



Minnesota Board of Water and Soil Resources.
Minutes.

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8/24/94

**BOARD OF WATER AND SOIL RESOURCES
ROOM 112 STATE CAPITOL
75 CONSTITUTION AVENUE
ST. PAUL, MN 55155
AUGUST 24, 1994**

BOARD MEMBERS PRESENT: Jim Nielsen, Jim Rossman, Howard Peterson, Kathy Roer, Marvell Tripp, Warren Rodning, Barb Cobb, Barb Uppgaard, Tim Hvidsten, Ted Lovdahl, Glenn Annexstad, and Dwain Otte.

AGENCY MEMBERS PRESENT:

Fred Bergsrud, Minnesota Extension Service (MES)
Kim Benson-Johnson, Department of Health (MDH)
Wayne Anderson, Pollution Control Agency (PCA)
Wayne Edgerton, Department of Natural Resources (DNR)
Mark Dittrich, Department of Agriculture (MDA)

OTHERS PRESENT:

Pat Wulff, Minnesota Lakes Association (MLA)
Dave Benner, Soil Conservation Service (SCS)
Dave Weirens, Association of Minnesota Counties (AMC)
Franklin Denn, Minnesota Association of Townships (MAT)
Susan Schmidt, Legislative Water Commission (LWC)
Dan Livdahl, Minnesota Association of Conservation District Employees (MACDE)
Lance Yohe
Earl Renneke, Minnesota River Ag Team

STAFF PRESENT:

Ron Harnack
Dave Behm
Greg Larson
Bruce Sandstrom
Doug Thomas
Marybeth Block
Wayne Zellmer
Mary Jo Anderson

A signing ceremony for Memorandum Of Understanding regarding Wetland Regulatory Simplification was held at 9:00 a.m.

Chairman Nielsen called the meeting to order at 9:35 a.m.

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94-44

Adopt Agenda - Chairman Nielsen stated that the agenda items regarding program assessment of the soil conservation program and water planning and implementation would be for discussion only, with possible decision at the September BWSR meeting. Moved by Uppