted Crow Wing SWCD with the development of an 8 acre wetland creation site to be use for WCA banking. Dan had a major role in planning the Minnesota Lakes Conference this year. He helped line up many of the speakers and organize the agenda. Dan presented a draft strategy for local role in lake protection to the BWSR Board at their September meeting in Grand Rapids. Dan continues to work with MLA reps to fine tune this strategy and perhaps seek funding through an LCMR proposal.

Keith was busy as usual with WCA activity early in the fall. His hottest project was the Buffalo Run Golf Course in Wright County. Seven cease and desist orders were issued on this project in September. Keith reports that after much

negotiation and inspection of plans by the TEP panel, an exemption 24 was finally issued. However the cease and desist orders may have triggered other permit actions by the DNR and the CORP. Keith's involvement with the Snake River also was a priority work item this fall. Keith met with the water planning coordinators from Mille Lacs, Kanabec, Pine and Aitken Counties to discuss their annual work plans as they relate to the Snake River. There were some budget issues relating to the Snake River Joint Powers that needed to be resolved. Keith was key in facilitating that process. Keith also met with the North Fork W.D., Lake Koronis Association, Stearns County, SCS, and Barr Engineering to discuss the erosion control needs around Lake Koronis and procedures they could follow to begin taking some action.

All staff took some much deserved time off around the holidays. That's all til next year.

SOUTHERN REGION UPDATE

The Reinvest in Minnesota/Permanent Wetland Preserves (RIM/PWP) special sign-up and the PWP regular sign-up period, including review and prioritization of applications, has been a major work emphasis for the southern Minnesota board conservationists (BCs) this fall. Many excellent applications were submitted, however, due to limited funds, approximately only half were recommended for approval. With landowner interest and requests for funding applications far exceeding

available dollars, difficult prioritization decisions had to be made. Because of the interest from landowners and the hard work of many soil and water conservation districts (SWCDs), significant resource protection will result.

Regional review and prioritization of RIM/PWP applications by the BCs seems to have worked very well -- allowing for closer contact with the SWCDs as well as decreasing the workload of the central office staff when finalizing the funding approval process. BCs will continue to be very busy with the next stages of the easement process.

Wetland Conservation Act (WCA) administrative training was held in Mankato, Rochester and Marshall in November and December. There was an excellent local government unit (LGU) attendance. Greg Larson and John Jaschke did an exceptional job leading the training, with assistance from the BCs.

Other WCA activities for southern region BCs included participation in a field exercise provided by Greg Larson; participation on local WCA technical evaluation panel meetings and replacement plans reviews.

BCs have assisted various counties, cities and SWCDs in local meetings as they have met to discuss adoption of the permanent rules of the WCA and the required seamless coverage. In general, most cities in southern Minnesota have been requesting counties to administer the Act for

them.

Doug Thomas conducted three workshops on the new Natural Resources Block Grant for southern region LGUs. BCs have also been assisting LGUs with completion of the Natural Resource Block Grant application. Meeting with local water plan task force committees has proven to be beneficial when reviewing their plans and reports.

Board Conservationist David Sill assisted Yellow Medicine Watershed District this past November with organizing a meeting to gather information and input for the update of their watershed management plan. Various units of government participated including SWCDs, comprehensive local water plan coordinators and highway engineers from the three county area. The Department of Natural Resources (waters, fisheries and wildlife), the Minnesota Pollution Control Agency and the Minnesota Department of Health also participated. Federal agencies included the Soil Conservation Service and Army Corps of Engineers.

Board Conservationist Thomas Fischer has been helping plan a workshop for southwestern Minnesota LGUs entitled "Working Together for Water Quality" to be held on January 26th. This workshop is designed to bring together water planning coordinators, water planning boards, county commissioners, SWCD staff and boards, watershed staff and boards as well as others who want to enhance cooperative efforts on

improving water quality.

Board Conservationist Chris Hughes attended Local Water Planning Interface (LWPI) training at LMIC where Tim Loesch provided Bill Best, Bryan Alpaugh and Chris with needed information regarding hardware, software and installation of the interface. Tim demonstrated the EPPL7 LWPI at the Information Science Institute on the campus of Mankato State University. The water planning and SWCD staff in attendance seemed to be impressed with the program's capabilities.

Chris also became involved in the LeSueur County Clean Water Partnership Program on German/Jefferson Lake through a request from the county to work on the costs and benefits of placing conservation practices on the ground. This will be an on-going project for the next several months.

The Blue Earth River Basin Initiative (BERBI) continued to meet with Mary Mueller and Chris Hughes. Activities of the BERBI include installation of feedlot runoff treatment systems, buffer strips along ditches and streams, surface tile intake buffers and on-site sewage treatment upgrades as well as manure nutrient testing, the development of a watershed plan, finalizing LCMR workplans and publicity for the organization and its projects.

The Redwood River Watershed project continues to move ahead. Clean Water Partnership Phase II is very favorable with Environmental Protection Agency

already committing \$100,000 to the project. Plans are to hire three technicians during the summer of 1994 so more conservation practices can be installed according to their plan.

On December 21, KSFY TV out of Sioux Falls did an Earth Matters segment on Minnesota's wetland restoration efforts under the RIM program. This two-minute segment during the 10 p.m. news featured interviews with SWCD staff, the landowner and Board Conservationist Tabor Hoek. With KSFY extending an open invitation for further interviews covering other environmental concerns, this turned out to be both an interesting and beneficial experience.

This fall SWCD Accounting Coordinator Sara Johnson was busy preparing for and conducting the general training sessions for the SWCD bookkeepers. One was held in each of the seven areas of the state. These annual sessions are to bring everyone "up to speed" and also to introduce new policies. A representative from the Department of Revenue spoke in most of the areas -- answering questions about the new requirement that the districts pay use tax on the trees that they sell and plant for a client. Attendance was high in all but the metro area.

Sara's other activities included meeting with the State Auditor's Office about new audit policies for the SWCDs, meeting with the Department of Revenue several times about the reporting requirements for SWCDs,

completing the study on SWCD vacation and sick leave policies, communicating with districts whose audits revealed problems and getting the instructions out for the year-end closeout training in January.

Since the middle of October, Dave Peterson has been working part-time at home due to injuries resulting from an accident at home. He expects to resume work full time in early January.

WETLAND CONSERVATION ACT (WCA) - PROGRAM TRAINING

Summary

Nine sessions were conducted around the state to provide local government units (LGUs) with the information and materials necessary to: 1.) determine how to adopt a the WCA rule and 2.) how to properly administer the rule once it is adopted. Attendance for Day 1 (targeted at all LGU officials and staff) averaged 90 persons and attendance for Day 2 (a workshop format targeted at LGU staff administering the program) averaged 55 persons. Staff and officials were present from counties, cities, townships, SWCDs, Watershed Districts, Water Management organizations, and state agencies.

Specific topics addressed in the training were: Mitigation sequencing, Exemptions, Enforcement, Replacement, and Banking. The training included an in-depth overview of the entire rule, question and answer opportunities, introduction to the Administrative Manual and

sample forms and case study examples.

Comments

The knowledge and insight of staff is high! This is as expected since they have been implementing the Interim Program for nearly two years and have received some previous training and a lot of materials.

The willingness to administer the program and to accept regulatory simplification efforts (e.g. Programmatic General Permit from the USCOE) will continue if they receive adequate financial and technical support from the state. There are two parts of the rule that received the most criticism. Both are statutory and cannot be changed by rule.

- 1.) The time delays for project approval that result because of the EQB Monitor notice and publication requirements. The WCA Rule provides for an expedited review and approval for projects impacting <0.1 acres (and for those <0.25 acres for private driveways and dwellings). However, all other projects will require about 90 days (as per statute requirements) between the date a complete application is submitted and the date the project can commence---assuming no one appeals.
- 2.) The fact that anyone can appeal --for any reason--an LGU decision concerning a replacement plan. The WCA statute (and thus the rule)

allows anyone who asks to receive notice to be able to appeal an LGU decision on a replacement plan or exemption/no-loss determination to the BWSR. There is a concern that frivolous appeals will be requested since there is no "cost" required of the appellant. Some LGUs are considering the requirement that appellants post a bond to minimize the occurrence of frivolous appeals.

Follow up training at the regional level will continue and a short session on wetland banking will be offered as well.

WETLAND HERITAGE ADVISORY COMMITTEE (WHAC)

The WHAC met on December 13th to develop their report to the legislature as required by the Chapter 175 revisions to the WCA. The committee has drafted a report which addresses the policy issues required by the legislation. For the most part the committee felt it would be presumptuous to make recommendations for change before the rule is implemented beginning in January 1994. They will evaluate the information and feedback from LGUs and make recommendations based on those findings a year from now. The committee also expressed its gratitude to Board Members for their reconsideration of the LGU match requirement for the WCA portion of the Natural Resources Block Grants.

WETLAND REGULATORY SIMPLIFICATION

Wetlands staff continue to work

on developing interagency agreements to simplify wetland regulations for landowners. Specifically: 1.) an interagency wetland banking agreement which would allow project sponsors who must impact wetlands to use wetland banking -- where appropriate -- to meet the mitigation/replacement requirements of all agencies requiring regulatory approvals; and, 2.) a programmatic general permit (GP) with the U.S. Corps of Engineers which would allow project sponsors to seek all approvals for smaller projects from the LGU, thereby effecting the "one-stop-shopping" concept.

ENGINEERING AND TECHNICAL SERVICES SECTION

CONSERVATION EASEMENTS

The RIM Special Sign-up, which closed at the end of October, and the regular sign-up, which closed at the end of November, have progressed quite well. The special sign-up funded a total of 92 applications, including 34 wetland restorations, 29 marginal ag land and 29 PWP easements. These conservation easements will secure about 4,500 acres at a cost of \$3.8M of RIM funds and \$0.9M of PWP funds. (Note that all of the available RIM funds were obligated during the special sign-up.) The regular sign-up funded 109 PWP easements involving 6,000 acres, at a cost of \$3.8M. (All of the available PWP funds were obligated during this sign-up.)

Program staff and districts have given the special sign-up the priority and extra effort necessary

to stay on track for getting recorded agreements and partial payments out as soon as possible. We are working on an interagency agreement with the DNR Bureau of Real Estate Management for temporary realty specialist assistance (legal description preparation) to stay on schedule for easement finalization and final payment. Our mutual intention is establish a fee for services agreement. If this arrangement works well for this peak workload period, we will consider maintaining this interagency relationship.

As you may know, the RIM applications for the special sign-up greatly exceeded available funds (demand was 2.1 and 3.3 times the available wetland restoration and marginal ag land funds, respectively). Applications for PWP funding during the regular sign-up were 2.9 times the available funds. We will be slowly rebuilding some unobligated RIM funds through reimbursements from the current NAWCA grant for wetland restorations in the MN River basin (reimbursement is the only workable method to receive these federal funds). These reimbursed funds will be used for approved funding amendments for easements accepted to date, or for future sign-ups. The NAWCA grant to the BWSR was for a total of \$900,000, including \$700,000 for easements and \$150,000 for practices. The current grant period is through August 1994.

Although the special sign-up has slowed our conservation easement program retooling initiative, it is providing a test

run for many of the retooled policies and procedures developed to date. The response to our retooled application package has been very good. A meeting was held in Litchfield on November 17 with staff from 14 SWCDs who are the most active in the RIM program. We discussed recent experiences with the retooled application, prioritization and funding procedures, as well as ideas regarding the RIM rule revision and PWP rule creation that was started several months ago. BWSR program staff attending this meeting included Marybeth Block, Al Kean and Dave Behm. We were pleased with the positive feedback received and ideas for improvements in the application package, rules and other program procedures. Our procedure retooling initiative will continue as we process the recent easements.

AREA II

HDR Engineering, the consultant hired by Lyon County for final design of the RW-22 dry dam, is progressing with engineering and environmental analyses and associated report preparation. The primary areas of focus include finalizing hydrologic analyses, quantifying environmental impacts, optimizing floodwater retention and the design for principal and emergency spillways. A draft preliminary design report was submitted by HDR in December. After a short review by Lyon County, Area II and BWSR staff (Darrell Apelgrain and Al Kean), the draft report was finalized and provided to DNR and PCA staff

for review. A meeting between state and local agencies and HDR was held on January 12 to discuss the project design and how to define and mitigate environmental impacts. An interagency project task force is to be established to define how to efficiently and effectively quantify environmental impacts before an Environmental Assessment Worksheet is prepared for the project. This meeting was in keeping with the MOU signed last year between Area II, the DNR and PCA for cooperation on watershed projects.

Efforts are continuing to better define the work plans for individual Area II projects, as well as a comprehensive work plan for the remainder of the fiscal year and long range program plans. Other policy and procedure clarification efforts are also continuing. These have been areas of focus since Area II hired a coordinator in August.

Area II hosted a legislative breakfast at the Mediterranean Club in Tracy on December 11. A review of past and present flood control projects was presented.

FEEDLOTS

Brad Matlack, BWSR Feedlot Pollution Control Specialist, participated in several feedlot and manure management training sessions in November around the state which were orchestrated by the MDA under an EPA 319 grant. He was a presenter along with SCS, MES, PCA, DNR and MDA staff. Attendance by SWCD and SCS staff was good. This was an opportunity to share some

of the discussions that have occurred between SCS, BWSR and PCA staff during the past year regarding filter strip designs and other feedlot issues.

Brad continues to provide one-on-one assistance to several SWCDs in the MN River basin with the design of pollution abatement systems. Their focus is on a number of high priority sites with long histories of concern and unsuccessful attempts at problem resolution. Brad is currently finishing the design for a particularly high priority site adjacent to Lake Shaokotan.

The EPA request for 319 grant proposals was moved ahead from January to October this year. BWSR staff submitted two proposals in the area of feedlots. One to reestablish funding for Brad Matlack's training and technical assistance position and one for a statewide feedlot inventory. Brad's position, which continues to provide critical technical training and assistance to SWCD staff, was not funded during the previous 319 grant cycle. We are currently funding his position with savings from previous years. Unofficial word has it that EPA will fund this position for the upcoming fiscal year, but no longer. Brad, through this front line position, continues to help define the best approaches for improving the delivery of feedlot technical training and assistance to put pollution abatement systems on the ground. BWSR staff are working through the interagency feedlot initiative and budget process to try to seek state funding for this type of training

and technical assistance position(s).

Brad's wife, Mary, recently accepted a position with the MES (also her current employer) in Two Harbors. Therefore, Brad and Mary relocated last month. Brad is currently working out of our Duluth office. He will continue to support design efforts in the MN River basin and provide training statewide, as well as respond to some longstanding requests for one-on-one design assistance in central and northern parts of the state. We also intend to respond to some new opportunities such as the Snake River watershed efforts. We are currently developing a new work plan for Brad, which will be coordinated with the PCA, including updating of our interagency agreement for this EPA-funded position.

LAKESHORE ENGINEERING

Our nationwide announcement to fill the new general-funded lakeshore engineer position resulted in 20 applications from around the country. After receiving the list of eligible candidates from DOER, we enlisted the assistance of Memos Katsoulis from the DNR and Sonja Jacobsen from the SCS to help screen candidates for interviews, which will be conducted in the near future. We are anxious to fill this position and provide increased technical assistance to LGUs and landowners to reduce shoreline erosion and associated sedimentation on Lake Superior and other MN lakes.

Progress has been made on the

design of a toe buttress and revetment for shoreline stabilization at the Sucker Bay (Lake Superior) project site. Al Kean and Mark Nelson are working with the South St. Louis SWCD, the four involved landowners and consultants hired by the landowners to develop a final design for this project that is economically feasible. Cost-share funding for this project is intended to be provided by current EPA and/or Great Lakes Commission grants to the BWSR for Lake Superior shoreline stabilization.

Progress is also being made on a shoreline stabilization project at the public campground in Two Harbors. We are working with the Lake County SWCD on this project. A geotechnical investigation and analysis was recently completed by a consultant hired by the city. Al will be providing technical assistance for coastal engineering design of a revetment and/or buttress in the near future. The city already has rock from the DOT Silver Cliff tunnel stockpiled for this project. The BWSR received Great Lakes Commission cost-share funding for this project last year.

A Lake Superior shoreline stabilization project that received BWSR special project funding in June (Sewall) has encountered a substantially increased cost estimate by a product supplier that has put the project beyond the financial capability of the landowners. BWSR staff are reassessing the site and potential lower cost solutions to this shoreline erosion problem.

MISCELLANEOUS ENGINEERING

Al Kean has been working with Winona SWCD and BC, Pete Waller, to provide technical assistance and engineering sign-off for a sinkhole sealing project. Al is also considering guidelines for future BWSR involvement in this technical area. We intend to work with the districts and SCS to better fulfill the technical needs of the districts for sinkhole remediation projects. The SCS recently provided an updated sinkhole treatment design standard for review and comment by BWSR and district staff.

A number of SWCDs have requested assistance with design and engineering sign-off for streambank stabilization projects. Al is providing limited technical assistance, but finding it difficult to keep up with the demand. We are looking at ways to work with the SCS to better assist SWCDs and landowners in this area of need.

BWSR
ADMINISTRATIVE GUIDELINES
FOR

DRAFT

WATERSHED DISTRICT REVISED WATERSHED MANAGEMENT PLAN CONTENT

I. INTRODUCTION

This section should include:

** A historical summary of the formation of the District, and the original purpose and goals for which the district was established.

- *6 ** A summary of the existing goals, policies and rules of the district.

II. DISTRICTS MISSION (purpose statement)

- *3 ** State the Districts mission statement (if you don't have one consider adopting one.) This section should include a statement of the extent that the purposes for which the Watershed District was established have been accomplished.

- *6 ** Include an evaluation of the effectiveness of the districts past efforts in achieving its purpose and goals.

III. DESCRIPTION OF THE DISTRICT

This section should paint a detailed picture in the mind of the reader about where the District is located geographically and the physical, social, and economic characteristics that are important to understanding the uniqueness of the district and why the water management issues that are addressed in the plan are real.

A. Watershed Setting

1. Location and Size
2. Political Units within the District
3. Population Characteristics
4. The Economy (including agriculture, Industry, and Transportation)

B. Physical Features

1. Climate
2. Topography
3. Geology
4. Soils
5. Land Use/Land Ownership

It is in this section that you could start to identify why (i.e., topography) water problems exist and why (i.e., social-economic) it is so important to address them.

C. Water Resources

*1 This section will discuss the Districts water resources and its use in detail; using any existing studies or reports that support the Districts claim to the Districts water resources. This section should contain a discussion on but not limited to:

1. Major Sub Watersheds of the District
2. Surface Waters
 - a) Rivers and Natural Streams
 - b) Lakes
 - c) Wetlands
 - d) Artificial Drainage Systems
 - e) Water Management Structures
3. Groundwater
 - a) Distribution
 - b) Quantity and Yield
 - c) Quality
 - d) Recharge Areas
 - e) Discharge Areas

D. Water Use

1. Surface Waters
2. Groundwater
3. Inventory of Public Water Supplies
4. Inventory of Municipal Wastewater Treatment Systems

E. Existing Water Management Plans and Programs

UP TO THIS POINT YOU HAVE BEEN DESCRIBING THE PHYSICAL AND SOCIAL CONDITION (AS IT RELATES TO WATER) OF THE DISTRICT. THIS SHOULD SUPPORT WHY PROBLEMS EXIST IN YOUR DISTRICT AND WHY IT IS IMPORTANT TO ADDRESS THEM.

IV. EXISTING CONDITIONS, RELATED POTENTIAL PROBLEMS, AND SOLUTION ALTERNATIVES.

This section should, at a minimum, discuss the existing conditions in the following areas; identifying any problems that exist by answering the following questions:

72 review status of current² regulation & plans
03 within the district

What is the **nature** of the problem?
How **severe** is the problem?
How wide spread or to what **extent** is the problem?

Use any existing studies, surveys, inventories, and common knowledge to back up your claim to existing problems; followed by a discussion of all possible solutions.

A. Water Quantity

1. Flooding
2. Drainage
3. Drought
4. Stream Flows (both high and low)
5. Lake Levels (both high and low)
6. Groundwater

B. Water Quality

1. Point Sources Pollution
2. Non-point Sources of Pollution
3. Groundwater Pollution

C. Erosion and Sedimentation

D. Fish and Wildlife Habitat

E. Water Based Recreational Opportunities

The solution alternatives should be addressed at a minimum in the following areas:

- a. Public Information and Education
- b. Resource Management Programs
- c. Improvement/Maintenance Projects
- d. Intergovernmental Coordination and Cooperation
- e. Regulatory Initiatives
- f. No Action

*5 A summary of active or planned projects in the above area including any financial data should be included.

UP TO THIS POINT YOU HAVE BEEN BUILDING YOUR CASE FOR YOUR IDENTIFIED GOALS AND OBJECTIVES. YOU HAVE IDENTIFIED EXISTING AND FUTURE CONDITIONS THAT POSE PROBLEMS. THESE HAVE BEEN BACKED UP WITH FACTS AND FIGURES. YOU SHOULD HAVE ALSO LOOKED AT ALL POSSIBLE SOLUTIONS AND HAVE CHOSEN THE BEST ONES.

V. GOALS, OBJECTIVES, AND REQUIRED ACTIONS

*4 This section will identify the Districts intended course of action over the next 10 years in items A thru E in sec. IV. Be as specific as possible. Identify any specific projects to be completed if known.

- A. Water Quantity
- B. Water Quality
- C. Erosion and Sedimentation
- D. Fish and Wildlife Resources
- E. Water Based Recreational Resources
- F. Intergovernmental Relationships
- G. Public Information and Education

VI. EXISTING PROGRAMS AND POLICIES OF OTHER ORGANIZATIONS

Identify other local, state, and federal programs and policies that assist the Watershed District in achieving its identified goals.

VII. POLICIES AND PROPOSED ACTIONS OF THE DISTRICT

This section should identify needed changes in rules, laws and policies that if changed would allow the District to better achieve it's goals. It should also categorize the proposed actions that the district has identified as necessary in the next ten years to achieve the goals and objectives outlined earlier.

- A. Project Investigation and Initiation
 - 1. Petitioned Projects
 - 2. Projects of General Benefit of the District
 - 3. Majority Resolution of the Board
 - 4. Miscellaneous Studies and Investigations
- B. Regulation of Activaties Affecting Water Resources
 - 1. Rules and Regulations of the District
 - 2. Permits
 - 3. Licenses
- C. Resource Management Programs
 - 1. Data Collection
 - 2. Watershed and Hydrologic Studies
 - 3. Monitoring programs
 - 4. Technical and Financial Assistance programs
- D. Public Information and Education Programs

E. Intergovernmental Coordination and Cooperation

F. Summary Statement of District Policy and Commitment

APPENDICES

A. RESOURCE DATA

B. HYDROLOGIC DATA

C. PROJECT DATA

* NUMBER INDICATES WHICH ITEM OF M.S. 103D.405 SUBD. 1 (B) IS BEING ADDRESSED.

H:WDPLAN/DJT

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**STUDY AND REPORT ON WETLAND ISSUES
MN WETLAND CONSERVATION ACT (WCA)**

Required by: MN Laws 1993, Chapter 175

PREAMBLE: *As a consequence of the early stages of program implementation, specific information and data pertinent to the Chapter 175 report is not available. The Wetland Heritage Advisory Committee (WHAC) therefore recommends that it is premature to suggest changes to the statute and rule. The WHAC will monitor program implementation during the calendar year 1994 by tracking the actions of local government units (LGU) through information from LGU's and the Board of Water and Soil Resources (BWSR). The WHAC may then make recommendations based on those findings.*

The issues that follow are the items that the WHAC was to address in the Chapter 175 report. As stated in the preamble, the WHAC will defer specific recommendations on changes to the statute and rule until a future date. The responses reflect the current views of WHAC on the issues.

ISSUE:

- (1) *The appropriateness of requirements under existing state laws relating to replacement of drained and filled wetlands;*

Response by the Committee:

The adopted replacement requirements were developed to maintain a "no-net-loss" of wetland acreage and public values. This is required by the Wetland Conservation Act (WCA). The adopted replacement method allows wetland replacement by wetland restoration or creation either directly or through a withdrawal from the state wetland "bank" established in the WCA rule.

The issue of whether the 2:1 replacement ratio for non-agricultural land in counties with < 80% of their presettlement wetlands remaining will offset the wetland loss from exemptions and discourage wetland draining and filling in developing areas is yet unknown as this provision does not become effective until January 1, 1994.

- (2) *The advisability of establishing a minimum size of wetland that would not be subject to regulation under these laws;*

The Chapter 175 revisions to the WCA included a "deminimus" exemption (#25) which allows wetland areas up to 400 square feet to be drained or filled without replacement. To minimize the effects of cumulative use of this exemption on a wetland basin, the rule prohibits the use of the exemption after five percent of a wetland basin has been drained or filled. To document this, LGUs must maintain records on the use of the exemption per wetland basin. Because of the record keeping burden, some LGUs may not offer the exemption. Changing the "deminimus" to a larger size would further complicate record keeping, contradict the "no-net-loss" legislative mandate and compromise efforts to streamline wetland regulations which are based on the belief of Federal officials that Minnesota is serious about wetland protection.

- (3) *The appropriate level of regulation of activities in wetlands located in counties in which a high percentage of presettlement wetland acreage is present;*

The Chapter 175 revisions changed to 1:1 ^{the} minimum replacement ration for counties with > 80% of their presettlement wetlands remaining. This change was made in recognition of the extensive wetland acreages in these counties and the difficulty in finding wetland replacement sites. The difficulty in suggesting a more flexible program in counties with large wetland acreages stems from regulatory simplification (which was addressed in the previous issue) and the consistency of regulation while still achieving the "no-net-loss" goal of the Act. It is doubtful that progress can continue to be made in the simplification of regulations if local governments had more flexibility than currently provided for the WCA rule. With respect to consistency of regulation, members of the regulated public have stated repeatedly that they do not favor local flexibility if it means dealing with different regulations as they work across LGU boundaries.

- (4) *The appropriate level of regulation for activities in type 1 wetlands, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition);*

Type 1 wetlands, except for bottomland hardwoods, of any size on agricultural land are exempted from regulation under the WCA by Exemption #7. This exemption honors the investment agricultural landowners have made on property they planned to improve for crop production. Type 1 wetlands typically have many of the same functions and values of other wetlands including those mentioned in the WCA: water quality, flood control, public recreation and commercial use. Given the manner in which all types of wetlands function as systems on the landscape, there is no scientific basis to protect type 1 wetlands with any less enthusiasm. The continuing argument about type 1 wetlands is grounded in conflicting values. Hence, the difficulty in bringing the issue to a resolution. Moreover, it is difficult to promote regulatory simplification -- which is based on our good faith effort to protect all wetlands--and at the same time deregulate additional wetlands. The WHAC recommends that the exemptions remain unchanged until more information is available for their evaluation.

- (5) *The feasibility and advisability of allowing local units of government to establish alternative regulatory programs for wetlands that would operate in lieu of state law;*

The WCA rule provides the minimum standards necessary to achieve the consistency among LGUs demanded by the regulated public and required for regulatory simplification. LGUs can adopt additional procedures and offer added protection through local official controls such as zoning ordinances. Also, LGUs have the option of developing and utilizing their own replacement methodology and including local public values into the replacement requirements. Further, they are given encouragement to develop comprehensive wetland management plans by the offer of simplified wetland replacement. WHAC recognizes the need for creativity and flexibility in the implementation of WCA while acknowledging the limits imposed by regulatory simplification.

- (6) *Other issues identified by the committee as deserving of comment:*

- (a) The 1993 Legislature appropriated approximately one-half of the amount required to implement the WCA program. The WHAC recommends that LGUs should not be required to implement state wetland regulations without full state funding.
- (b) Local officials have expressed concern that wetland regulations may have a negative effect on property values. The Committee recommends that this issue be monitored.
- (c) In view of the current efforts to achieve WCA/404 simplification through LGUs via procedures such as the "programmatic general permit", the committee believes that it is no longer necessary to separately regulate DNR Protected Waters [note: this would require a statute change].
- (d) The committee believes that project review and approval may be unduly delayed by the notice requirements of the WCA [note: this would require a statute change].
- (e) The committee believes that there is a potential for undue delays in project review and approval from the appeals provision of the WCA [note: this would require a statute change].
- (f) The committee believes that all state regulatory agencies should use the same methodology when delineating the jurisdictional boundary of a wetland; DNR uses a different methodology than the WCA and Corps of Engineers [note: this would require a statute change].

**STUDY AND REPORT ON WETLAND ISSUES
MN WETLAND CONSERVATION ACT (WCA)**

Required by: MN Laws 1993, Chapter 175

PREAMBLE: The rule governing the implementation of the Wetland Conservation Act is being adopted by local units of government after January 1, 1994. Consequently, much of the information and data pertinent to the Chapter 175 report is not yet available. The Wetland Heritage Advisory Committee (WHAC) suggests that it is premature to recommend changes to the statute and rule. The WHAC will monitor program implementation during the calendar year 1994 by tracking the actions of local government units (LGUs) through information from LGU's and the Board of Water and Soil Resources (BWSR). The WHAC may then make recommendations to the BWSR based on those findings.

The issues that follow are the items that the WHAC was to address in the Chapter 175 report. As stated in the preamble, the WHAC will defer specific recommendations on changes to the statute and rule until a future date. The responses reflect the current views of WHAC on the issues.

ISSUE:

- (1) The appropriateness of requirements under existing state laws relating to replacement of drained and filled wetlands;

Response by the Committee:

The adopted replacement requirements were developed to maintain a "no-net-loss" of wetland acreage and public values. This is required by the Wetland Conservation Act (WCA). The adopted replacement method allows wetland replacement by wetland restoration or creation either directly or through a withdrawal from the state wetland "bank" established in the WCA rule.

The issue of whether the 2:1 replacement ratio for non-agricultural land in counties with < 80% of their presettlement wetlands remaining will offset the wetland loss from exemptions and discourage wetland draining and filling in developing areas is yet unknown as this provision did not become effective until January 1, 1994.

- (2) The advisability of establishing a minimum size of wetland that would not be subject to regulation under these laws;

The Chapter 175 revisions to the WCA included a "deminimus" exemption (#25) which allows wetland areas of up to 400 square feet to be drained or filled without replacement. To minimize the effects of cumulative use of this exemption on a wetland basin, the rule prohibits the use of

the exemption after five percent of a wetland basin has been drained or filled. To document these actions, LGUs must maintain records of the use of the exemption per wetland basin. Because of the record keeping burden, some LGUs may not offer the exemption. Changing the "deminimus" to a larger size would further complicate record keeping, contradict the "no-net-loss" legislative mandate and compromise efforts to streamline wetland regulations which are based on the belief of Federal officials that Minnesota is serious about wetland protection. Regulatory simplification will not be achieved unless Federal agencies such as the Corps of Engineers believe that the WCA and rule will be properly implemented.

- (3) The appropriate level of regulation of activities in wetlands located in counties in which a high percentage of presettlement wetland acreage is present;

The Chapter 175 revisions changed to 1:1 the minimum replacement ratio for counties with > 80% of their presettlement wetlands remaining. This change was made in recognition of the extensive wetland acreages in these counties and the difficulty of locating wetland replacement sites. The difficulty in suggesting a more flexible program in counties with large wetland acreages stems from regulatory simplification (which was addressed in the previous issue) and consistency of regulation while achieving the "no-net-loss" goal of the Act. It is doubtful that progress can continue to be made in the simplification of regulations if LGUs had more flexibility than currently provided for the WCA rule. With respect to consistency of regulation, members of the regulated public have stated repeatedly that they do not favor local flexibility if it means dealing with different regulations as they work across LGU boundaries.

- (4) The appropriate level of regulation for activities in type 1 wetlands, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition);

Type 1 wetlands, except for bottomland hardwoods, of any size on agricultural land are exempted from regulation under the WCA by Exemption #7. This exemption honors the investment agricultural landowners have made on property they planned to drain or fill for crop production. Type 1 wetlands typically have many of the same functions and values of other wetlands including those mentioned in the WCA: water quality, flood control, public recreation and commercial use. Given the manner in which all types of wetlands function as systems on the landscape, there is no scientific basis to protect type 1 wetlands with any less enthusiasm. The continuing argument about type 1 wetlands is grounded in conflicting values. Hence, the difficulty in bringing the issue to a resolution. Moreover, it is difficult to promote regulatory simplification -- which is based on our good faith effort to protect all wetlands--and at the same time deregulate additional wetlands. The WHAC recommends that the exemptions remain unchanged until more information is available for their evaluation.

- (5) The feasibility and advisability of allowing local units of government to establish alternative regulatory programs for wetlands that would operate in lieu of state law;

The WCA rule provides the minimum standards necessary to achieve the consistency among LGUs demanded by the regulated public and required for regulatory simplification. LGUs can adopt additional procedures and offer added protection through local official controls such as zoning ordinances. Also, LGUs have the option of developing and utilizing their own replacement methodology and including local public values into the replacement requirements. Further, LGUs are given encouragement to develop comprehensive wetland management plans by the offer of simplified wetland replacement. WHAC recognizes the need for creativity and flexibility in the implementation of WCA while acknowledging the limits imposed by regulatory simplification.

- (6) Other issues identified by the committee as deserving of comment:

- (a) The 1993 Legislature appropriated approximately one-half of the amount required to implement the WCA program. Many LGUs have stated that the amount is not adequate. The WHAC recommends that the Legislature re-examine the amount of funding necessary for LGUs to effectively administer the program.
- (b) Local officials have expressed concern that wetland regulations may have a negative effect on property values. The Committee recommends that this issue be monitored.
- (c) In view of the current efforts to achieve simplification of WCA and Corps of Engineers wetland regulations thru procedures such as the "programmatic general permit", the committee believes that it is no longer necessary to separately regulate DNR Protected Waters [note: this would require a statute change].
- (d) The committee believes that proposals to drain or fill wetlands should be subject to public review. However, the notice requirements of the WCA may unduly delay project review and approval [note: this would require a statute change].
- (e) The committee believes local decisions should be subject to appeal by the public. However, the appeal requirements of the WCA may unduly delay project approval [note: this would require a statute change].
- (f) The committee believes that all state regulatory agencies should use the same methodology when delineating the jurisdictional boundary of a wetland; DNR uses a different methodology than required by the WCA and Corps of Engineers [note: this would require a statute change].

WETLAND HERITAGE ADVISORY COMMITTEE

Meeting Minutes

December 13, 1993

Members Present:

Joan Miska, Chair
Gerald Van Amburg
Dave Moran
Paul Brutlag
Jerry Nordick

Members Absent:

Norma Hanson
Jon Engfer
Ron Nargang
Elton Redalen

Others Present:

Paul Burns - Dept. of Agriculture
Tom Landwehr - Dept. of Natural Resources
Doug Norris - Dept. of Natural Resources
Jennifer Park - Attorney Generals Office
John Jaschke - Board of Water and Soil Resources staff
Greg Larson - Board of Water and Soil Resources staff
Barb Cobb - Board of Water and Soil Resources
Howard Peterson - MN Association of Watershed Districts
Keith Hanson - Minnesota Power
Dave Weirens - Assoc. of Minnesota Counties

Meeting called to order at 9:15 a.m.

Minutes of 11/3/93 meeting approved without change.

Discussion of BWSR Board decision to allow WCA (Wetland Conservation Act) matching portion of environmental block grant to be any combination of in-kind and new resources. Cobb gave brief description of the factors leading to the decision. Miska stated she was pleased with the Board's willingness to reconsider and that the decision will help the BWSR regain trust from the counties.

Larson reviewed written summary of WCA program training sessions and environmental block grant training sessions. Moran stated that the potential problems pointed out by local government units (LGUs) and others are only speculation until the permanent program is first implemented.

The committee went through the draft Chapter 175 report item by item.

- (1) There was a short discussion among various members and staff about the inability to evaluate this issue without first seeing how the WCA and permanent program rules worked.

MSP (unanimous): Leave as drafted.

- (2) Discussion concerning how the current "deminimus" of 400 s.f. related to road projects. Roads get the same treatment as other projects. Discussion about the 5% of total wetland limitation included in the rule. Came from original "no-loss" language in the rule and is needed to put reasonable limits on the exemption. BWSR Guidance ("Users Guide to the Exemptions") for exemption #25 passed out.

MSP (yes - Van Amburg, Miska, Moran, Nordick; no - Brutlag): Leave draft version as written.

- (3) Discussion on the flexibility LGUs have when implementing the WCA. LGU flexibility must be balanced with consistency for the regulated public.

MSP (unanimous): Leave as drafted but add at the end of the third sentence "while still achieving the "no-net-loss" goal of the Act".

- (4) Discussion on the need to maintain the Type 1 exemption for agriculture land. Mention made of the lengthy negotiations to achieve compromise on the exemptions in the Act. Value of these wetlands has already been debated in the WCA legislation and in the Ag-Land definition in the rule.

MSP (unanimous): Leave as drafted.

- (5) LGUs can be more restrictive than the WCA. New Board of Gov't Innovation and Cooperation law (M.S. 465.797) may provide mechanism for more LGU flexibility. The rule has some flexibility for replacement ratio determination. Simpler and cheaper ideas that accomplish the same objectives should be encouraged. More data from LGUs will be available 1 year from now.

MSP (unanimous): Add after last sentence in draft the following language "WHAC recognizes the need for continued cost efficient creativity and flexibility towards the implementation of WCA, while also recognizing the need for simplification and consistency of WCA implementation among LGUs".

- (6) Discussion for the need to have more information after the permanent program has been implemented before evaluation can be accomplished. Staff requested to draft preamble to the Report expressing this fact.

MSP (unanimous): add to list under item (6) the following statement "While recognizing that the legislature funded approximately one-half of the amount needed for LGUs to administer WCA, the WHAC recommends that LGUs should not be required to implement state wetland regulations without full state funding".

Further discussion ensued regarding the enforcement of the Act to date. Some examples were cited by staff and committee members related experiences passed on to them. By and large, compliance has been very high and enforcement matters handled fairly and quickly. Very few of the violations were related agricultural operations.

The next meeting will be scheduled by the Chair. Meeting are required twice per year possibly in July and December.

Reappointment information will be sent out to those whose terms expire in 1994. At the same time (by Jan 10th) the revised draft Chapter 175 Report will be sent out for review. Changes and comments should go to staff who will make revisions and make arrangements for report to be delivered under the Chair's signature to the proper legislative contacts.

MSP (yes - Brutlag, Van Amburg, Moran, Nordick; no - Miska) To retain Miska as Chair of committee through 1994.

The future role of the WHAC was briefly discussed. Board members expressed a desire to have an active committee to provide insight and checks and balances. The legislature and the Board appreciate the real world experience and perspective of the WHAC members.

Meeting adjourned at 12 noon.

(minutes taken by John Jaschke)

a:WHAC.MIN

2/23/94

**BOARD OF WATER AND SOIL RESOURCES
CROWN STERLING SUITES - UNIVERSITY ROOM
175 E. 10TH STREET
ST. PAUL, MINNESOTA 55101
FEBRUARY 23, 1994**

APPOINTED MEMBERS PRESENT:

Jim Nielsen, Barbara Cobb, Ted Lovdahl, Marvell Tripp, Barbara Uppgaard, Jim Rossman, Tim Hvidsten, Howard Peterson, Warren Rodning, Glenn Annexstad, and Kathleen Roer.

MEMBERS ABSENT: Dwain Otte

AGENCY MEMBERS PRESENT:

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

AGENCY MEMBERS ABSENT:

Fred Bergsrud, Minnesota Extension Service

OTHERS PRESENT:

Gary Nordstrom, Soil Conservation Service
Tom Casey, representing Whaletail Lake petition
Steve Spartz, Landview Landscaping, Inc.
Dan Livdahl, MACDE

STAFF PRESENT:

Ronald Harnack
Wayne Zellmer
Greg Larson
Jeff Nielsen
Al Kean
Mary Jo Anderson

Chairman Nielsen called the meeting to order at 9:15 a.m.

94-10 **Adopt Agenda** - Moved by Tripp, seconded by Lovdahl to adopt the agenda as presented. Affirmative: Cobb, Hvidsten, Lovdahl, Peterson, Rodning, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

94-11 **Minutes of January 27, 1994** - Howard Peterson stated that a correction needs to be made on page three, regarding the Dispute Resolution Committee's (DRC) recommendation on the Spartz vs. Minnehaha Creek Watershed District (MCWD) appeal. It should read that the DRC's recommendation is to affirm paragraphs 3, 4, and 5 and reverse paragraphs 1 and 2 of the Order of the MCWD dated January 27, 1994. Moved by Uppgaard, seconded by Cobb, to correct minutes of January 27, 1994, as presented. Affirmative: Cobb, Hvidsten, Lovdahl, Peterson, Rodning, Rossman, Tripp, Uppgaard and Nielsen. Opposed: None. Carried.

Chairman's Report - Chairman Nielsen attended the National Association of Conservation Districts (NACD) annual meeting in Phoenix, Arizona, January 30 - February 3. Chairman Nielsen stated that he attended the Legislative Water Commission (LWC) meeting on February 16. Discussion at the meeting involved the state revolving fund nonpoint source pollution initiative.

Chairman Nielsen received a thank you letter from Al Dornfeld regarding the award the BWSR presented to him.

Chairman Nielsen received a letter from Raymond Phelps, chairperson of the Blue Earth River Basin Initiative Joint Powers Board, supporting funding for the coordinator position.

Chairman Nielsen received a letter from Darold Neperman, Study Area II, supporting funding through the Minnesota River Watershed cost-share program.

Chairman Nielsen also received a thank-you letter from James Mulder, executive director, Association of Minnesota Counties, regarding the BWSR's action on the wetland program implementation grant match requirements.

Chairman Nielsen also received a thoughtful letter from Ron Shelito regarding the BWSR/staff retreat and how the northern regional staff in Minnesota conduct business. Chairman Nielsen said the outcome of the BWSR/staff retreat will be addressed again at the March meeting.

Glenn Annexstad entered the meeting at 9:25 a.m.

Executive Director's Report - Ron Harnack addressed the materials in the members informational packet.

Kathy Roer entered the meeting at 9:40 a.m.

Ron Harnack briefly reported on the feedlot issue. Ron reported that he, Tabor Hoek, and Wayne Zellmer attended the NACD annual convention in Phoenix. He stated that it was a very good meeting and a great opportunity to meet with other states. Ron was elected as the regional representative for the National Association of State Conservation Agencies (NASCA).

Ron reported that March 7 is the first budget bonding meeting with the Legislature. Ron will be attending a meeting in Bemidji on February 24 to meet with 13 northern tier counties regarding wetlands and hear and assess problems they are having. Ron stated that Al Dornfeld has retired as an active watershed district manager and a dinner was held in his honor. The BWSR presented him with an award for his leadership in the metro area and dealing with issues in watershed districts.

Ron stated that BWSR has authority to hear appeals for intervention on issues of water policy. A request for intervention on a DNR permit matter has been reviewed. Staff will prepare report for Board consideration at the March meeting. Tom Casey, representing the issue is here today.

Ron stated that a program schedule is being put together as a result of the BWSR/staff retreat; elements from the retreat will be part of board member's handbook.

Chairman Nielsen distributed committee assignments. Chairman Nielsen said he's proud of the Education Committee accomplishments. He thanked Tim Hvidsten for volunteering to head that committee, replacing Don Ogaard and Sharon Clark. Chairman Nielsen said that the Soil Conservation Strategic Committee's exceedingly important. If anyone does not like their assignments let Chairman Nielsen know.

Dispute Resolution Committee (DRC) Report - Kathy Roer, chair of the DRC, suggested that a regular standard meeting date be set for the DRC to meet, possibly the day (Tuesday) before the BWSR meeting, as matters come up more frequently now and it would be easier to adhere to a schedule. Chairman Nielsen asked that Kathy notify staff when the DRC plans to meet. Chairman Nielsen said that it's probably appropriate to let the Legislature know how busy the DRC is and that we may need to deal with this in another matter.

Allocation of Special Minnesota River Funding - Wayne Zellmer explained that this is a carry-over item. Staff recommended three applications be given high priority (attached) and be funded: 1) Redwood-Cottonwood Rivers Control Area \$185,000; 2) Cottonwood SWCD \$133,380; and 3) Blue Earth River Basin Initiative \$281,620 = total \$600,000 to be spent in fiscal year 1994. Moved by Rodning, seconded by Tripp, to accept the staff recommendation to approve the three applications. Howard Peterson would like copies of all applications for his information. Discussion followed. Watershed approach needs to be followed, said Peterson and Rossman. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl,

Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Wetland Conservation Memorandum of Agreement - Ron Harnack explained that the Wetland Interagency Committee, which consists of the U.S. Army Corps of Engineers (USACoE), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (MDNR), U.S. Department of Agriculture (USDA), Minnesota Department of Transportation (MNDOT), U.S. Environmental Protection Agency (USEPA) and BWSR as the lead agency, has been meeting to discuss issues on wetland regulatory simplification relating to the Wetland Conservation Act (WCA). The attached Interagency Memorandum of Understanding deals with wetland banking; state programmatic general permit; and collaborative efforts. Supporting documentation will be circulated to members. Moved by Rossman, seconded by Lovdahl, to approve the Memorandum of Agreement, and that Jim Nielsen is authorized to execute the document. Harnack said the Fish & Wildlife Service (USF&WS) cannot legally sign this, but they are sending a letter of support of the Memorandum of Understanding. Barbara Uppgaard would like to get this started, she's pleased that all agencies are supportive. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Abstained: Peterson. Carried.

**
94-13

Chairman Nielsen adjourned the meeting for a break at 10:50 a.m. The meeting reconvened at 11:05 a.m.

Interagency Partnership Agreement - Ron Harnack explained that the Minnesota Association of Soil and Water Conservation Districts (MASWCD), Soil Conservation Service (SCS) and BWSR, would like an endorsement of the draft partnership agreement with final action taken at the March meeting. Moved by Lovdahl, seconded by Roer, to approve the draft Interagency Partnership Agreement. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-14

Metro Groundwater Planning Update - Eric Mohring gave an informational update on the status of metro county ground water planning. He stated that the Hennepin County Ground Water Plan will be before the BWSR at the March or April meeting for review and possible approval. Eric addressed the executive guide, which summarizes the Hennepin County Ground Water Plan.

Review of Per Diem Policy for Board - Chairman Nielsen had three issues to address regarding per diem for board members: 1) reimbursement of child care fees; 2) travel to meetings; 3) per diem for preparation of meetings. Per diem comes from the statute, said Ron; mileage and meals reference the commissioner's plan. Chairman Nielsen referred to statute. He stated that it's not inappropriate to ask for reimbursement for preparation of board meetings; for child care if a parent is normally at home with the children; or for travel to a board meeting. Discussion followed. Rossman asked for review of other board

policies on this. Jeff Nielsen asked for consideration when he invited board members to attend southern regional meetings. Nielsen appointed a committee - Howard Peterson as chair, Glenn Annexstad, Warren Rodning and Ted Lovdahl. The committee is charged with: 1) make a policy recommendation on per diem and; 2) issue of travel - the committee will check with other agencies and organizations. The committee will make their recommendation to the full BWSR at the March meeting.

Reconsideration of Spartz Appeal Decision - Ron Harnack stated that staff recommendation was to not reconsider, as addressed earlier by the DRC. Chairman Nielsen asked members their opinions. Kathy Roer stated that sufficient opportunity and time for discussion has been given. Chairman Nielsen asked for each of those concerned to briefly speak. Steve Spartz briefly argued his position for reconsideration. Lewis Smith, representing the Minnehaha Creek Watershed District, was in attendance to answer any questions, and did not speak. Moved by Lovdahl, seconded by Uppgaard, to deny Spartz's request for a rehearing. Kathy Roer explained that the party can then appeal to court of appeals. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-15

Chairman Nielsen ^{recessed} adjourned the meeting for lunch at 12:05 p.m. The meeting reconvened at 1:00 p.m.

Chairman Nielsen stated that three members (Uppgaard, Roer, and Tripp) will not be available for the March 23 meeting. After discussion, it was decided to hold the meeting on March 23.

Advisor Comments

Minnesota Association of Conservation District Employees (MACDE): Dan Livdahl is replacing Curt Borchert. He reported that two new MACDE members are: Sandy Hessedahl from Wright SWCD, and Mark Aanenson from Mahnommen SWCD. Dan reported that MACDE will hold a training session in Alexandria in June.

Soil Conservation Service (SCS): Gary Nordstrom reported that the wetland restoration sign-up is scheduled for February 28 - March 11. He briefly commented on the SCS budget. He commented on the Memo of Agreement on wetland delineation.

Minnesota Association of Watershed Districts (MAWD): Howard Peterson invited members to attend the MAWD legislative breakfast on March 10. The breakfast is structured to allow watershed district people to discuss issues with legislators.

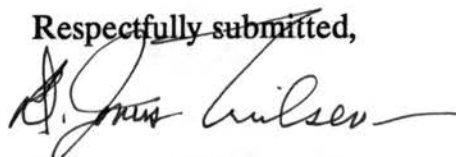
Minnesota River Assessment - Tim Koehler, SCS, distributed an executive summary of the recent Minnesota River Assessment Project Report and gave a slide presentation on the Minnesota River. Discussion followed.

Wayne Anderson distributed materials on the Minnesota River Assessment Project Report

(MNRAP).

Chairman Nielsen adjourned the meeting at 2:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "D. James Nielsen", with a long horizontal flourish extending to the right.

D. James Nielsen
Chairman

2867 Hamlet Ave. No.
Oakdale, MN 55128
February 7, 1994

Mr. D. James Nielsen, Chairman
Minnesota Board of Water and Soil Resources
155 South Wabasha St.
Suite 104
St. Paul, MN 55107

Dear Mr. Nielsen,

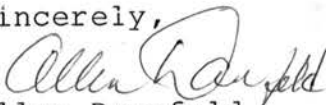
I wish to extend to you and members of the Board of Water and Soil Resources a big THANK YOU for the "Distinguished Service Award" presented to me on January 25th by Jim Birkholz, Assistant Director of your staff.

I will proudly display this plaque on the wall above my desk. The opportunity to be part of Watershed District activities has been one of the high points of my life. It gave me the opportunity to meet and work with many wonderful people throughout the State of Minnesota.

The Board and Staff of the Board of Water and Soil Resources were always helpful and supportive whenever I called upon them.

Please extend my appreciation to all the Board members and staff. Thank you.

Sincerely,


Allen Dornfeld

RECEIVED
FEB 08 1994
BOARD OF WATER
RESOURCES

February 15, 1994

Mr. Ron Harnack
Executive Director
Board of Water and Soil Resources
155 South Wabasha Street
Suite 104
St Paul, MN 55107

Dear Ron,

The Blue Earth River Basin Initiative Joint Powers Board has completed a Comprehensive Plan, received money from our first grant, and are waiting for spring so we can implement practices that will positively impact nonpoint source pollution in our watershed. All of this has been facilitated by our half time Coordinator, Mary Mueller.

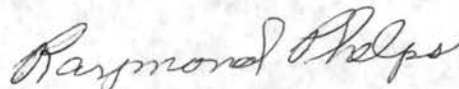
A LCMR grant and BWSR provided funding for our coordinator for this year. The LCMR funding is in place for next year. Could BWSR help fund the position for the coming year beginning in July?

The LCMR grant provides \$10,000 per year. This year BWSR provided \$12,000. I expect that \$12,000 will be needed to fully fund the position next year.

By helping to fund this position, BWSR is given the opportunity to have involvement in a local program that will improve water quality. It is also an opportunity to continue the LCMR and BWSR partnership.

Thank you for considering our request.

Sincerely,



Raymond Phelps
Chairperson BERBI
RR 3, Box 322
Mapleton, MN 56065

cc: Jim Nielsen

AREA II

MINNESOTA RIVER BASIN PROJECTS, INC.

1400 East Lyon Street • P.O. Box 267 • Marshall, MN 56258 • 507-537-6369

February 8, 1994

Mr. Jim Nielsen, Chairman
Board of Water & Soil Resources
155 S. Wabasha, Suite 104
St. Paul, MN 55107

BLUE EARTH
Courthouse
Mankato, MN

BROWN
Courthouse
New Ulm, MN

COTTONWOOD
Courthouse
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LAC QUI PARLE
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Madison, MN

LINCOLN
Courthouse
Ivanhoe, MN

LYON
Courthouse
Marshall, MN

MURRAY
Courthouse
Slayton, MN

PIPESTONE
Courthouse
Pipestone, MN

REDWOOD
Courthouse
Redwood Falls, MN

YELLOW MEDICINE
Courthouse
Granite Falls, MN

Dear Mr. Nielsen:

This letter is in full support for the proposed Redwood River Watershed treatment initiative by the Redwood-Cottonwood Rivers Control Area (RCRCA). Area II has been and continues to be an active supporter of RCRCA's efforts in the Redwood and Cottonwood Rivers watersheds.

Area II, in conjunction with Lyon County, have proposed construction of the RW-22 flood control project which lies directly on the Redwood River. Upland treatment and water quality monitoring will be major issues of the project and are scheduled to begin this spring. Naturally, RCRCA in conjunction with the Lyon and Murray SWCDs will be major participants in this venture. By funding a proposal such as this, it will create a more environmentally sound watershed by reducing the amount of sediments and contaminants which enter into the Redwood River and eventually the Minnesota River.

As a final thought, this proposal will coordinate nicely with the current, on-going efforts of the Lyon and Murray SWCDs. Their objectives lie in the installation of traditional conservation practices to reduce feedlot runoff and sediments causing harm to the surrounding rivers and lakes. All these efforts have been extremely beneficial to all the waters in the area.

Area II recognizes the importance of this initiative and is willing to assist RCRCA and the associated SWCDs in their efforts. Please consider this request for funding through the Minnesota River Watershed cost-share program. Thank you.

Sincerely,



Darold Neperman
Area II Chairman

c: Bob Finley, RCRCA
Rose Anderson, Lyon SWCD
Howard Konkol, Murray SWCD
Tabor Hoek, BWSR Board Conservationist

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FEB 14 1994
BOARD OF WATER
& SOIL RESOURCES



February 7, 1994

D. James Nielsen, Chair
Board of Water and Soil Resources
1815 Meadowwoods Trail
Long Lake, MN 55356

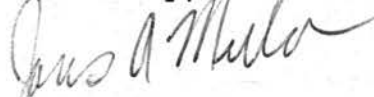
Dear Mr. Nielsen:

I am writing to express the Association of Minnesota Counties' appreciation for the action taken by the Board of Water and Soil Resources on December 9, 1993 relative to the wetland program implementation grant match requirements. Local governments need maximum discretion and flexibility if the Wetland Conservation Act is to be implemented in an effective and efficient manner.

Placing strict requirements on matching the grant eliminates any opportunity for creativity and also reduces local ownership in program implementation. It is my belief that counties recognize the value of wetlands, their responsibility under the law, and will ensure the wetland no net loss goal is met.

Again, thank you for modifying the wetland program implementation grant match requirements. This action will further the state-local partnership in wetland protection.

Sincerely,



James Mulder
Executive Director

cc: Ron Harnack, Executive Director, Board of Water
and Soil Resources





February 10, 1994

Mr. James Nielsen
Chair, MN. Board of Water and Soil Resources
1815 Meadowwoods Trail
Long Lake, MN. 55356

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At the Board - Staff Retreat we debated the issues of staff workload at length. You asked for feedback from our northern staff planning meeting. Here it is.

We held our annual north staff planning meeting on February 1 in Grand Rapids, MN. Fourteen field staff plus one central office staff (Jim Birkholz) attended the affair. We spent time reviewing 1993 successes and failures, how individual staff spent there time and why, what changes need to be made to make 1994 more successful, and developing 1994 individual work plans. Individual workplans are due to me by March 1. I'll summarize them and pass that information along at a later time.

I've included all the gory details from our meeting in several attachments to this letter. I'll try to summarize the gist of it here. Basically field staff felt that there were a lot of successes in 1993. We implemented WCA without too much controversy, so far. We got a good start on RIM retooling efforts. Water plan implementation is going well with many strong local projects under way. Relationships with local governments seem strong in spite of the controversial nature of WCA.

Field staff still spend a majority of their time with clientele but most of the contact is related to BWSR program implementation. Board conservationists in the north spent roughly 55 percent of there time on two programs last year, WCA and Water Planning. BWSR team assignments and BWSR administrative duties made up another large chunk of time. Our field specialists were able to maintain a clientele focus perhaps due the more narrow range of activities which they perform.

Staff spent time where they did for three main reasons: program mandates, clientele requests, and recognition of need. Its encouraging to know that staff are still finding time to followup on clientele requests and assess clientele needs. However, it seems that more and more of this clientele interaction is being driven by program mandates. I'm not saying that this is necessarily wrong, it just represents the direction that this agency seems to be moving and defines a somewhat different

relationship between field staff and clientele.

What didn't get done? Most of the work got done but quality may be suffering. Staff report that they made fewer clientele contacts and those that were made were quick trips out and back to deal with a program issue. Less time was spent reviewing plans and reports and some quality in the review process may have been lost. Interagency contacts also went down. Staff spent less time working in areas of specialization. And, in general there was less staff interaction, except at staff meetings, and camaraderie seems to have slipped a little.

So what are we going to do about it? Staff came up with a whole list of possible changes (see attachment). We prioritized them into four items that should be addressed this year. They are:

1. Hire more field specialists. In particular, RIM, WCA, Education, Forestry, and a Training Coordinator. This may not be a reality however we should take a hard look at the concept.
2. The agency should put more focus on electronic communication for clientele reporting and planning.
3. Deregulate our programs and make them more self running.
4. SWCD Comprehensive Plan updates should be eliminated this year.

You'll find a more complete explanation of these suggested changes on the attachment entitled "Prioritized Change List for 94"

In addition, I have made the decision to redefine the role of the special projects coordinator currently stationed in Duluth. When the current project is completed, we will change the focus of the position back to a regular Board Conservationist. We will carve out a new work area and reduce the number of clientele for each BC to work with in the process. This should allow BC's time for more one on one contact with clientele and hopefully begin to address work load and quality issues.

That's all for now. I appreciate this opportunity to comment and your interest in the issues facing the northern field staff.

Sincerely,



Ron Shelito
North Region Supervisor

c: Ron Harnack
Jim Birkholz
North Field Staff

SUGGESTED CHANGE LIST FOR 94

1. Hire more field specialists. WCA and RIM specialists should be hired (perhaps at a lower classification) to assist with the technical and legal aspects of these programs. This would free up BC time to do more coalition building at the local level and remain as generalists. Complex technical issues such as wetland delineation could best be handled by a single field specialist who would help keep BCs trained, assist with clientele training, assist BCs and LGUs on the tough wetland calls (violations), and stay up to speed on the current technologies and agencies policies. BCs would still be required to have a working knowledge of the program but would have someone to run to other than John and Greg. The same basic argument applies to the RIM program and its complex legal and realty aspects.

Specialists are also needed in the areas of education, forestry, and training to free up existing staff time to develop more one on one working relationships with clientele by having smaller work areas. A training coordinator has been a long expressed need of the agency considering all of the clientele training we try to provide.

2. More focus on electronic communication for clientele reporting and planning. This would allow staff to do more thorough review of clientele plans with minimum of effort. Surveys suggest that clientele are also in favor of this approach. We also need better systems within our agency and a plan for where we intend to go electronically in the future.

3. Deregulate our programs. The cost-share rule update needs to get done once and for all with an emphasis on flexibility for clientele and less oversight by BWSR. It needs to be self running at the district level yet in a manner that BWSR staff can easily check up on. WCA notice and appeals process in the rules needs to be changed and simplified. This more than anything could derail the program and make extra work for both the LGU and BWSR field staff. The interim program worked great in northern Minnesota. In counties with 80 percent plus of there wetlands remaining, wetland loss just is not a huge environmental risk. Under the interim program LGUs in the north did a superb job of controlling wetland losses through avoidance, minimization, and 1:1 replacement with a minimum of hassles. This approach seems more than adequate in the north. We should pursue changes in the WCA to allow for this type of regulation in the north.

4. SWCD comprehensive plan updates should be dropped this year. This was unanimous by all staff. For years we have all agreed that these plans do not provide any significant information for BWSR or the SWCDs. We should drop them entirely and free up everybody's time to do some work that matters. As we move toward a more coordinated planning process in the next couple years, we can once again require a plan from SWCDs. Until then, can it.

1994 NORTH REGION PLANNING MEETING SUMMARY

How did Staff Spend their Time?

BOARD CONSERVATIONIST

- WCA
- TEPS
 - Clientele training
 - Agency coordination
 - BWSR staff training
 - Violations

Time Spent: 30 to 50 percent average based on work area.

Why spent time on WCA?

- mandated program
- clientele requested assistance
- risk of enforcement to landowner
- clientele expectation of BWSR

Water Plan Implementation

- clientele training (build local capability)
- clientele coaching
- agency coordination
- develop new partnerships

Time Spent: 10 to 20 percent

Why spent time on Water Planning?

- local demand
- mandated
- local expectation of service

BWSR Team Assignments

- RIM retooling
- clientele training sessions were pulled off
- grant decisions made

Time Spent: 10 to 20 percent

Why spent time on teams?

- assigned
- enjoyed it
- efficient/effective way to do business

(Board Conservationist con't)

Other BWSR Program Delivery

- C-S (audits, training)
- RIM (easement review, training)
- MFIP

Time Spent: 5 to 10 percent

Why time spent on Program delivery?

- clientele demand
- good programs for clientele to use
- no choice (ie RIM easement review)

Clientele Training and visits (non program related)

- leadership training
- orientation

Time spent: 5 to 10 percent

Why time spent

- clientele requested
- staff felt need

Special Issues

- Red River Valley flooding
- Snake river joint powers
- personnel management issues (LGU"s)

Time spent: 5 to 20 percent

Why time spent on special issues

- assigned
- clientele requested
- recognized need

BWSR Administration

- staff meetings
- time sheets, expense claims, etc
- board member contacts
- position description revision
- etc

Time Spent: 10 to 20 percent

Why time spent on BWSR admin.

- want to get paid
- staff interaction valuable
- assigned

Travel time is figued in to individual activities.

How did staff spend time (con't)

FORESTER

Training Clientele (regional, statewide, and local)

- windbreak training
- program training
- basic forestry training for area III swcds
- technical assistance

Why time spent on training?

- clientele asked for it
- need was there

Agency coordination

- interagency forestry committees
- grants
- MASWCD Forestry Committee
- individual agency contacts

Why?

- keep BWSR in forestry loop
- promote SWCD forestry abilities and needs to others
- access forestry opportunities for SWCDs

Forest Stewardship Program

- clientele training
- program delivery

Why?

- help swcds access opportunities available through this program.

Water quality

- BMP audits
- WCA TEP panels
- tech. assistance to swcds

Why?

- requested by clientele and other agencies
- assigned
- need recognized

BWSR Admin.

- staff mtgs., time sheets, etc.

Time spent: forester estimates that 75 to 80 percent of his time spent on clientele issues.

How staff spent time (con't)

EDUCATION SPECIALIST

Serving local units

- requests for information
- water planning projects
- deliver water education information
- local coordination
- requests for program ideas

Time spent: 35 to 40 percent

Develop Education Materials

- shoreland BMPs
- baby brochure
- stormwater information

Time spent: 25 to 30 percent

Program Administration

- staff meetings, time sheets etc.

Time Spent: 20 percent

Professional Development

- travel
- workshops

Time Spent: 10 percent

BC SPECIAL PROJECT POSITION

Administration

- position description rewrite
- staff meetings
- reorientation

Reporting/planning program analysis

- clientele
- staff survey
- staff office visits
- clientele delivery analysis
- program staff interaction

This was a new position beginning in Sept. 93. Time estimates were not made nor analysis of why time was spent. the incumbent was following his workplan as established.

How staff spent their time (con't)

SECRETARIAL

Office Administration

- filing
- fight with computers
- learn new computer programs
- prioritize information requests
- supplies, bills, general paperwork
- electronic mail

Time spent: 30 to 40 percent

Support Professional Staff

- meeting arrangements and workshops
- staff counseling
- PC training
- material preparation (mtgs and workshops)
- review correspondence
- do best to help professional staff do best

Time spent: 45 to 55 percent

Clientele Contact

- training
- professional staff backup (answer clientele questions)
- maintain professional image

Time Spent: 10 percent

Misc. Items

- NWI maps
- professional development
- team involvement

Time spent: 5 percent

GENERIC LIST OF TIME MANAGEMENT REASONS

Staff spent time where they did because:

- program mandates
- more deadlines
- more and different requests from clientele
- new clientele (cities, lake associations) requests
- personal interest/expertise
- clientele expectations
- learning curve (WCA, block grants, RIM retool) time spent studying up.
- loyalty to other staff
- SCUDS, ie special assignments
- local SCUDS, ie clientele emergencies

GENERIC LIST OF THINGS THAT DID NOT GET DONE

- specialty areas
- clientele visits, not as many
 - board meeting visits
 - SLR, and PWP site visits
- water plan task force meetings, not as many
- cost-share audits, not as many
- RIM audits
- interagency contacts, not as many
- plan reviews not as detailed
- field staff interaction, not as much
- not as much commraderie between staff
- quantity went up, quality went down
- son of step program did not get used
- handbook updates put off
- computer expertise still slow in coming
- personal training opportunities, fewer
- cost- share rule revision, off to a slow start
- office staff meetings
- secretarial collaboration
- team involment, not as much

CHANGES NEEDED TO BWSR OPERATIONS

- Put on field specialist (RIM,PWP,WCA). These specialists could be at a classification lower than a Board Conservationist and serve as a career ladder for new people entering the agency.
- Have a field specialist for cost-share audits and other compliance activities, or have a funeral for audits.
- Planning guidelines must be coordinated.
 - SWCD comp plan updates need to go
 - BC's have less time to do a quality job on the various plan reviews that are currently required.
- Clientele report process should be down to one page and coordinated.
- Education needs higher priority if we are really going to do it. Forty two counties is too many for one person to really be effective.
- Need to move more quickly into the electronic age. Need to tie in with our clientele so we can do planning, reporting, and auditing electronically.
- Probably need to encourage clientele to come to us more so we can cut down on travel time.
- A two to four week travel moratorium each year was suggested to force staff to catch up and allow some time for creative thinking.
- TEP panels; BCs will not be able to make site visit every time. Need to be sure clientele understand this and provide tools to allow for office evaluations.
- Use more video downlinks to cut travel time.
- Deregulate cost-share rules. Take some of the hoops out and make the program more self running. Cut down on BC oversight.
- Need to make all of our programs more self running (block grant concept)
- Make swcda part of county government

(changes con't)

- Make all of our field staf specialists rather than generalists. Set up on a program basis or clientele basis.

- Say no to more meetings.

- Need better (shorter) referance documents.

- Need a combination of smarter , self running programs with the addition of some field specialists.

The above list was not prioritized nor is it a concensus. these aree simply the comments that were put forth as part of the discussion on what needs to change to make us more effecient.

ALLOCATION OF SPECIAL MINNESOTA RIVER BASIN FUND

BACKGROUND

The Board of Water and Soil Resources received additional funding this biennium to accelerate the installation of conservation practices that improve water quality in the Minnesota River Basin. We received \$600,000 for fiscal year 1994 and \$500,000 for fiscal year 1995. The funding was included in the appropriation for the state cost-share program. Consequently, that program must be used as the means of implementation.

On December 30, 1993, an invitation for applications was sent to all SWCDs in the MN River Basin. The BWSR received six applications. Those applying are:

Yellow Medicine SWCD
Cottonwood SWCD
Lincoln SWCD

Redwood-Cottonwood Rivers Control Area
Blue Earth River Basin Initiative
Brown SWCD

GENERAL CRITERIA

All applicants are required to follow general criteria as authorized by the Board in December:

- * Funds will be used for State Cost-Share Program approved practices.
- * Funds will be used in the Minnesota River basin.
- * Funds will be used to benefit water quality.

SUMMARY OF APPLICATIONS

Yellow Medicine SWCD - \$15,552 Funds are requested to improve water quality on the Hawk Yellow Medicine sub-watershed. Funds will be used to install 3,800 feet of terraces and 15,000 feet of field windbreak. Additional technical assistance not needed.

Cottonwood SWCD - \$133,380 Funds are requested to improve water quality in the Mound Creek watershed, above the previously BWSR funded Wellner-Hageman Reservoir. Funds will be used for the construction of four ag waste storage systems and eight erosion control structures. Available technical assistance is adequate.

Lincoln SWCD - \$25,000 Funds will be used to hire a technician specifically for the Yellow Medicine River watershed. This technician will be responsible for the needs, survey, layout, design, and construction supervision of conservation practices.

Redwood-Cottonwood Rivers Control Area - \$200,000 Funds will be used to improve water quality in the Redwood River watershed (\$160,000) for the installation of a multi-purpose dam, three sediment control basins, 800 acres of wetland restoration, 6 waste management systems, 5,000 acres of conservation tillage, 10,000 feet of livestock exclusion, 250 acres of riparian buffer strips, and 10,000 feet of grassed waterways. Funds will also be used for monitoring/evaluation, information/education, and (\$40,000) hiring technical assistance.

Blue Earth River Basin Initiative - \$300,000 Funds will be used to improve water quality in the Blue Earth River basin. \$60,000 will be used to hire an engineering technician, and the remainder (\$240,000) for conservation practice cost-sharing. This funding is a component of a larger long range plan and would be combined with other funds to install priority erosion control structures, storm water control systems, best management practices, animal manure management systems, and critical area stabilization practices.

Brown SWCD - \$73,100 Funds would be used to improve water quality by constructing a complete animal waste storage system in the Mounds Creek watershed and in the Little Cottonwood River watershed. Existing technical assistance is adequate.

Total funds requested - \$747,032

GRANTS TEAM REVIEW **

The Grants Team carefully reviewed each application with the following specific criteria:

- * The application should address the water quality concern by a watershed approach, as endorsed by the Board. The application should evidence a commitment by local government to support the project and for continued SWCD financial support
- * The application should address water quality initiatives with corresponding conservation practices. The application should relate to MRAP studies.
- * The application should respond to applicants/lgu's annual and long range plans.
- * The application should respond to an inventory or assessment, etc., and results should be measurable. If necessary, monitoring efforts beyond traditional cost-share requirements of before and after erosion rates and FLEVAL could be utilized.
- * Sufficient technical assistance should be available to complete objectives.

GRANTS TEAM FUNDING RECOMMENDATIONS

Redwood-Cottonwood Rivers Control Area	- \$185,000
Cottonwood SWCD	- \$133,380
Blue Earth River Basin Initiative	- <u>\$281,620</u>
Total	\$600,000

All three of these applications fully meet general and specific criteria. The total of funds requested exceeded the available \$600,000 so the Grants Team recommendation reduces the funding request of RCRC \$15,000 and BERBI \$18,380.

Initial priority would be given to these three applicants for the \$500,000 available for FY 95, pending successful utilization of FY 94 funds.

**** Grants Team members :** Wayne Zellmer, Grants Coordinator
Dave Sill, Board Conservationist, Southern Region
Jeff Nielsen, Southern Regional Supervisor
Chris Hofstede, Program Specialist
Jeff St. Ores, SCS, Water Quality Specialist
Tim Larson, MPCA
Dave Peterson, Board Conservationist, Southern Region
Jim Haertel, Board Conservationist, Metro Region
Bruce Sandstrom, Metro Regional Supervisor



WETLAND REGULATORY SIMPLIFICATION

Minnesota has a number of wetland regulatory programs which play a part in preserving the state's valuable water resources. Local government unit (LGU) administration of the recently developed state Wetland Conservation Act (WCA) Rule provides several opportunities for wetland regulatory simplification through intergovernmental coordination, without changes to existing regulations. The benefits of regulatory simplification are improved service to the public and increased government efficiency. Specific steps toward this objective are described below.

I. COMBINED PROJECT NOTIFICATION (CPN)

In use for over a year, the CPN has been revised so that it can be accepted as a permit application by all agencies that may have regulatory jurisdiction on a project proposal.

II. WETLAND BANKING

All federal and state regulatory and oversight agencies have tentatively agreed (through the deliberations of the Inter-Agency Wetlands Group) to allow project sponsors that cannot avoid wetland impacts to seek compensatory mitigation via the state wetland bank established by the WCA Rule. The benefits and terms of this agreement are spelled out in an interagency Memorandum of Understanding (MOU) with an implementation target date of March 1994.

III. STATE PROGRAMMATIC GENERAL PERMIT (GP)

The Inter-Agency Wetlands group has developed a draft GP agreement between the U.S. Corps of Engineers (Corps) and the State of MN that would eliminate the need for duplicate Corps Section 404 permit review and approval for a substantial number of projects already approved by the LGUs via WCA authority. Specifically:

1. For projects statewide impacting less than 1/2 acre of wetland, landowners who have obtained a LGU-approved WCA replacement plan would not need further approval from the Corps.
2. On a pilot basis, for projects in several LGUs, the acreage limit would be increased to 3 acres in item (1).
3. Landowners who obtain a Certificate of Exemption from the LGU would have the option of self-certifying a Corps Nationwide Permit (NWP) for their project according to the NWP guidelines and Regional Conditions as last issued on September 17, 1993.
- * Items (1) and (2) will require individual MPCA 401 certification for projects impacting wetlands within 1000 feet of outstanding resource value waters (calcareous fens, wild and scenic rivers, Scientific and Natural Areas), trout streams and trout lakes.
- * The LGUs participating in item (2) will be selected based on criteria outlined in the pilot program application form.

LGU performance will be monitored to assess the resources and capabilities required to expand regulatory simplification efforts in the future to achieve true "one-stop-shopping".

For more information contact John Jaschke at the MN Board of Water and Soil Resources at (612)297-3432.

STATE OF MINNESOTA
INTERAGENCY MEMORANDUM OF UNDERSTANDING
WETLAND REGULATORY SIMPLIFICATION

I. WETLAND BANKING

WHEREAS, landowners that have received wetland project approvals, as required by state and federal laws, rules and regulations, should have access to all applicable replacement options; and

WHEREAS, the State Wetland Bank established by the Minnesota Wetland Conservation Act, Minn. Rules Chapter 8420, provides a potential option for compensatory mitigation through wetland replacement; and

WHEREAS, benefits of use of a wetland banking program include:

1. Appropriate and perpetual mitigation, pursuant to Wetland Conservation Act requirements, is assured as wetland replacement credits will meet the principles and procedures for review, deposit, auditing and monitoring as provided for in the Wetland Conservation Act.
2. More efficient and cost-effective mitigation will be realized as landowners will be able to seek wetland replacement that would likely meet all of the agencies' requirements for compensatory mitigation.
3. A positive balance of wetland acres will be realized as wetland restoration and creation projects must be completed and deposited before credits can be withdrawn; and

WHEREAS, the approval agency retains control over their respective compensatory mitigation requirements through their respective approval processes. Wetland bank credits provide a replacement option where the proposed use of such credits meet all of the applicable agency compensatory mitigation requirements (e.g., size, type and location); and

WHEREAS, the undersigned agencies concur that the consideration of state wetland bank credits should be allowed as a potential compensatory mitigation option by landowners if such option is consistent with the approval agency's applicable compensatory mitigation requirements; and

THEREFORE, the undersigned agencies concur that it is in the public's interest to allow use of the State Wetland Bank, where appropriate, as a compensatory option, and that the respective agencies will consider state wetland bank credits in applicable and appropriate situations.

II. STATE PROGRAMMATIC GENERAL PERMIT

WHEREAS, federal wetland policy encourages the U.S. Army Corps of Engineers to issue Regional Programmatic General Permits where state and/or local government regulations duplicate those of the Clean Water Act; and

WHEREAS, federal wetland policy (as issued on August 24, 1993) states that "...PGPs (Programmatic General Permits) are extremely useful in reducing unnecessary duplication between Federal and non-Federal regulatory programs and in generally enhancing the role of State and local governments...in decisions regarding wetlands and other aquatic resources."; and

WHEREAS, the Wetland Conservation Act, as administered by local governments and overseen by state government, overlaps the wetland protection provisions of the Federal Clean Water Act for many projects; and

WHEREAS, implementation of the Programmatic General Permit is intended to provide:

- i.) increased efficiency for Federal, State and local government regulatory programs; and
- ii.) improved service to the regulated public by establishing "one-stop shopping", at the local government level, for seeking the approvals necessary to conduct many projects impacting wetlands.

WHEREAS, the Wetland Conservation Act requirements and the provisions of a Programmatic General Permit provide for oversight of local government activities by the Federal and State Governments and affected members of the public; and

THEREFORE, the undersigned agencies concur that it is in the public's interest to develop a State Programmatic General Permit that effectively protects wetlands while minimizing regulatory duplication.

III. COLLABORATIVE EFFORTS

WHEREAS, through Inter-Agency Wetlands Group and other joint efforts, further opportunities exist for wetland regulatory simplification and coordination, including:

1. Development and distribution of a interagency wetlands newsletter and brochures to a wide spectrum of public and private interests; and
2. Scientific training for agency staff (conducted by an interagency team) in wetland identification and delineation; and
3. Where appropriate, reciprocal acceptance of wetland delineations completed under each agency's respective authority, if they are conducted consistent with the techniques prescribed in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (1989) and the *U.S. Army Corps of Engineers Wetland Delineation Manual* (1987).
4. Comprehensive administrative training and guidance for agency staff implementing and complying with wetland regulations; and,
5. Continued acceptance of the Combined Project Notification form as a permit application form to all agencies for wetland projects; and
6. State Wetland Planning efforts; and,
7. Coordination of wetland preservation and incentive programs.

THEREFORE, the undersigned agencies agree to direct staff to initiate and continue these and other collaborative efforts resulting in regulatory simplification.

[SIGNATURES]

Signature Date *D. James Nielsen*
Ronald D. Harnack, Executive Director, BWSR

Signature Date Richard Craig, Colonel, Corps of Engineers, Division Engineer

Signature Date Chuck Williams, Commissioner, MPCA

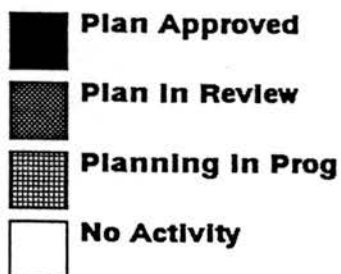
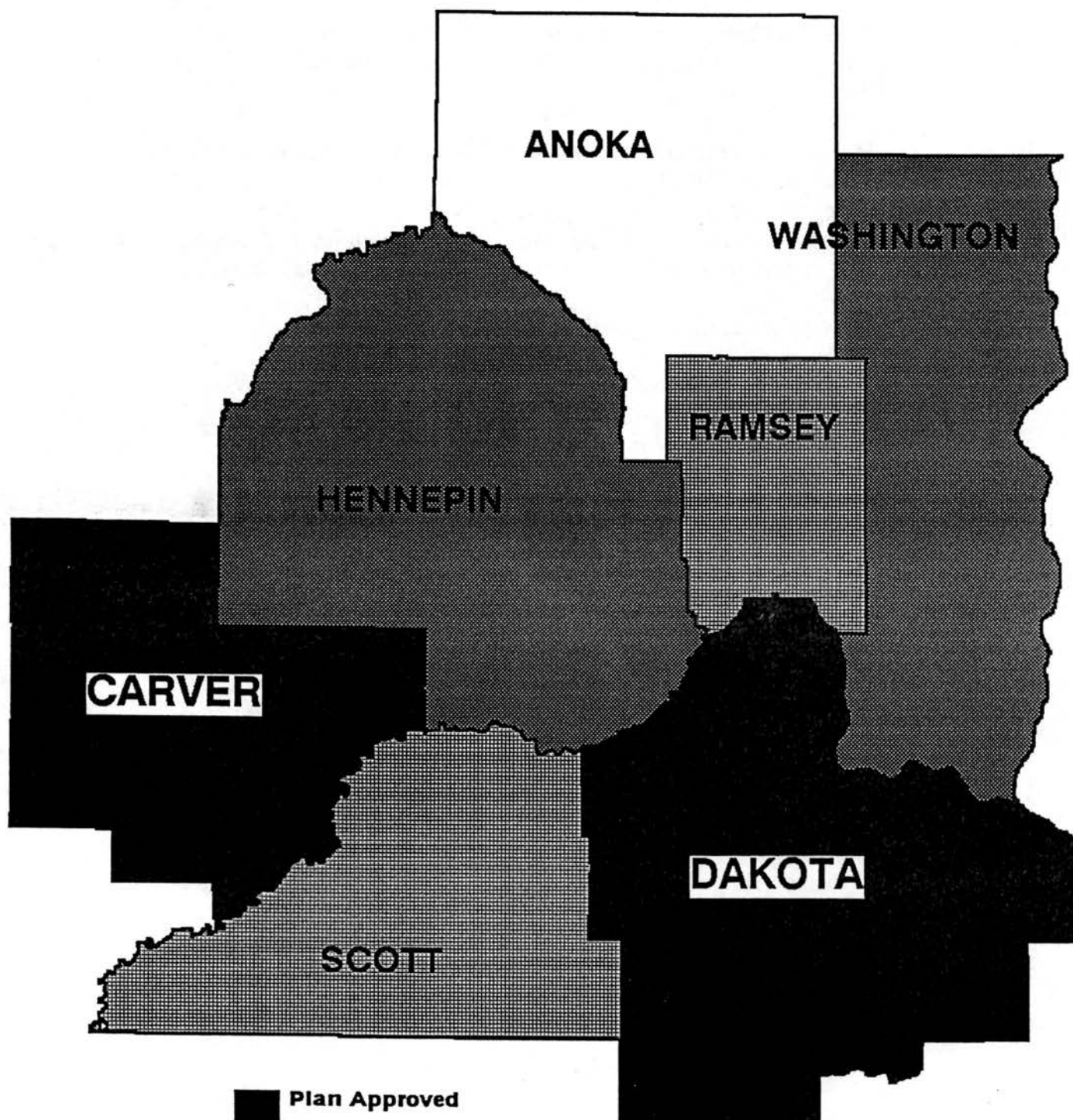
Signature Date Rod Sando, Commissioner, MDNR

Signature Date Gary Nordstrom, SCS State Conservationist, USDA

Signature Date James N. Denn, Commissioner, MNDOT

Signature Date Doug Ehorn, Chief, Wetlands and Watersheds, Region 5 - USEPA

STATUS OF METRO COUNTY GROUND WATER PLANNING



Hennepin County Ground Water Plan Chronology

- 1988 - Hennepin County Commissioners resolve to prepare a county ground water plan, and assign the preparation of the plan to the Hennepin Conservation District (HCD)
- 1989 - Hennepin County Geologic Atlas published by the Minnesota Geological Survey and the HCD.
- 4/16/92 - Executive summary of the plan sent to municipalities and WMOs, who were invited to a series of meetings to offer comments and suggestions.
- 4/30/92 - First public meeting - general approach of the plan discussed.
- 5/26/92 - Entire draft ground water plan sent to municipalities and WMOs.
- 6/24/92 - Second informational meeting held.
- 8/20/92 - Third informational meeting held.
- 10/92 - Plan sent to local governments for review, and to state agencies and the Met. Council for preliminary review.
- 11/92 - Cities and WMOs provide comments, ask for extension in review time allowed. Several resolutions from cities and WMOs opposing plan.
- 12/92-2/93 State agencies provide comments to draft plan.
- 1/19/93 - County conducts workshop to hear city and WMO concerns.
- 2/4/93 - County Board conducts public hearing on plan. Directs staff to incorporate suggested changes into plan, analyze economic impacts of plan. Postpones consideration until June, 1993.
- 8/25/93 - New draft of plan finished.
- 12/14/93 - County Board resolves to forward the plan to the Met. Council and State agencies for final review.

EXECUTIVE GUIDE

to the

HENNEPIN COUNTY GROUND WATER PLAN

Introduction

Ground water is one of the most important natural resources of Hennepin County. Almost all ground water used within Hennepin County is recharged within the County. Hence, the people of Hennepin County have a direct influence on the quality of the ground water that they use.

Preventing contamination is much cheaper than cleaning a polluted resource. County ground water plans are guides to help local governments prevent ground water contamination. A basic premise of this plan is that decision-makers need accurate information about ground water resources as decisions become more complex and as activities present greater threats to ground water quality. A second premise is that local

ground water protection should use the licensing, permitting, and zoning authority that is already inherent in the powers of city government. This plan is the county ground water plan for Hennepin County as provided by Minnesota Statutes, §103B.255.

This plan presents five elements for ground water protection: 1) consider the location and nature of sensitive geologic areas and wellhead protection areas when making planning and management decisions; 2) inventory potential contaminant sources; 3) rank individual sites or types of sites according to the risk they present to ground water; 4) manage sites according to the risk they present; and 5) coordinate protection efforts with adjacent cities.

The Ground Water System

The ground water system in Hennepin County is complex but understandable and predictable. There are five major aquifers in the county lying one on top of the other like so many layers in a cake. Only the two deepest aquifers underlie the entire county. The other three underlie smaller areas of the county.

Protecting ground water on a county basis makes sense because the Hennepin County political boundaries are also ground water flow system boundaries. Most of the ground water used by county residents originates as precipitation that falls within the county and recharges aquifers. Ground water is removed either by pumping or by flowing toward the county boundaries where it

discharges into the Mississippi, Minnesota, and Crow rivers.

The natural hydrologic cycle of precipitation, recharge, ground water flow, discharge to surface water, evaporation, and precipitation varies on a time scale from days to tens of thousands of years. Deeper aquifers have longer circulation periods. Pumping on the scale which occurs in Hennepin County greatly accelerates the hydrologic cycle. The result is that ground water contamination problems are problems of the present. The majority of the present population will live to see, and perhaps drink, ground water that becomes contaminated today.

Contamination Problems

Ground water becomes polluted when a contaminant moves downward from the land

surface to an aquifer. Almost all sources of ground water contamination result from local

activities within Hennepin County. Many activities in the county pose a serious contamination threat to aquifers. Hazardous materials are more common than most people realize. Any material that is flammable, corrosive, reactive, or toxic is considered hazardous. A search of the typical household will reveal a surprising quantity and variety of

hazardous materials. Presently, more than 8,200 sites in Hennepin County are known to store fuels or handle hazardous materials. Releases of hazardous materials have occurred at thousands of sites in the county. These releases range from minor to national importance.

Guide to Local Protection Efforts

The following list of practices for ground water protection are recommended in the ground water plan:

Make an inventory of all potential sources of contamination. Cities should know where potential contaminant sources are located before making management decisions. Most cities can perform an inventory by reviewing permit and licensing files and lists compiled for the fire department and for emergency response plans.

Manage according to geographic location and hazard potential. Cities must set priorities to use limited resources where they can be most effective. The threat that any particular potential contaminant source presents to ground water is directly related to its geographic location relative to wellhead protection areas and sensitive geologic areas, and to the amounts and types of hazardous materials it uses.

Implement wellhead protection for all public supply wells. A wellhead protection area (WHPA) is a boundary around the area from which a well pulls its water. Contaminants that enter the soil within the WHPA will eventually reach the well. WHPAs should become overlay zoning districts.

Apply existing authority to protect ground water. One or more management tools exist for any activity that can contaminate ground water. The plan indicates tools that cities can use for each type of activity or land use.

Understand the significance of sensitive geologic areas when making land use decisions. All areas are

geologically sensitive to some degree, but contaminants can reach ground water much faster in areas of high sensitivity than in other areas. Knowledge and understanding of geologic sensitivity can be a guide for planning and management decisions.

Rank and manage hazardous land use activities according to risk. To efficiently use limited resources, cities should concentrate management efforts on activities or sites which pose the highest risk. A single hazard ranking system will be developed and used throughout the county.

Use a GIS system to manage information. Information management is a vital asset to decision-makers. A geographic information system is unique in its ability to manipulate large amounts of data from various sources and produce maps displaying the data in a way that is meaningful.

Demand leak detection, spill containment, and good housekeeping practices to mitigate location and hazard ranking. These practices will help insure that hazardous materials or wastes released to the environment are promptly and properly captured before they can contaminate ground water.

Locate and seal abandoned wells. There are an estimated 121,000 to 147,000 abandoned wells in the county. Such wells are direct conduits for contaminants to reach aquifers, or move from one aquifer to another.

Implement conservation practices for water use. Discouraging wasteful consumption is always a good conservation practice.

The Ground Water Resources Board

A fragmented approach, where each city takes its own course without knowing what its neighbor is doing, will not protect ground water. The plan recommends that the Board of Hennepin County Commissioners appoint a Ground Water Resources Board consisting of elected local officials. The Ground Water Resources Board will be given significant self-determination to its operation. The Board will be funded by Hennepin County.

The Ground Water Resources Board will guide development of a hazard ranking system

for potential contaminant sources, of methods of contaminant source inventories, of methods of efficient data storage and transfer, and model ordinances for sensitive geologic areas and wellhead protection areas. The Ground Water Resources Board can also provide a formal mechanism for dispute resolution and joint management of special areas that overlap political boundaries, such as wellhead protection areas and sensitive geologic areas.

Hennepin County

The plan recommends that County ordinances related to solid and hazardous wastes be amended to require formal hydrologic investigations for certain licenses. The Hennepin County Department of Environmental Management (HC-DEM) will work with HCD to prepare the hazard ranking

system. Abandoned wells reported to HC-DEM will be prioritized for sealing. The Hennepin County Environmental Health Department will investigate the feasibility of a delegation of agreement with the Minnesota Department of Health regarding the state well code.

Hennepin Conservation District

Hennepin Conservation District (HCD) will provide technical services to cities including delineation of WHPAs and help with compliance with the state wellhead protection program, inventories of potential sources of contamination and abandoned

wells, GIS services, and transform computer data files into formats to meet city requirements. HCD will map geologic sensitivity. HCD will also assist in the organization, administration of the Ground Water Resources Board.

Some Concluding Thoughts

Citizens are demanding that ground water be protected. They realize that prevention is far more effective than remediation. This plan involves cities participating in ground water protection, an issue that many of them have not explicitly addressed in the past. The success of the county ground water plan is directly related to the commitment the cities make to protecting ground water. Should it fail, the Legislature is likely to require a process that is less palatable and more expensive to cities.

Today, the environment is deteriorating from the effects of human activities and man-made chemicals. Protecting ground water resources in Hennepin County is a good investment in the environmental and economic integrity of Hennepin County for the generations of today and the future.

THE MINNESOTA CONSERVATION PARTNERSHIP

Jointly the Minnesota Association of Soil and Water Conservation Districts (MASWCD), Soil Conservation Service (SCS), and Board of Water and Soil Resources (BWSR) provide leadership in Minnesota on conservation issues. As partners, we are interdependent, have independent authorities, responsibilities, and strengths that collectively create a dependence on each other for the successful delivery of conservation programs and services.

VISION: A sustainable agricultural and urban economy in harmony with Minnesota's diverse natural resources

GUIDING PRINCIPLES:

We share a commitment to:

- Decision-making by the SWCD and landowner
- Enhancing our delivery system to local government and landowners
- Listen and respond to our customer's needs
- Promote a comprehensive approach to resource management
- Elimination of duplication services and programs
- Cooperation and coordination in the delivery of services and programs
- Implementation of a TEAM approach to program and service delivery
- Protection and enhancement of Minnesota's natural resources for future generations
- Seeking creative and innovative options to preserve and enhance Minnesota's economic and natural resource environment

We pledge to work together by:

- Promoting and practicing TEAM work
- Sharing the credit and responsibility, the leadership and ownership
- Promoting mutual respect, support, trust and honesty
- Shared decision-making, involving each partner in the decision-making process
- Communicating
- Coordinating programs and services to achieve greater effectiveness and efficiency for the customer
- Cooperating, building on the strengths of each partner, both technical and financial

We will improve our efficiency and effectiveness by:

- Putting quality first
- Empowering people to make decisions
- Demonstrating professionalism and dedication
- Striving for continuous improvement

DRAFT

We agree to proceed with assessing, redefining and formalizing a new partnership agreement within one year. The process will include:

- refining the theme, vision and guiding principals of the partnership;
- defining or redefine, understanding and acknowledging the roles of our respective organizations;
- establishing a forum for ongoing monitoring and fine-tuning of the partnership;
- establishing a partnership working group representing area & district conservationist; board conservationists; SWCD supervisors; SWCD employees; SCS managers and BWSR managers to provide input into reinvented partnership;
- facilitating discussions regarding the partnership process at AREA meetings; and
- issues for discussion include:
 - 1) technical assistance;
 - 2) communications between partnership;
 - 3) delineation of roles and responsibilities;
 - 4) priorities;
 - 5) delegation;
 - 6) training and funding "to building capability";
 - 7) state of art expertise;
 - 8) flexibility by SCS to accept state programs;
 - 9) conservation vs Farm Bill;
 - 10) flexibility on ACP programs
- identification of other organizations that may be important in carrying out the objectives of the partnership and development of a process for their involvement.

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

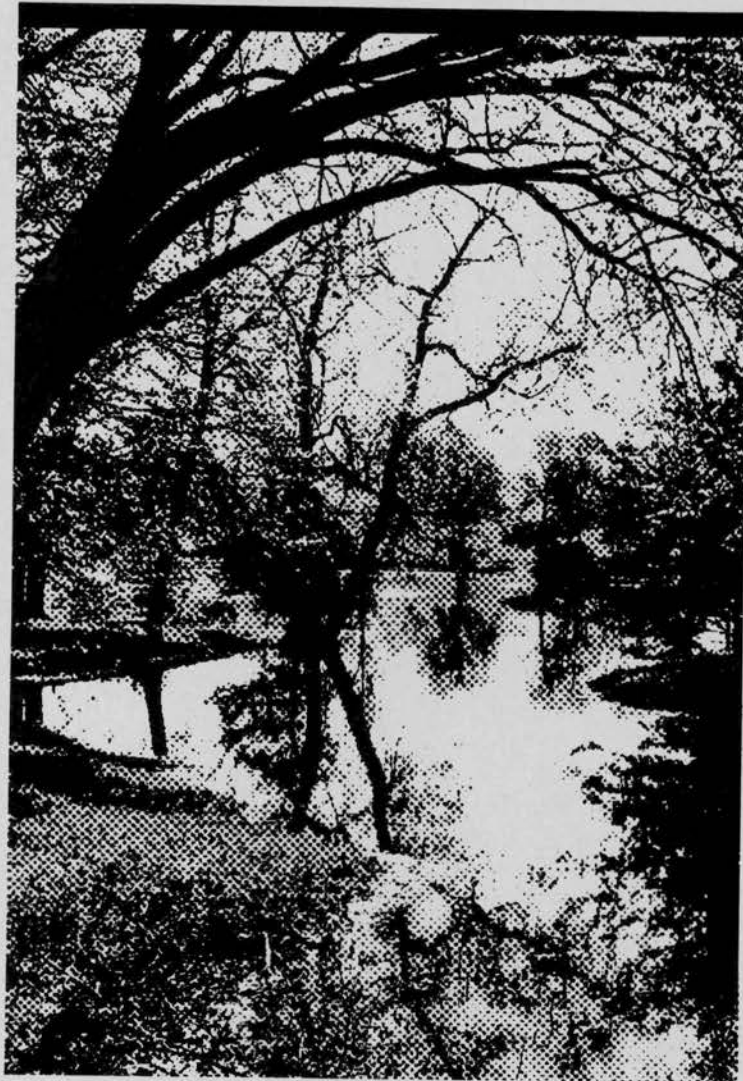
Allan Oehlke
President
Minnesota Association of Soil
and Water Conservation
Districts

Gary Nordstrom
State Conservationist
Soil Conservation Service

12/93



Minnesota River Assessment Project Report



Executive Summary

Report to the
Legislative Commission
on Minnesota Resources

January 1994



Minnesota Pollution Control Agency

For more information, please contact the Minnesota Pollution Control Agency at (612) 296-6300 or toll-free and TTY 1-800-657-3864. This material may be made available in other formats, such as Braille, large type or audio tape, upon request.



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MINNESOTA RIVER EXECUTIVE SUMMARY

BACKGROUND

In 1989 several federal, state and local agencies began a four-year comprehensive study of the Minnesota River basin. This cooperative effort, the Minnesota River Assessment Project (MRAP), was designed to evaluate how pollution is entering the Minnesota River and how the river is affected by pollution.

The purpose of the study was to examine the water chemistry, the biological communities and the land uses that characterize the Minnesota River Basin.

More than 30 federal, state and local agencies participated in the study, which was funded by the State Legislature as recommended by the Legislative Commission on Minnesota Resources as well as local, state and federal agencies. A list of the cooperators can be found at the back of this summary.

The goals of the study were to:

- Assess water quality and set water quality improvement objectives for individual tributaries and sites along the main stem of the river
- Develop assessment techniques that are transferable to other large basin studies in the state

Resource

The Minnesota River flows 335 miles through some of the state's richest agricultural land from its source at the Minnesota/South Dakota border to its confluence with the Mississippi River at Fort Snelling. The Minnesota River basin drains 16,700 miles of land, which includes all or parts of 37 counties in Minnesota. The Minnesota River is the largest tributary to the Mississippi River in Minnesota.

Problem

The Minnesota River is one of the state's most highly polluted waters, particularly from nonpoint sources of pollution. Some common nonpoint sources of pollution include storm water discharges, septic tank discharges and runoff from roads, parking lots, construction sites, lawns, agricultural fields, feedlots, mining operations and forest harvesting operations.

Minnesota's water quality rules define water quality standards for all state waters based on the goals of the federal Clean Water Act to provide fishable and swimmable waters wherever possible. Nonpoint source pollution entering the Minnesota River contributes to water-quality degradation and violation of standards throughout the basin. Water

quality standards most often violated in the Minnesota River are fecal coliform bacteria, turbidity, unionized ammonia and dissolved oxygen.

The volume of suspended sediment carried by the Minnesota River is greater than most other rivers in the state. These fine particles of silt and clay are characteristic of the soils in the Minnesota River basin. Much of the sediment carried by the Minnesota River is transported to the Mississippi River, greatly increasing the Mississippi's pollutant load.

High levels of bacteria in the river also raise health concerns for people who have contact with the river's water.

Pollutants of concern

In the Minnesota River, the pollutants of greatest concern are bacteria, sediments, nutrients, bacteria and oxygen-demanding substances.

Bacteria

High levels of fecal coliform bacteria are often present in the Minnesota River. Sources of this bacteria include wastes from animal feedlots and inadequately treated sewage. These bacteria are often associated with disease-producing organisms that can cause diarrhea, infectious hepatitis, cholera, dysentery, salmonella and typhoid fever. High bacteria levels in the Minnesota River pose health risks for people who have contact with the river's water through activities such as wading, swimming and water skiing.

Sediment

During 13 years of monitoring the Minnesota River at Mankato, the U.S. Geological Survey observed a sediment load of 2700 tons per day. This equals a 10-ton dump truck load approximately every five-and-a-half minutes.

Approximately 90 percent of the sediment carried by the Minnesota River is silt size or smaller. Sediment of this size settles slowly and once suspended is often carried long distances by moving water before settling.

Sediment causes a variety of problems in the river and its tributaries. High amounts of sediment affect biological communities by covering the bottom of the streams and destroying spawning sites and eggs. This condition is termed embeddedness and is widespread throughout the Minnesota River watershed. Sediment on the river bottom limits the oxygen and food that is available to aquatic life.

Sediment is also a problem because many other pollutants attach to sediment particles and are carried into streams along with it.

Nutrients

Phosphorus and nitrogen are the two main nutrients that cause problems in the river. Excess phosphorus and nitrogen are a problem because they increase plant and algae growth in streams.

High concentrations of nitrates, a form of nitrogen, are hazardous to some infants causing a condition known as methemoglobinemia, commonly known as "blue baby syndrome." Blue baby syndrome disrupts the oxygen-transport capabilities of the blood, resulting in asphyxiation of the baby. Infants whose formula is made with water containing high concentrations of nitrates face the greatest risk. Boiling of water for feedings may increase the risk by concentrating the nitrates. A 10 mg/liter standard for nitrates has been set to protect drinking water.

Unionized ammonia, a form of nitrogen, is toxic to many aquatic organisms, such as fish and aquatic invertebrates.

Oxygen-demanding materials

Dissolved oxygen is necessary for aquatic life. A dissolved-oxygen standard of 5 milligrams/liter has been set to protect such life. Many different pollutants can create an oxygen demand in the river. These include raw manure, feedlot runoff, domestic sewage, storm water runoff and sediment. Significant daily swings in dissolved oxygen can occur due to excessive plant growth.

How nonpoint source pollutants enter the river

During rains, large quantities of organic materials, inorganic solids and nutrients find their way into the tributaries and are eventually transported into the Minnesota River.

A small-watershed stream may change quickly from high-quality water to very low-quality water, filled with sediment and associated pollutants, during runoff. A small stream that looks very clean in dry weather may carry a significant amount of pollution into the main stem of the Minnesota River during an intense but short rainfall.

Rainstorms are more frequent in the eastern or lower portion of the Minnesota River basin where the average runoff is more than six inches a year. By comparison, the average runoff in the western extreme of the basin near South Dakota is less than two inches a year.

STUDY RESULTS AND FINDINGS

The Minnesota River Assessment Project consisted of three interrelated components: physical/chemical assessment, biological/toxicological assessment and land use assessment. To study the river, researchers set up a monitoring network in the Minnesota River Basin from the dam at Lac Qui Parle Reservoir to the confluence with the Mississippi River. The network included 14 sites on the main stem of the river, ground water from 19 separate springs sites and 17 sites throughout the watersheds of the major tributaries. These sites were used for the water quality, biological and toxicological monitoring.

A brief summary of the findings from each of these assessments follow:

Physical/chemical assessment

The objectives of the physical and chemical assessment of the basin were to identify sources and determine loadings of major nutrients, suspended sediment, biochemical oxygen demand and organic carbon in selected reaches of the Minnesota River and its tributaries. Another goal was to measure the movement of sediment and associated pollutants between river reaches. Researchers also examined areas of bank erosion and sediment deposition to determine whether in-stream loading might have a greater effect on river quality than upland sources of pollution.

Findings

- Approximately 90 percent of the sediment in transport is fine particles (silt and clay), which can be transported long distances.
- The majority of sediment transport occurs during rain storms and snow melt when sediment concentrations increase dramatically.
- Sediment delivery from uplands via drainage ditches is virtually all fine material (silt and clay).
- Periods of highest turbidity and highest sediment concentrations are associated with periods of transport of the fine particles as the river rises.
- During periods of stable flow (no runoff), turbidity is primarily caused by abundant algal growth with a lesser contribution from silt and clay.
- Sediment deliveries from single rain storms at various streams during this study have ranged from as little as 10 tons/square mile to more than 100 tons/square mile. The average annual yield for the entire basin upstream from Mankato has been about 74 tons/square mile over the last 25 years. This results in an average transport of just under one million tons of sediment through Mankato each year, ranging from about 200,000 tons to 3.5 million tons per year.

- Samples collected as high flows recede (just after the peak) on the main stem of the Minnesota River, when bank erosion is expected to be at maximum, have relatively low concentrations of sediment. This suggests that bank erosion is not the main cause of high concentrations and turbidity in the main stem. Preliminary results suggest that this is also true in the major tributaries. Bank erosion, nonetheless, was shown to add measurable quantities of sediment to the total sediment load.
- Nitrate-nitrogen levels seldom exceeded 10 milligrams/liter in the main stem of the river upstream of Mankato, but frequently exceeded this level at Mankato and downstream.
- Main stem concentrations of *chlorophyll a* indicate high levels of algae.
- Phosphorus concentrations increase two- to five-fold in streams throughout the basin when there is runoff.
- High bacteria counts occurred during both low and high flow conditions, suggesting that some bacterial inputs are constant, such as inadequate municipal treatment plants, septic systems or directly discharging feedlots.
- The instances of elevated oxygen demand during the summer months in the basin upstream of Henderson coincided with highly elevated algal productivity.
- Concentrations of sediments and phosphorus rise dramatically in the tributaries and main stem of the river during runoff. Concentrations fall rapidly as overland runoff ceases. Bacteria, oxygen demand and nitrate are important exceptions in that they can also be high during non-runoff, steady-flow conditions.
- The hydrology of the watershed has been altered in the past century due to extensive ditching and tiling. Formerly landlocked areas are now connected to surface waters, resulting in downstream delivery of pollutants.

Biological/Toxics Assessment

The primary objective for the biological/toxics studies was to help define existing conditions in the Minnesota River and its tributaries. One of the Minnesota River Assessment Project goals was to use these results to help define "attainable conditions" in the basin so that target improvement recommendations can be set for the cleanup activities that are scheduled to follow this project. When developing indices for attainable conditions, researchers took into account the agricultural nature of the Minnesota River watershed.

As part of this assessment, researchers examined habitat, toxicity of water and sediments and the health of fish and macroinvertebrate communities in the Minnesota River and its tributaries.

Fish, macroinvertebrates (stoneflies, caddisflies, freshwater mussels, etc.) and algal communities are commonly measured in watershed investigations. Their composition is directly influenced by environmental factors such as water and sediment chemistry and habitat conditions. Healthy communities are distinguished by diverse and stable populations. In streams where environmental quality is degraded, pollution-sensitive populations decline and are replaced by more pollution tolerant forms.

The Minnesota River basin provides important recreational opportunities for anglers from southern Minnesota, South Dakota, Iowa and Nebraska. Walleye, northern pike and channel catfish are found in the major rivers throughout the basin, Flathead catfish and sauger are found on the main stem of the Minnesota River downstream of Granite Falls. Smallmouth bass are fished in the main stem of the Minnesota River and in tributaries such as the Cottonwood River and Blue Earth River. There are also about 20 spring-fed trout streams within the basin.

Past Minnesota Department of Natural Resources fisheries investigations and surveys of local resource managers (MPCA, 1991) have suggested that nonpoint source pollution has impaired the fishery in many stream and river segments.

Findings

- Habitat was evaluated in the upper watershed areas of the Minnesota River basin. Habitat quality was found to be generally poor, riparian zones adjacent to the streams were absent and stream beds were covered by sediments.
- The toxicity of the water and sediments to organisms at the bottom of the food chain was measured for the Minnesota River and its tributaries. No surface water toxicity was found.
- Analysis of the sediments showed some chronic toxicity to these organisms. Elevated sediment toxicity was found at Fort Snelling, Henderson and the reservoirs at Rapidan and Lac Qui Parle. Lac Qui Parle Reservoir showed the most toxicity. In general, greater toxicity can be predicted at reservoirs because of the settling of sediments and higher nutrient concentrations.
- Toxicity in the sediments was believed to be caused by ammonia nitrogen.
- Aquatic macroinvertebrates that live in and on bottom sediments are considered to be important indicators of water quality. Macroinvertebrate communities were assessed at approximately 40 sites along the main stem of the Minnesota River, its major tributaries, and small-watershed streams. Most sites sampled had been adversely affected by pollution, and had fewer species than would be desirable.

- All macroinvertebrate communities at the sites studied on the main stem of the Minnesota River would be judged as moderately to severely affected by pollution. The main stem sites at Henderson and Lac Qui Parle were the most severely affected.
- Macroinvertebrate communities in the larger tributaries were considered moderately affected by pollution. The Chippewa River was the most affected tributary.
- For the small to intermediate streams, physical characteristics and composition of bottom-dwelling communities varied greatly. Most of these sites are moderately affected and some severely affected by pollution.
- Habitat modification and excessive amounts of organic material were factors affecting macroinvertebrate communities.
- Fish communities were evaluated at 116 sites. Information from historical records and the least impacted sites were used to develop a ranking system for Minnesota River fish communities. This ranking system is called an Index of Biotic Integrity. Six percent of the sites tested had excellent fish community health, 21 percent good fish community health, 35 percent fair, 26 percent poor, and 10 percent very poor using this ranking system.
- Poorer fish community quality was noted in the Blue Earth tributaries.
- Higher fish community quality was found in the larger streams.
- Habitat degradation due to ditching and sedimentation were the most obvious factors impairing the fish communities.

Land Use Assessment

Assessing land use is very important to understanding the types and magnitude of pollutant sources entering a system. In the Minnesota River system, there are 1208 minor watersheds which make up the surface water flow to the system. Because it was not practical to assess all 1208 watersheds, a number of minor watersheds were selected and assessed using four different methods of land use assessment. These four methods, called Levels I-IV, are described below. Findings and a comparison of the costs and usefulness of each of the methods follows the descriptions.

The Level I land use study, conducted by Mankato State University, was undertaken to determine if existing data and modeling methods could be used to predict water chemistry in the Minnesota River. Level I used a model based on ecoregions to try to predict the potential for nonpoint source pollution from each of the 1208 minor watersheds. The model used data from the Land Management Information Center, which included land use, soil texture, slope and water orientation data.

The Level II assessment's goal was to identify, analyze and recommend the most cost-effective group of best management practices that would improve the quality of the water that leaves agricultural lands. The USDA Soil Conservation Service (SCS) conducted the work on 10 minor watersheds located in the Blue Earth, Le Sueur and Watonwan watersheds. The 10 minor watersheds evaluated by this method are a subset of the 37 minor watersheds assessed in the third land-use study.

The primary pollutants studied in the Level II assessment were sediment and nutrients (nitrogen and phosphorus). Cropland fields were analyzed using Soil and Water Conservation District inventories and the use of various computer models. Watershed and field level management alternatives were established and then modeled to determine the impacts on water quality.

The third method of land use assessment was developed as a means of assessing cropland fields and nonpoint sources such as septic systems, tile inlets, wells, dumps and feedlots. The Level III approach included five steps: walking the watershed, interviewing landowner/operators, developing land use maps, developing databases and estimating costs to implement the assessment. Soil and Water Conservation District staff conducted this assessment in 37 minor watersheds.

The fourth method of land-use assessment involved the use of large-scale infrared aerial photography to obtain land cover/land use information, which can be used to assess point source and nonpoint source pollution in the minor watershed study areas. The same 10 minor watersheds assessed in Level II were selected as study sites for the Level IV assessment.

Findings

Evaluation of best management practices—SCS Level II assessment

- An estimated 200,000 tons per year of soil is eroded from cropland from the 10 sub-watersheds studied in the Level II assessment. An estimated 19 percent (38,000 tons) of the soil that eroded from cropland was washed out of the watersheds into the river system.
- The majority of the cropland in the 10 sub-watersheds is eroding at five tons per acre or less. The five-ton level is what is known as the tolerable level (T), above which crop productivity can be affected. Even though soil loss levels were below T, water quality problems were found in the system. This confirms the observation that a small amount of pollutant loss per acre multiplied by millions of acres can significantly affect water quality.

- Sediment and nutrient management strategies would lead to significant reductions in pollutant loadings. Models showed that the following reductions at the outlet of a watershed could be made: sediment by 45 percent, phosphorus by 65 percent and nitrogen by 15 percent.
- Significant reductions in sediment and nutrients could be achieved using existing technology for residue and tillage management. Practices leaving approximately 30 to 40 percent crop residue on the surface after planting were evaluated. Models predicted that by treating 16 percent of the land, a 25 percent reduction in deliverable sediment could be achieved, and by treating 79 percent of the cropland, a 45 percent reduction in sediment could be achieved.

Comparison of the four levels of assessment

- Level I is a broad-scale computer modeling approach using statewide minor watershed data. Its strength is the inclusion of the whole basin. This a theoretical approach that involves computer-trained personnel and models. Cost is minimal, about \$20,000 for all 1208 watersheds. This model did not accurately predict the nonpoint source potential of the different watersheds studied, perhaps because it did not take in account land use management. The long-term goal is to refine the model so it could be used as a screening tool to prioritize each of the 1208 minor watersheds for assessment and implementation of best management practices.
- The SCS Level II system uses modeling to trace the water from where it falls to the outlet of a watershed. Use of these models requires a large amount of site-specific data usually obtained from the SCS and SWCDs. Its greatest strength is the ability to model the impacts of various practices, such as crop residue management, and to predict the water quality output. Its greatest drawback is the cost, \$40,000 for the initial set-up of the model. However, the modeling processes and/or outputs could be transferred to similar watersheds, which could substantially reduce the cost. If the 1208 minor watersheds in the basin could be classified into Level II categories, this would be a useful planning tool.
- Level III is a local methodology tracing water back from where it enters a body of water. It has the advantage of involving landowners throughout the process. It has proven to be extremely successful in providing accurate and sensitive information for inventories of the 37 minor watersheds studied. The drawbacks of this method are its labor-intensive approach and the inability to check the accuracy of landowner information. The cost of this method is more than \$10,000 per minor watershed. Information from these assessments was used directly in Level II, and the methodology is being used in many MPCA Clean Water Partnership projects.

- Level IV is a technical methodology using aerial photography interpretation and analysis. It does not involve participation by landowners. It can provide the most accurate data for geographical information systems. The cost of \$1,000 per minor watershed is reasonable, but for enhanced analysis several flights may be needed. Of all the methods used, this one has the best potential for trend documentation because of its capability for measuring at specific points in time.

CONCLUSIONS

- Large amounts of sediment and nutrients are carried into the Minnesota River during rain fall and snow melt. A certain type of sediment—fine particles of silt and clay—is causing serious problems in the Minnesota River watershed. These fine particles of silt and clay are characteristic of the soils found in the watershed. Fine sediments, which can be transported long distances, cause an increase in turbidity or cloudiness of the water. They can also cause aesthetic problems and carry nutrients and other pollutants that can cause low levels of dissolved oxygen in the river.
- Biological communities (fish, algae and invertebrates) are adversely affected by pollution throughout the Minnesota River and its tributaries. Siltation and excessive amounts of organic pollutants (e.g. manure, septic system runoff, antifreeze) are affecting the health and stability of aquatic communities.
- Levels of *chlorophyll a* indicate the presence of large amounts of algae in the river. This condition is pronounced under summer low-flow conditions.
- Levels of phosphorus in the basin are high enough to produce nuisance growth of algae. These concentrations often increase two- to five-fold in streams throughout the watershed when there is runoff.
- Nitrate levels in the Minnesota River and its tributaries were elevated but did not exceed 10 milligrams/liter nitrate-nitrogen above Mankato. At Mankato and downstream, nitrate levels often exceed 10 milligrams/liter nitrate-nitrogen. The level of 10 milligrams/liter nitrate-nitrogen is set by the federal government to protect drinking water. None of the cities at Mankato or downstream draw their drinking water directly from the river or its tributaries. However, these high nitrate levels are of particular concern to the City of Mankato. Under certain conditions, water from the Blue Earth River moves into the shallow aquifer that is used as the source of Mankato's drinking water.
- High fecal coliform bacteria counts have been found throughout the river basin. These high levels of bacteria, which can be associated with other disease-causing bacteria, are a health concern for people who have contact with the river water. For example, people who swim, wade or water ski in the river can get sick from contact with the water.
- Although some of the tributaries have higher concentrations of specific pollutants, no single tributary is controlling the overall water quality of the river.
- The effects of pollution from municipal and industrial treatment facilities as well as pollution from septic tanks and feedlots with direct discharges are more pronounced during low flow conditions where there is less dilution.

- Traditionally, erosion limits are expressed as soil loss tolerances ("T") which are the maximum levels of erosion that can take place while maintaining high agricultural productivity. Because of a predominance of gentle slopes and fine-textured soils within much of the Minnesota River Basin, soil losses rarely exceed "T." The difficulty with this type of erosion standard is that it looks only at field-scale needs and does not address downstream water quality considerations. The water quality problems of the Minnesota River with respect to sediment may indeed be a case of a delivery of sediment from watersheds over a very large area even though erosion rates are low.

RECOMMENDATIONS

- Establish phosphorus standards for the Minnesota River basin. The state's standard-setting process is participatory involving affected parties.
- Implement soil erosion control practices on all land, including transportation, construction, agricultural and urban areas.
- Help people recognize that fine-textured soil lost from gentle slopes contributes to water quality problems.
- Control erosion of cropland currently not using soil management best management practices. Follow a three-phase approach to bring cropland to at least 30 percent residue after planting, or provide equivalent soil protection, in the following order:
 1. treat cropland currently exceeding soil loss tolerance (T) levels; then
 2. treat cropland in riparian areas and other areas where sediment delivery is highest; and then
 3. treat the remaining cropland acres.
- All communities should develop and implement plans to manage urban storm water.
- The amount of nutrients (phosphorus and nitrogen) must be reduced through urban and agricultural fertilizer best management practices, control of feedlot runoff, septic system upgrades and control of inadequately treated point sources.
- Vegetated buffers should be established alongside ditches and rivers in the basin.
- Additional stream bank assessments are needed to target areas that need protection.

- Wetland restoration is needed in carefully selected locations to settle solids, remove nutrients and reduce peak flows, thereby protecting stream banks.
- Long-term trend monitoring of the entire Minnesota River basin is needed.
- Stream channelization and river clearing and snagging should be limited. When necessary, these activities should be carefully implemented, considering downstream consequences. These actions adversely affect stream habitat.
- Land treatment goals should be established. These should be reasonable and cost effective and shown to significantly reduce nonpoint source pollution.
- Long-term trend monitoring should be refined to increase our understanding of toxics throughout the Minnesota River basin.
- Strategies and recommendations should be set to meet a 10-year goal for addressing pollution problems in the basin. Watersheds in the basin should be prioritized so that resources can be directed to address critical problems first.

MRAP PROJECT REPORTS

Volume I—LCMR Work Plan and Project Summary

Legislative Commission on Minnesota Resources Project Work Plan. Minnesota Pollution Control Agency.

MRAP Project Summary. Minnesota Pollution Control Agency.

Volume II—Physical and Chemical Assessment

Selected Basin Characteristics and Water-Quality Data for the Minnesota River Basin—U.S. Geological Survey Open-File Report 93-164. Thomas A. Winterstein et al.*

Sources and Transport of Sediment, Nutrients and Oxygen-Demanding Substances in the Minnesota River Basin, 1989-92. United States Geological Interpretive Report. Greg Payne.

The Minnesota River Basin: A Hydrologic Overview and Assessment of Spring Resurgence. Joseph A. Magner and Scott Alexander.

Wetland Water Quality Functions: Literature Review and Considerations for Wetland Restoration/Creation in the Minnesota River Basin. Brendan J. Cain and Joseph A. Magner.

Selected Water Quality and Flow Data from Minor Watersheds in the Blue Earth River Basin. Gregory D. Johnson.

Water Quality Analysis of the Lower Minnesota River and Selected Tributaries: River (1976-1991) and Nonpoint Source (1989-1992) Monitoring. Metropolitan Waste Control Commission.

Volume III—Biological and Toxicological Assessment

Diatom Assemblage Structure as an Indicator of Stream Habitat Condition in the Minnesota River Watershed. Carl Richards and Franz J. Kutka.

Characterization of Sediments, Settleable Solids and Water Quality of Stormwater Runoff in the Minnesota River Watershed. Beth Proctor.

Ambient Toxicity Assessments in the Minnesota River Basin. John W. Arthur, Jo A. Thompson, Charles T. Walbridge and Harry W. Read.

* will be printed separately

Assessment of Organic Pollutants on Fish in the Minnesota River Watershed by Hepatic Aminopyrine N-Demethylase Activity. Steve D. Mercurio et al.

Analysis of Benthic Macroinvertebrate Communities in the Minnesota River Watershed. James A. Zischke, Gerald Erickson, Diane Waller and Robert Bellig.

A Fish Community Analysis of the Minnesota River Basin. Patricia A. Bailey, John W. Enblom, Steven R. Hanson, Paul A. Renard and Konrad Schmidt.

Volume IV—Land Use Assessment

Nonpoint Source Pollution Potential Model of the Minnesota River Basin Watershed MRAP Level I—Land Use. Charles V. Peterson and Henry W. Quade.

An Atlas of Nonpoint Source Pollution Potential in the Minnesota River Basin. Charles V. Peterson and Henry W. Quade.*

MRAP Level II Assessment—USDA Soil Conservation Service. Tim Koehler, Peter Cooper et al.

SWCD Methodology of Land Use Assessment—MRAP Level III. Mary Mueller and Gary Wehrenberg.

MRAP Level III Database and Database Documentation for Minnesota River Assessment Project—Land Use Assessment Questionnaire. Julie A. Doherty.*

MRAP Land Use Level IV Aerial Photography Methodology. Cis Berg.

* will be printed separately

REPORT DISTRIBUTION

The results of the Minnesota River Assessment Project are compiled into four volumes, each containing several individual reports. A limited number of the full report sets were printed because of the size of the reports and budget constraints. The full reports are available for review at the Minnesota Pollution Control Agency's central office in St. Paul and regional offices in Marshall and Rochester. Copies are also available at county soil and watershed conservation districts in the basin and at major libraries in the basin.

MRAP COOPERATORS

Minnesota Pollution Control Agency
U.S. Department of the Interior, U.S. Geological Survey
U.S. Environmental Protection Agency, Environmental Research Laboratory, Duluth
U.S. Department of Agriculture, Soil Conservation Service
Mankato State University
Metropolitan Council
Metropolitan Waste Control Commission
Minnesota Department of Agriculture
Minnesota Board of Water and Soil Resources
Minnesota Department of Natural Resources
Minnesota Land Management Information Center
Gustavus Adolphus College
St. Olaf College
South Central Minnesota Counties Water Planning Project
Natural Resources Research Institute
University of Minnesota
University of Wisconsin-Madison
U.S. Department of the Interior, U.S. Fish and Wildlife Service
Blue Earth County Soil and Water Conservation District
Brown Soil and Water Conservation District
Chippewa Soil and Water Conservation District
Cottonwood Soil and Water Conservation District
Faribault County Soil and Water Conservation District
Kandiyohi Soil and Water Conservation District
Lincoln Soil and Water Conservation District
Lyon Soil and Water Conservation District
Martin Soil and Water Conservation District
Murray Soil and Water Conservation District
Nicollet Soil and Water Conservation District
Redwood Soil and Water Conservation District
Renville County Soil and Water Conservation District
Sibley Soil and Water Conservation District
Swift County Soil and Water Conservation District
Watonwan Soil and Water Conservation District
Yellow Medicine Soil and Water Conservation District

Place
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Here

MINNESOTA RIVER CITIZENS' ADVISORY COMMITTEE
C/O LYNNE KOLZE
MINNESOTA POLLUTION CONTROL AGENCY
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

As we enter the second and most important year of our planning process, we would like to take the opportunity to hear from concerned citizens and organizations in the river basin. Your thoughts and concerns are important to us as we decide on what to recommend to the state agencies, the Governor and legislators in 1994. We welcome your input and any comments you may have about this report. Please take a few minutes to write to us and let us know how you feel about the Minnesota River.

1. Do you have any specific comments on this report?
2. Do you have any specific ideas or recommendations that you would like to share regarding how to improve water quality in the Minnesota River?
3. Is there anything else you would like to tell to the Citizens' Advisory Committee as we begin to develop recommendations for improving this river?

Please fold this page and return to the Minnesota Pollution Control Agency
(Address is on the back of page.)



facts about

Activities and Projects Related to Minnesota River Cleanup

A number of different activities and projects are underway that focus on cleanup of the Minnesota River. These activities are divided into four areas: assessment, planning, information/outreach and implementation projects.

ASSESSMENT

Minnesota River Assessment Project—The Minnesota River Assessment Project was a comprehensive four-year study of the river and watershed which included physical and chemical monitoring, a biology and toxics assessment and a land use study. The report was completed in January 1994.

Metropolitan Council Pollution Reduction Targeting—The Metropolitan Council is developing targets for reducing pollution in the four watersheds to the river above Shakopee. Targets for Bevens, Carver, Chaska and Sand Creek watersheds will be developed this spring. The Council is also working to develop targets for all the watersheds discharging into the Minnesota River.

PLANNING

Minnesota River Citizens Advisory Committee—The Citizens Advisory Committee is a group of individuals representing grass roots groups, local governments, agriculture, industry and environmental groups. The committee is helping the MPCA and other state agencies develop ideas and approaches for improving water quality in the Minnesota River. The committee's final report will be completed in the summer of 1994.

Local Water Quality Planning—Every county in the Minnesota River basin has completed a comprehensive local water plan, which outlines each county's blueprint for improving and protecting water quality.

Minnesota Statewide Nonpoint Source Planning—Minnesota's nonpoint source management program (319 program) was set up to guide Minnesota's nonpoint source pollution control efforts. Development and implementation of this program has involved more than 20 state, federal and local agencies, with the Minnesota Pollution Control Agency as the lead. This program receives significant funding from the federal government for use in demonstration and research projects, including the Minnesota River.

Basin Planning—The Minnesota Pollution Control Agency is currently developing a basin planning process for the state that will set water quality priorities by watershed in the state. A basin plan for the Minnesota River will be developed that will incorporate the findings from the Minnesota River Assessment Project and the work of the Minnesota River Citizens Advisory Committee.

Metropolitan Area Planning—The Metropolitan Council is involved with nonpoint source pollution planning efforts in the metropolitan area.

INFORMATION/OUTREACH

Minnesota River Basin Open Houses—A series of four open houses will be held in the Minnesota River Basin in February and March 1994 to inform the public about the findings of the Minnesota River Assessment Project. The two-day open houses will also provide an opportunity for the Minnesota River Citizens Advisory Committee to get input from citizens in the basin about strategies to clean up the river. The open houses will be held in Lamberton, Montevideo, Mankato and the Twin Cities metro area.

Minnesota River Agriculture Team—The Minnesota River Agriculture Team is an advisory task force appointed by the Department of Agriculture that will help inform agricultural producers about the nonpoint source pollution activities of state agencies and help get agricultural producers involved in those activities. The Minnesota River Agriculture Team includes producers and representatives from agriculture-related government agencies.

IMPLEMENTATION PROJECTS

Demonstration watersheds—Four subwatersheds within the Minnesota River system have been chosen to demonstrate the effectiveness of using best management practices within the entire watershed. The subwatersheds chosen for this project are located in Blue Earth, Lincoln, Brown and Big Stone counties.

Manure/Nutrient Management Education—The Minnesota Extension Service will develop and track individual nutrient management systems for 100 farmers within the Minnesota River watershed. An Extension Service technician will work directly with farmers.

Acceleration of Existing Programs in the Blue Earth River Watershed—The Blue Earth River Basin Initiative (BERBI) involves the Board of Water and Soil Resources and five counties and soil and water conservation districts that lie within the Blue Earth River watershed. The project focuses on the accelerated

implementation of BMPs through established state and local programs. Areas targeted for this project are riparian buffers, feedlots and manure management, septic systems and the use of crop residue.

Research and Development of Tiling Best Management Practices—The University of Minnesota will lead this project, which will analyze pollutant delivery through tile inlets and develop BMPs for tile systems. Project work will be conducted in the demonstration watersheds.

Development of Rivers Curriculum for Schools in the Minnesota River Basin—This project adapts the river curriculum originally developed by Southern Illinois University for schools on the Mississippi River. Teachers use the curriculum in an inter-disciplinary approach: students conduct river monitoring in science classes, write reports on the river in English classes, discuss the role of the river in community life in social studies classes and share information by computer with other schools in the project.

Acceleration of the Clean Water Partnership Program—The Clean Water Partnership Program received an additional \$800,000 to be targeted for projects in the Minnesota River basin. The Clean Water Partnership Program is designed to help local governments protect and restore lakes, streams and ground-water resources that have been polluted by land-use activities. Local government project sponsors can apply for grants of up to 50 percent of project costs.

Metropolitan Council-Metropolitan Waste Control Commission Nonpoint Source Grants—The Metropolitan Council and the Metropolitan Waste Control Commission have established a \$10 million grant program to help fund projects to reduce nonpoint source pollution to the river. Grants of up to \$100,000 are available from now through 1998. The grants require a 25 percent local match. Possible projects could include wetland restoration, contour plowing, buffer strips along streams and public education efforts to help people change their behavior to improve water quality.

Urban demonstration watershed—The City of Mankato has been chosen as a demonstration watershed for urban best management practices. The Minnesota Pollution Control Agency will work with Mankato city officials to implement a construction erosion ordinance and set up best management practices such as sediment ponds in a subwatershed in the city. City officials from throughout the Minnesota River basin will be invited to tour the projects.

Reinvest in Minnesota (RIM) Reserve Program—The Board of Water and Soil Resources targets 50 percent of its funding for the program to the Minnesota River Basin. The RIM Reserve Program focuses on restoring drained wetland and protecting riparian areas and marginal lands through conservation easements.

Acceleration of State Cost-Share Programs—The Board of Water and Soil Resources has received \$600,000 to accelerate the installation of erosion/sedimentation control practices and other water quality practices in the Minnesota River Basin. This money as well as other cost-share funds is being administered through the soil and water conservation districts.

North American Waterfowl Management Project—A group of state and federal agencies and conservation groups has received a \$1.8 million federal grant for wetland restoration in the Minnesota River basin. The money, which will be matched by funds from participating groups, will be used to acquire wetlands, buy perpetual easements, restore wetlands and seed surrounding upland areas. Partners in the project include Pheasants Forever, Ducks Unlimited, the Minnesota Department of Natural Resources, the Minnesota Board of Water and Soil Resources, Bureau of Indian Affairs, Minnesota Pollution Control Agency and the Minnesota Waterfowl Association.

Riparian Evaluation—Buffer strips in riparian areas and adjacent to feedlots will be planted with trees in Blue Earth County as part of this project which is being conducted by the United States Geological Survey. The USGS will evaluate the effectiveness of the buffer areas in removing nutrients.

Feedlot Positions in the Minnesota River—A new MPCA staff person was hired to work on feedlots in the regional offices and a new Board of Water and Soil Resources staff

person is providing technical assistance on feedlots in the basin.

Design Assistance for Manure Storage Basins—The Department of Agriculture is managing a project that is funding a Soil Conservation Service staff person in St. Peter who will help farmers and feedlot owners with the design of manure storage basins.

Best Management Practices Technical Assistance—An MPCA staff person was hired to provide technical assistance on best management practices.

Minnesota River Multimedia Compliance Assistance Project—This Minnesota Pollution Control Agency project began in October 1993 with the goal of reducing pollution from industrial discharges in the Minnesota River basin. The main focus of the project is joint multimedia (air quality, water quality, hazardous waste, solid waste) compliance inspections of 12 facilities in the basin. The inspections are designed to provide clients with an opportunity to ask questions on a broad range of pollution control issues.

In addition to the new or accelerated projects mentioned above, many ongoing programs are helping to improve water quality in the Minnesota River basin. Some of these include the Board of Water and Soil Resources's erosion/sedimentation cost-share program, the MPCA's feedlot program and individual sewage treatment system grants for communities, wetland restoration efforts and the Clean Water Partnership program.

For more information about activities and projects in the Minnesota River basin, please contact Patricia Engelking at (612) 296-7442 or toll-free or TTY at 1-800-657-3864.



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St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

February 16, 1994

CERTIFIED MAIL

Landview Landscaping, Inc.
3670 Hwy 7
Excelsior, MN 55331
c/o Stephen Spartz, President

Re: BWSR Decision on Appeal, Landview v. Minnehaha Creek WD

Enclosed is the formal order of the Board of Water and Soil Resources resulting from the action the Board took at its January 27, 1994 meeting.

Please be advised that the Board will be considering your request for the Board to reconsider its action on your company's appeal at its regular meeting at 11:30 a.m., Wednesday, February 23, 1994. The meeting will be held in the University Room at the Crown Sterling Suites Hotel, 175 E. 10th Street, St. Paul, MN 55101. Enclosed is a copy of the meeting agenda for your reference.

Please call Bruce Sandstrom of my staff at 297-4958 if you have any questions regarding the enclosed order.

Sincerely,


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

Encl - Order
- Agenda

cc BWSR Metro Region
Minnehaha Creek WD (Attorney, Eng., Chair, & Admin.)
Dale Homuth, MDNR Metro Region
Kent Lokkesmoe, DNR, DOW
Hennepin Conservation District
BWSR Board Members
Jim Birkholz

a:spartz.cvr

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**BOARD OF WATER AND SOIL RESOURCES
CROWN STERLING SUITES - UNIVERSITY ROOM
175 E. 10TH STREET
ST. PAUL, MINNESOTA 55101
FEBRUARY 23, 1994**

PRELIMINARY AGENDA

- | | |
|------------|---|
| 9:00 a.m. | 1. Call Meeting to Order |
| | 2. Adopt Agenda |
| | 3. Approve Minutes of January 27, 1994 |
| | 4. Reports <ul style="list-style-type: none">● Chairman's Report - Jim Nielsen● Executive Director's Report - Ron Harnack● Committee Reports |
| 9:30 a.m. | 5. Allocation of Special Minnesota River Funding - Wayne Zellmer |
| | 6. Wetland Conservation Memorandum of Agreement |
| | 7. Interagency Partnership Agreement - Ron Harnack |
| 10:30 a.m. | Break |
| | 8. Metro Groundwater Planning Update - Eric Mohring |
| | 9. Review of Per Diem Policy for Board - Ron Harnack |
| 11:30 a.m. | 10. Reconsideration of Spartz Appeal Decision - Ron Harnack |
| Noon | Lunch |
| 1:00 p.m. | 11. Minnesota River Assessment - Tim Koehler, SCS |
| | 12. Advisor Comments <ul style="list-style-type: none">● Curt Borchert, MACDE● Gary Nordstrom, SCS● Marlin Libbesmeier, MAT● Howard Peterson, MAWD● Allan Oehlke, MASWCD● Pat Wulff, MLA |
| | 10. Board Issues - discussion, comments, action needed |
| 3:00 p.m. | Adjourn |

Minnesota Board of Water and Soil Resources
155 South Wabasha Street, Suite 104
St. Paul, Minnesota 55107

In the Matter of the Appeal of Landview
Landscaping, Inc. from an Order of the
Minnehaha Creek Watershed District

ORDER

On September 27, 1993, the Minnehaha Creek Watershed District (MCWD) issued an Order (MCWD Order) granting Landview Landscaping, Inc. (Landview) a conditional shoreline improvement contractor's license pursuant to MCWD Rule M. The MCWD Order provides as follows:

Landview Landscaping, Inc. is hereby granted a conditional license for a probationary period from September 23, 1993, to March 31, 1994, with the following conditions:

1. Landview must perform the following remedial work necessary for Project 93-32, Christopher Smith, 3650 Casco Avenue, Orono, Minnesota, to be completed on or before January 15, 1994:
 - a. the portion of the riprap wall extending into the neighboring property shall be removed and the shoreline restored to the original condition; or, reconstructed by a shoreline improvement contractor licensed under District Rule M, to conform with District standards, and only upon the filing and approval of a separate permit application by the neighboring property owner;
 - b. the elevation of the third tier of boulders must be lowered, the boulders must be moved back, and sufficient landscape rock and fill soil removed in order to achieve an overall slope of 2:1 and to return the shoreline to the permitted natural grade, as delineated by the diagram prepared by District Engineer Syverson and sent to Landview on June 15, 1993 (See Exhibit 22);
 - c. the existing voids between the boulders must be filled; the placement of hand-size boulders into existing voids will be acceptable as a remedial measure considering the difficulty associated with totally reconstructing the project;
 - d. the timber board must be lowered in elevation to fit along the repositioned tier three boulders;
 - e. all remedial work directed by this order shall be inspected by MCWD staff as necessary to assure compliance with District standards and permit conditions;

2. Landview must post a performance bond on or before October 1, 1993, in the amount of \$5,000, in addition to the bond posted with Landview's license application, (a) to guarantee the performance of the above-described remedial work on Project 93-32 on or before January 15, 1994; and (b) to remain in force and effect until September 15, 1994, to guarantee that there is no significant erosion. A copy of these Findings of Fact, Conclusions, and Order shall be attached to the bond;
3. Landview must comply with all MCWD Rules, license requirements (including insurance), and permit conditions on all future projects; any exceptional lakeshore circumstances must, pursuant to MCWD Rule F, be addressed specifically in the permit application and project design;
4. Each shoreline improvement project performed by Landview during this license term (until March 31, 1994) shall, at the expense of Landview, be inspected and certified by an independent licensed professional engineer selected by Landview that the project as built meets District rules and permit conditions;
5. The violation of any District Rules, permit conditions, license requirements, or other applicable law, as well as any of the above conditions, will result in the immediate suspension of this license and a hearing to consider revocation.

On October 26, 1993, Landview filed an appeal of the MCWD Order with the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Stat. § 103D.537(a).

The record made in the proceeding before MCWD as received by BWSR includes: transcripts of public hearings on August 31, 1993, September 8, 1993, and September 15, 1993; a group of 76 exhibits numbered consecutively from Exhibit 1 through Exhibit 76; and, the MCWD Order with accompanying findings of fact and conclusions.

At a meeting on January 12, 1994 in St. Paul, Minnesota, the Dispute Resolution Committee (DRC) of BWSR heard oral arguments on Landview's appeal. Steven Spartz, President of Landview, appeared for Landview. Louis Smith, MCWD Legal Counsel, appeared for MCWD. Matthew B. Seltzer, Assistant Attorney General, attended the meeting as legal counsel for BWSR.

At the meeting of the DRC on January 12, 1994, Landview moved for the addition to the record of certain exhibits that were marked for identification as Exhibits 4A, 4B, 21A,

41A, 42A, 42B, 77, 78, 79 and 80. MCWD subsequently submitted an additional proposed Exhibit that was marked for identification as Exhibit 81.

The January 12, 1994 meeting of the DRC was recessed and continued until January 27, 1994.

^{MEETING}
The January 27, 1994 ^{MEETING} of the DRC was held in Farmington, Minnesota. Steven Spartz appeared for Landview. Louis Smith appeared for MCWD. Matthew B. Seltzer attended the meeting as legal counsel for BWSR. The DRC adopted a resolution recommending that the exhibits marked for identification as Exhibits 4B, 21A, 78, and 81 should be added to the record. The DRC also adopted a resolution recommending that BWSR should reverse Paragraphs 1 and 2 of the Order and affirm Paragraphs 3, 4, and 5 of the Order.

At a meeting of BWSR on January 27, 1994 in Farmington, Minnesota, BWSR adopted a resolution to accept the recommendations of the DRC and authorize the Chair of BWSR to issue an order consistent with the recommendations of the DRC.

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

ORDER

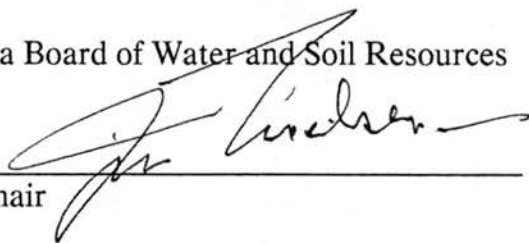
1. The exhibits marked for identification as Exhibits 4B, 21A, 78, and 81 are added to the record. The motion to add the other proposed additional exhibits to the record is denied.
2. Paragraphs 1 and 2 of the MCWD Order are reversed.
3. Paragraphs 3, 4, and 5 of the MCWD Order are affirmed, such that Landview is granted a conditional license for a probationary period from September 23, 1993 to March 31, 1994 with the conditions stated in Paragraphs 3, 4, and 5 of the MCWD Order.

Minnesota Board of Water and Soil Resources

Dated: February __, 1994

By

Its Chair



Landview Landscaping
3670 Hwy 7
Excelsior, MN 55331
Office: (612) 470-5263
Owner: Stephen Spartz

Disputes & Resolutions Committee
Board of Water & Soil Resource
155 South Wabasha Suite 104
St Paul, MN 55101

DATE: January 31, 1994

RE: Request for rehearing.

Dear BWSR,

I, Mr. Spartz, would like to present this letter as a request for a rehearing for the following reasons. Mr. Spartz claims that BWSR did not have an adequate record to base their decision and were not fully informed (lack of Mr. Spartz's response to Louis Smith's cases regarding principle of law regarding licensing and conditions on licenses) and they proceeded against the substantial weight of the evidence (Conditions are specifically limited to the conditions contained in Rule M itself and the MCWD lacks the authority to License shoreline erosion contractors).

The Supreme Court has ruled that a party aggrieved by the action of an administrative body in connection with a license application must exhaust the available administrative remedies before resorting to the courts for relief. (See *City of Columbia v. Abbott*, 238 S. E. 2d 177, 269 S.C. 504.) I am asking for a rehearing, in doing so I attempt to exhaust the available administrative remedies before I resort to the courts for relief.

It is generally within the discretion of the board, officer, or administrative agency which has conducted a licensee disciplinary hearing to grant or deny a rehearing. (See *Baldrige v. Department of Registration and Ed.*, 367 N. E. 2d 95, Ill. Dec. 661, 52 Ill. App.3d 568.)

A rehearing may be granted where the board, officer, or administrative agency has proceeded against the substantial weight of the evidence and proceeded on the basis of an inadequate record or not fully informed. (See *Ulrey v. Department of Registration and E.*, 370 N. E. 2d 1, 12 Ill Dec. 378, 54 Ill. App.3d 408.)

As a statutory prerequisite to an appeal, it may be required that all administrative remedies be exhausted. (*One Way liquors, Inc v. Byrne*, 435 N. E.2d 144, 61 Ill.Dec. 655, 105 Ill.App.3d 856.). After all administrative remedies have been exhausted, the time within which to perfect an appeal to the court starts to run, and the appeal must be perfected within such time or it is barred.

I would like to know if there are other available remedies available to me other than this

letter for you to consider a rehearing or reversal of the decision?

Generally, the decision of the board or agency is subject to judicial review if it is found that procedural defects may have been present in the hearing, (E & H Enterprises, Inc. v. Skaggs, app., 607 S.W.2d 215.) if there is a question as to whether the board or agency exceeded its authority, (Voelz v. Board of Engineering Examiners of Dept. of Commerce, 586 P.2d 807, 37 Or.App. 113.) or whether its final judgement or order is supported by the substantial weight of the evidence, (Voelz v. Board of Engineering Examiners of Dept. of Commerce, 586 P.2d 807, 37 Or.App. 113.) or if there may be problems of constitutional proportions (Voelz v. Board of Engineering Examiners of Dept. of Commerce, 586 P.2d 807, 37 Or.App. 113.).

I, Mr. Spartz, would like to point out that the BWSR set a procedure in which Louis Smith was suppose to provide Mr. Spartz a copy of cases citing principle of law regarding licensing and conditions on licenses and circulate to all. Chair Roer, Matt Seltzer, Louis Smith and Mr. Spartz all agreed. As you will notice Mr. Spartz was never given his opportunity to respond to this matter since Mr. Spartz was never copied on the cases as was required according to the procedure agreed upon by all parties on January 12, 1993 hearing. Because of this procedural error BWSR has proceeded against the substantial weight of the evidence, had an inadequate record and were not fully informed. According to the Law this would grant Mr. Spartz a rehearing. Below Mr. Spartz will give his reply to Mr. Smiths matters raised in the attached cases. This will show that the, BWSR DRC, proceeded against the substantial weight of the evidence.

Mr. Spartz alleges that the MCWD and BWSR lacks the authority or place conditions on a licence outside of Rule (M) itself and lacks the authority to License riprap contractors based on the hearing and below information.

According to Mr. Smiths cases all but one addressed conditions placed on a license outside of the ordinance itself. It was the case of upholding the denial of a parking lot owner's license renewal for failure of the licensee to provide adequate security for parked cars, even though the parking lot ordinance was silent on the issue of security and permitted license applications to be denied only "for cause.") Mr. Smith stated that his research has revealed no case in which a court has struck down the grant of a conditional license. This is simply false - There are cases. My research has shown that Mr. Smiths cases do not apply to Landview's conditional license. Matt Seltzer, BWSR's legal counsel, himself stated that even though Mr. Smiths cases are good, they do not apply in this situation and the conditions imposed should be limited to Rule (M) itself.

Mr. Spartz stated in the brief that MCWD's Rule M. Shoreline Improvement Contractors License, is specifically limited as to the conditions available to impose on a license. Rule M is also specifically limited as to the options of approval and denial and does not provide for conditional or provisional approval or denial. He also stated that the MCWD's Rule F, Shoreline Standards, do not design to assure shoreline improvements prevent erosion or comply with accepted engineering principles and state guidelines. (See Landview's Reply Brief).

The Supreme Court has upheld that Licensing Authorities without further authority to regulate or control such placed, the council would not be authorized, as against existing licensees at least, to impose new or additional conditions not required or contemplated by a previous ordinance and license issued thereunder or to provide and enforce penalties for the violation thereof (State v. Pamperin (1890) 42 Minn. 320, 44 N.W. 251.).

The Supreme Court has also upheld that a board or officer cannot require a condition as a prerequisite to the issuance of a license if the condition is beyond the scope of authority delegated to the board (Francis v. Minnesota Bd. of Barber Examiners, 256 N.W.2d 521).

It has been noted that the MCWD in Rules F & M require no specialized education or experience. It has been also noted that many of the contractors with similar violations as Landview have no conditions imposed on their license for education or experience or for that matter are certified engineers (See Landview's 1st brief facts 17 & 18, 2nd brief fact 3). In accordance with statutory provisions, an applicant for a license may be required to possess certain qualifications pertaining to suitability to perform the acts for which the license is sought. It has been ruled that any qualification imposed as a condition to practice a profession or occupation must have a rational connection with the applicant's capacity and fitness to perform such occupation or profession and there must not be individious discrimination between applicants. (Schware v. Board of Bar Examiners of the state of New Mexico, N.M., 77 S.Ct. 752, 353 U.S. 232, 1 L. ed.2d 796.)

Mr. Spartz noted at the hearing that the MCWD already has the authority or power to regulate riprap construction and to inspect riprap installations and that alone would be sufficient to protect the community. Mr. Spartz also noted the MCWD already has the power to bill for inspections by their engineers according to Rule J. Mr. Spartz also stated that by having another certified engineer sign of on a project and inspect it would involve double taxation which is illegal. The Supreme Court has upheld that the power to regulate building construction and to inspect electrical installations is sufficient to protect the community. For that purpose the power to license electricians need not be implied. (Minnetonka Ele. Co v. Villiage of Golden Valley (1966) 273 Minn. 301, 141 N.W.2d 138, noted in 51 Minn. L. Rev. 350 (1966).

The Supreme Court and Legislature has expressed the necessity for express directives, guidelines, or standards.

There is authority that a delegation of regulatory powers concerning licensing must set ascertainable and sufficient guidelines and standards, and that the sufficiency of such standards is to be determined by an examination of the entire enabling act and its surroundings and objectives.

Mr. Spartz has continually noted that the MCWD Standards for shoreline restoration are completely void and that the MCWD Engineers, Managers, BWSR, DNR, and other parties do not understand the proper terms or what the MCWD's typical crossection represents (Random or Handplaced?) and that there are different interpretations of the rule itself. Everything is confusing and void. (See Landview's Brief Fact 1 or Landview 1st brief facts 19-29). According to the below cases everything must be favored in the Homeowner's and Mr. Spartz's favor and not the MCWD.

The Supreme Court has upheld that Statutes and ordinances imposing licensing and business taxes are generally to be construed liberally in favor of the citizen and strictly against the government, whether state or municipal, especially where they provide

penalties for their violation. Moreover, license laws cannot be extended by construction. (State v. Green, 460 A.2d 444, 143 Vt. 87.) (Thomson v. Georgia Power Co., 37 S.E.2d 622, 73 Ga. App. 587). Accordingly, if the enactment is not clear and positive in its terms, or if it

is reasonably open to different interpretations through the indefiniteness of its provisions, every doubt as to construction must be resolved in favor of the one against whom the enactment is sought to be applied. (Stone v. Rogers, 189 So. 810, 186 Miss. 53) (Thomson v. Georgia Power Co., 37 S.E.2d 622, 73 Ga. App. 587)

Furthermore the Supreme Court has ruled that the licensee is not bound to comply with invalid regulations. (U.S. v. McMurtry, D.C. N. Y., 48 F.2d 258)

The Supreme Court has concluded that under licensing authority, where a statute vests public officials with a discretion to grant, refuse, or revoke a license to carry on a ordinarily lawful business and does not set an express standards to guide and govern the exercise of such discretion, the attempted delegation of licensing power is a nullity. (Town of New Milford v. SCA services of Connecticut, Inc., 348 A. 2d 337, 174 Conn. 146.)

Mr. Spart has stated several times that the MCWD Standards for shoreline restoration do not coincide with the DNR State Requirements or for that matter the clearly established engineering principles. (See Landview's 1st brief Facts 7-10, 25 or Landview's 2nd brief Fact 1)

A Licensing Authority, Board, or Municipality may not enact a licensing ordinance where such ordinance is in conflict with or inconsistent with the general laws or with the public policy of the State. (Lisenba v. Griffin, 8 So.2d 175, 242 Ala. 679), (Meridian, Limited, v. Sippy, 128 P.2d 884, 54 C.A. 2d 214.), (Richards v. City of Pontiac, 9 N.W.2d 885, 305 Mich. 666.), (In re Porterfield, 168, 168 P.2d 706, 28 C.2d 91.), (Schul v. King, Com.Pl., 70 N.E.2d 378, 35 O.O. 238).

It has been noted in the hearing that the MCWD's Jurisdiction covers approximately 14 municipalities specifically limited to 931.5 flood plain elevation. It has also been noted that no other watershed has licensing in effect for any business or occupation. The Legislature has not expressly authorized the MCWD to regulate Shoreline Restoration Contractors or Dredging through the use of Licensing.

Pursuant to Minnesota Statute 103D.335 Subdivision 1(5). A watershed district has the power, to the extent necessary for lawful conservation purposes: (5) to perform all acts expressly authorized, and all other acts necessary and proper for the watershed district to carry out and exercise the powers expressly vested in it. Pursuant to Minnesota Statute 103D.341 Subdivision 1. The managers must adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers.

The MCWD has adopted Rule M which is/was not expressly authorized by the Legislature to carry out their watershed management plan.

The Supreme Court has upheld where the activity or subject of the regulation is not

peculiarly local in character, the regulatory power under the general welfare clause is not to be extended beyond its scope unless it clearly appears that the legislature so intended. (Village of Brooklyn Center v. Rippen (1959) 255 Minn. 334, 96 N.W.2d 585.) Where an activity, such as boating, by its nature is customarily engaged in over a wide area which encompassed a number of municipalities or governmental subdivisions, it presents a statewide problem and not a matter which is peculiarly subject to local regulations. Riprap is a statewide problem needing State (DNR) Licensing and Legislative approval. !!!!!!!!

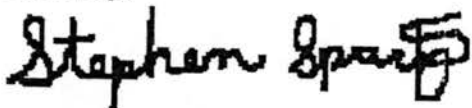
A rehearing should be granted if the BWSR decides it has proceeded against the substantial weight of the evidence and proceeded on the basis of an inadequate record or was not fully informed.

I, Stephen Spartz, believe that in order for the DNR, Watershed Districts, and the BWSR to operate effectively as a group or solve problems effectively the BWSR must take control of the problems and not throw them to the courts. This is one of the reasons why as a statutory prerequisite to an appeal, it may be required that all administrative remedies be exhausted. If the BWSR and Landview Landscaping do not take control and reprimand Watershed District Managers like the MCWD Managers for practicing Non, Mal and Misfeasance as demonstrated in Landview's case, it will actually promote the activity, and we will continually be bombarded by the MCWD or watersheds with similar cases. Cases are going to get out of control and the BWSR will lose its power and effectiveness. In turn you will be looked down upon by the State and Legislature for your ability to carry out your plan and purpose that the taxpayers are paying you for. Let's get the job done right the first time and solve the problems demonstrated in Landview's case.

1. Rewrite Rule F.
2. Remove Rule M and similar rules.
3. Focus on the Future and not the Past.
4. The BWSR, DNR and Watersheds with Contractors aid must come up with uniform standards in compliance with each other and the clearly established Engineering Principles. Deregulate and do not overlap authority as demonstrated by DNR and Watersheds. The Current plan equals double taxation.

Please accept this letter for a rehearing by your Board (DRC).

Sincerely,



Stephen Spartz
Contractor Landview Landscaping

cc: BWSR
MCWD, Coordinator, Ellen Sones
MCWD, Attorney, Louis Smith
Hennepin County Attorney, Arthur Katzman
Hennepin County Commissioner, Emily Anne Staples



United States
Department of
Agriculture



Soil
Conservation
Service



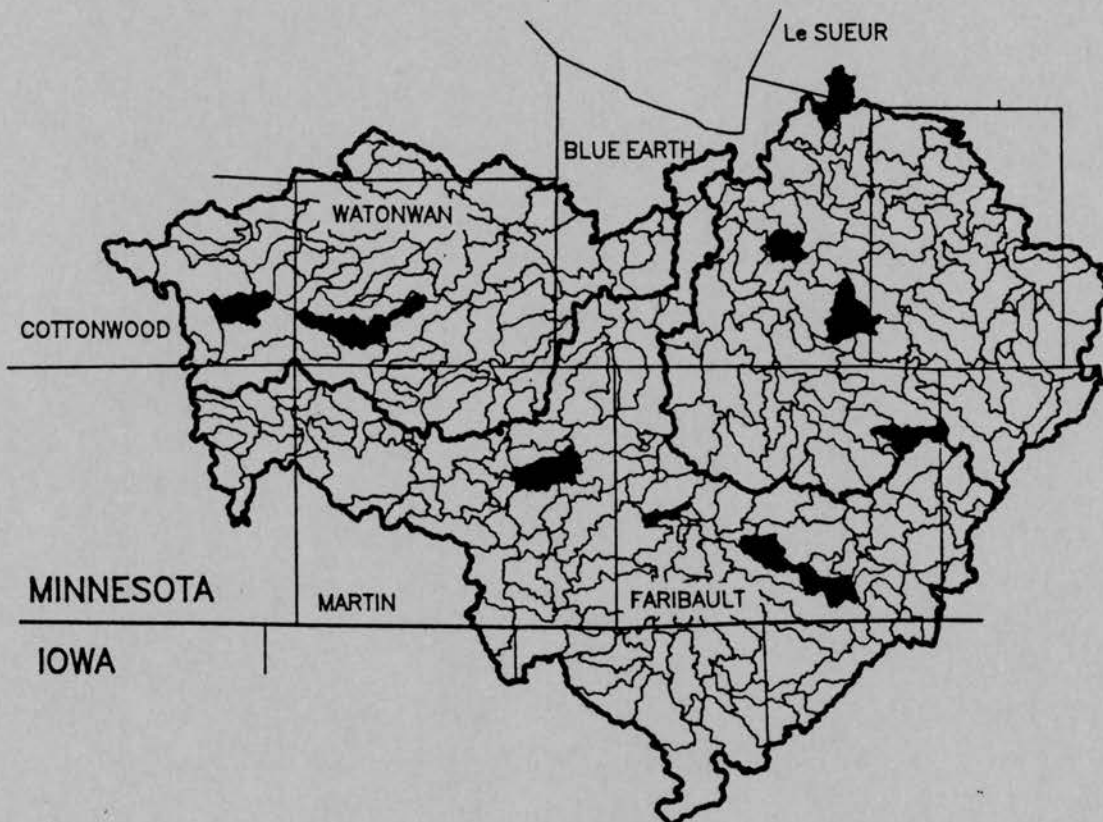
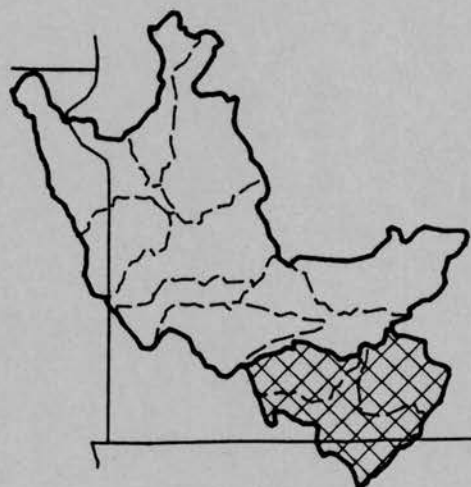
Forest
Service

St. Paul,
Minnesota

Minnesota River Assessment Project (MNRAP) Level II Land Use Analysis

EXECUTIVE SUMMARY

Prepared by: Soil Conservation Service
St. Paul, Minnesota
October, 1993



DISCLAIMER

Most of the information presented in this report is from computer modeling analyses. Very limited model verification was performed due to lack of sufficient monitoring data. The model verifications that were made were based on published research data and personal communications with natural resources managers familiar with the study area. Relative differences and percentages between numbers should be emphasized and not the numbers themselves.

This study's goal was to look at watershed nonpoint source pollution loadings. In doing so, several generalizations had to be made in order to model such a complex system. Because of this, impacts on individual fields may deviate considerably from numbers or percentages reported here which represent an average of field and weather conditions. Any onsite implementation planning must be based upon site specific conditions and should be flexible enough to compensate for soils and seasonal weather variations.

All programs of the Department of Agriculture are available to anyone without discrimination for any non-merit reason such as race, color, religion, sex, national origin, age, marital status, or physical or mental handicap.

REPORT REVIEWERS

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EXECUTIVE SUMMARY

MnRAP Level II Land Use Analysis

Introduction

The goal of the Level II Land Use Analysis was to assess the magnitude of nonpoint pollution sources in ten agricultural watersheds within the Blue Earth, Watonwan, and LeSueur River Subbasins. The predominate land use within these watersheds is cropland which represents approximately 86 percent of the total 69,840 acres studied. Two-year corn/soybean rotations comprise approximately 85 percent of all cropland within the ten watersheds. Dominant soils within the study area include well to poorly drained deep silty or loamy soils and poorly drained clayey over loamy soils. A vast majority of the poorly drained soils have some sort of artificial drainage (surface inlets, subsurface drainage, etc.) to facilitate agricultural production.

The primary pollutants studied include sediment and nutrients (nitrogen and phosphorus). Field and watershed scale evaluations were based mainly on computer modeling techniques. Soil erosion was evaluated using the AGNPS (**AG**ricultural **N**on-**P**oint **S**ource **P**ollution **M**odel) model while nutrients were evaluated with the GLEAMS (**G**roundwater **L**oading **E**ffects of **A**gricultural **M**anagement **S**ystems) model. Input data was developed from extensive onsite inventories performed by Soil and Water Conservation Districts in 1990 and 1991. Approximately 95 percent of the landowners in these watersheds voluntarily gave information describing their operations (tillage, fertilization, crops, etc.).

The four main tillage systems practiced in the ten watersheds were as follows:

1. **Fall MoldBoard (FMB)** - This system consists of a fall moldboard plowing following corn harvest and the use of a chisel plow following soybean harvest. This results in less than 5 percent residue cover after planting. 55 percent of all the corn/soybean acreage within the ten watersheds has this type of tillage.
2. **Crop Residue Use (CRU)** - This system consists of chisel plowing following both corn and soybean harvests. This results in about 15 percent residue cover after planting. 40 percent of all the corn/soybean acreage within the ten watersheds has this type of tillage.
3. **Conservation Tillage (CT)** - This system consists of chisel plowing following corn harvest only. This results in about 30 percent residue cover after planting. Only 1 percent of all the corn/soybean acreage within the ten watersheds has this type of tillage.

4. **Ridge Tillage (RT)** - This system consists of no fall tillage following either corn or soybean harvest. This results in greater than 40 percent residue cover after planting. About 4 percent of all the corn/soybean acreage within the ten watersheds has this type of tillage.

Applications of inorganic nitrogen were grouped into the following five methods (average rate of 150 pound/acre):

1. Spring anhydrous applications prior to planting corn (35 percent of all corn/soybean rotation fields)
2. Fall anhydrous applications following soybean harvest (30 percent of all corn/soybean rotation fields)
3. Side dress anhydrous applications around first cultivation of corn (20 percent of all corn/soybean rotation fields)
4. Spring broadcast prior to planting corn with an incorporation within 3 days of application (14 percent of all corn/soybean rotation fields)
5. Fall broadcast following soybean harvest with an incorporation within 3 days of application (1 percent of all corn/soybean rotation fields)

Phosphate applications were grouped into four methods (average rate of 70 pounds/acre):

1. Spring banding prior to or at planting of corn (50 percent of all corn/soybean rotation fields)
2. Spring broadcast prior to planting of corn with an incorporation within 3 days of application (33 percent of all corn/soybean rotation fields)
3. Fall broadcast following soybean harvest with an incorporation within 3 days of application (15 percent of all corn/soybean rotation fields)
4. Fall banding following soybean harvest (2 percent of all corn/soybean rotation fields)

Present conditions were evaluated along with impacts of various nutrient and sediment management alternatives. Because of the indirect relationship between individual watershed nonpoint source pollution loadings and water quality in the Minnesota River, alternatives were formulated using qualitative goals (i.e. efficiently reduce sediment and nutrient loadings).

It should be emphasized that since little monitoring data was available to calibrate these models, output numbers should not be interpreted literally. The important concept in presenting these numbers in "tons" and "pounds" lies in their relative differences between each other. Present condition values are given in these units while the impacts of alternatives are expressed as percentages of the present condition. Although the "modeled" reductions between the present condition and a management alternative may not simulate the "real world" reductions, the percent reduction for "modeled" and "real world" would likely be similar.

Sediment

Introduction

Watershed scale sediment analyses were made. AGNPS was used to simulate sediment loadings from the ten watersheds under present conditions and with sediment management alternatives in place. The three sediment management alternatives that were modeled were:

1. **Sediment Management 1 (SED MGT-1)** used whatever tillage practices were needed to bring erosion down to the soil productivity tolerable level of 5 tons per acre year. This generally involved practicing conservation tillage (CT) and/or ridge tillage (RT) on the fields.
2. **Sediment Management 2 (SED MGT-2)** involved the use of conservation tillage (CT) on all of the cropland in the ten watersheds.
3. **Sediment Management 3 (SED MGT-3)** involved treatment of erosion areas located adjacent to drainage ditches, grass waterways, and/or streams downstream of large wetland areas and lakes. The focus of this alternative was to evaluate the effectiveness of treating just those areas closest to the main hydrologic pathways.

Present Condition

It was estimated that about 200,000 tons of soil per year is being lost from cropland through sheet and rill erosion from the 64,100 total acres in the ten watersheds. Of this cropland erosion about 38,000 tons, or 19 percent, is delivered to the outlets of the ten watersheds. This 19 percent is termed the sediment delivery ratio and takes into account many factors in the watershed that affect the delivery of sediment to the outlet. This concept illustrates that only a portion of soil erosion losses actually make it to the watershed outlet and may contribute to further downstream water quality degradation.

The majority of the acreage (53,900 acres) in the ten watersheds is eroding at 5 tons per acre per year or less. The 5 ton level is what is known for most soils as the tolerable level above which crop productivity can be affected. This level does not address other concerns such as water quality or other potential impacts.

With Sediment Alternatives In Place

With SED MGT-1, it was estimated that cropland sheet and rill erosion in the ten watersheds would be reduced by about 20 percent. This resulted in an estimated 25 percent reduction in sediment yield at the watershed outlets. For this alternative a total of 10,200 acres (16 percent of total acreage) were modeled as "treated" within the ten watersheds for this alternative.

With SED MGT-2 installed it was estimated that cropland sheet and rill erosion would be reduced by about 45 percent. The reduction of the sediment at the watershed outlets is estimated at 45 percent also. A total of 50,600 acres (79 percent of total acreage) of the ten watersheds were modeled as "treated" for this alternative.

With SED MGT-3 in place, it is estimated that annual cropland sheet and rill erosion would be reduced by about 6 percent. Sediment loading at the watershed outlets would be reduced by about 12 percent with this alternative in place. A total of 6,100 acres (10 percent of total acreage) were modeled as "treated" within the ten watersheds for this alternative.

Nutrients

Introduction

Watershed scale and field scale nutrient analyses were made. The watershed scale analysis utilized each of the ten watershed's specific soils, number of acres of each tillage/fertilization management system within that watershed, the watershed's sediment transport characteristics, and local climate data. Differences in nutrient loadings between watersheds with this type of analysis are the result of several variables (size of watershed, soils, climate, etc). In order to make specific comparisons between just tillage/fertilization management systems, field scale analysis was used also. For the field scale analysis, all of the tillage/fertilization systems were modeled for a representative 40 acre field in a corn/soybean rotation. The same soils and weather data were used for all systems in the field scale analysis.

Two fertilization/tillage system alternatives were modeled that utilized University of Minnesota guidelines, Minnesota Department of Agriculture - Nitrogen Fertilizer Management Task Force Recommendations, and other sources:

1. **Nutrient Management 1 (NUT MGT-1)** converted all fields to CRU tillage (leaving approximately 15 percent residue after planting) and utilized a spring preplant application of 120 pounds of anhydrous nitrogen and an incorporation at the time of planting of 30 pounds of nitrogen and 70 pounds of phosphate.
2. **Nutrient Management 2 (NUT MGT-2)** converted all fields to CT (leaving at least 30 percent residue after planting) and banded 30 pounds of nitrogen and 20 pounds of phosphate at planting with a side dress application of 120 pounds of anhydrous nitrogen at the first cultivation.

Present conditions and with nutrient management alternatives in place were analyzed on both the watershed and field scale levels. Analysis did not include loadings from other land uses, rotations, feedlots, manure spreading, or point sources.

Comparison at Watershed Outlets

At the watershed outlets, current nitrogen losses were estimated to be from 11 to 56 tons per year. This wide range in quantity is due to the varied size of the watersheds (from 2,760 to 11,480 acres) as well as the current condition of nutrient and tillage use in the watersheds.

When NUT MGT-1 was applied to the entire watershed, changes in total nitrogen loss ranged from a 3 percent to 24 percent decrease. When NUT MGT-2 was applied changes in nitrogen losses ranged from a 10 percent increase to a 14 percent decrease. These numbers represent the importance of applying nitrogen when the crop needs it, in the spring versus the fall. It does not show a clear cut advantage to using split applications in these ten watersheds.

The model estimated current average annual total phosphorus losses to range from 1 to 4 tons at the watershed outlets. When NUT MGT-1 was applied, which incorporated 70 pounds per acre of phosphate in the spring of the year, reductions in average annual phosphorus losses ranged from 25 percent to 55 percent. When phosphate rates were reduced to 20 pounds per acre and applied at planting (NUT MGT-2), the reductions in total phosphorus losses at the watershed outlets ranged from 56 percent to 76 percent. These reductions in yearly phosphorus losses at the outlets are primarily due to a combination of tillage and fertilizer placement, rate, and timing effects. If the phosphorus is not available to be lost then the reductions can be substantial.

Field Scale Comparison of Systems

Impacts of tillage systems on nutrient losses show a strong trend of reduced nutrient losses with increased residue cover. FMB estimates of average annual nitrogen losses range from 45 to 51 pounds/acre, CRU from 31 to 37 pounds/acre, CT from 23 to 30 pounds/acre, and RT from 15 to 22 pounds/acre. Estimates of phosphorus losses also follow the same decreasing pattern with increased residue. Average annual phosphorus

losses range from about 7 to 10 pounds/acre with FMB, 4 to 8 pounds/acre with CRU, 2 to 6 pounds/acre with CT, and 1 to 4 pounds/acre with RT.

The decrease in losses from one major residue management grouping to the other can be primarily explained by the hydrologic modifications that occur. Higher residue amounts result in less runoff and less erosion which in turn equates to a decrease in nutrients leaving the field. The wider variation within the same tillage group for phosphorus implies that phosphorus losses are more sensitive to method of fertilizer application than nitrogen is.

When fertilizer systems are compared to each other general conclusions can be made. The greatest nitrogen and phosphorus losses occur when fertilizer is applied in the fall and especially when the phosphorus is applied onto the soil surface. It is estimated that total phosphorus losses could be reduced by 30 and 38 percent for FMB and CRU systems respectively if the phosphate is applied in a spring banding operation as opposed to a fall broadcast (incorporated within three days). It was estimated that total nitrogen losses could be reduced by 7 percent for FMB tillage systems and 13 percent for CRU tillage systems if the knifing of anhydrous ammonia is performed as a preplant instead of a fall operation. Nitrate leaching would be reduced 22 percent and 26 percent for FMB and CRU tillage systems respectively for this same fall/spring anhydrous comparison. No further reduction in nitrogen losses was noted when the fertilizer was applied during cultivation in the season as compared to a spring preplant.

When soil erosion is controlled, residue maintained, and fertilizer is managed, organic matter and soil phosphorus levels may increase. With this in mind and using the University of Minnesota recommendations, a rate reduction from 70 to 20 pounds of phosphate could be implemented. When comparing fall surface applied phosphate at the 70 pound rate to a spring applied phosphate at a 20 pound rate it was estimated that phosphorus losses could be reduced by about 36 percent and 54 percent for FMB and CRU tillage system respectively. When comparing spring banding at a 70 pound rate to spring banding at a 20 pound rate, reductions are not as significant. Under a FMB system there is essentially no difference while with a CRU tillage system phosphorus losses were reduced 22 percent.

Overall Summary

Within the ten watersheds that were studied there are not widespread areas that have levels of erosion that exceed soil loss productivity tolerance limits. It appears that small amounts of sediment and nutrients lost from cropland when compounded on thousands of acres could indeed be causing offsite pollution problems.

Significant reductions in both sediment and nutrient losses from small watersheds can be achieved through the use of crop residue management. Although less effective than crop residue management, nutrient management can also reduce the loss of phosphorus from small watersheds while having a varying effect on nitrogen loss. It is

the conclusion of this report that it is less expensive, more practical and potentially more successful to control sediment and nutrient pollution at the source rather than trying to treat it at the field edge (surface or below the root zone) or watershed outlet.

Other practices, treatments (no-till, contour farming, etc.), land uses, and landscape features (streambanks, wetlands, no-till, etc.) also need to be considered when planning and implementing a total resource management system. For this study these additional areas were not intensively modeled.

Recommendations

Key recommendations as a result of this study can be summarized as:

1. Reducing sediment loadings from small watersheds is dependant on the desired goal. Once a reduction goal is determined, treatment of the watershed should follow a three step implementation plan. This implementation plan is based on efficiency of sediment reduction alternatives, or the amount of sediment reduction per acre treated. It is recommended that the following sediment reduction alternatives be applied in the following order until the desired goal is obtained:
 - Step 1 - Treat those acres within the watershed that are eroding above the soil's tolerable productivity level (SED MGT-1).
 - Step 2 - Treat those areas adjacent to the main hydrologic pathways (ditches, grass waterways, streams, lakes, etc.) to a minimum of 30 percent residue cover after planting (SED MGT-3).
 - Step 3 - Bring all cropland acres within the watershed up to a minimum of 30 percent residue cover after planting (SED MGT-2).
2. As with sediment, reducing watershed nutrient loadings must work from an established goal. Once a goal is established, reduction of nutrient loadings from small watersheds should be based on an adaptation of both residue and nutrient management. Nutrient management should be based on University of Minnesota Guidelines and the Minnesota Department of Agriculture's Nitrogen Fertilizer Management Task Force Recommendations. This study has shown that by implementing these guidelines, nutrient losses can be reduced from individual fields as well as on a watershed basis. Site specific nutrient recommendations are encouraged since both field and watershed loading reductions are quite variable. This variation is based mainly on local soils and climate conditions.

Implementing nutrient management combined with residue management (similar to the strategy in #1 above) will have the greatest effect on total nutrient loss reduction.

3. Any strategies that are planned and implemented must employ a coordinated effort utilizing education, incentives, and regulation.
4. Economics must be considered when planning implementation strategies that require a change in an individual landuser's operations. This includes the landuser's bottomline cost as well as direct and indirect costs to agribusiness, all levels of government, and other groups.
5. There are several nonpoint source pollution sources that are still not well understood. Broad and subjective impacts of certain practices have been theorized. However, reliable, "real world" based information is often unavailable. Formulating a comprehensive implementation strategy will require this information. Some of the more important study needs are:
 - a. Establish the relationship between small watershed loadings and water quality in the Minnesota River.
 - b. A strategy to assist producers with livestock waste inventories, analysis, and recommendations must be developed.
 - c. The impacts of wetlands (both restored and developed) on water quality and quantity in small watersheds needs to be studied.
 - d. The impacts of tile intakes on water quality in small watersheds as well as recommended alternatives to this practice should be researched.
 - e. Establish and maintain a comprehensive water quality monitoring network to verify models, impacts of climate, changes in land use, implementation activities, etc.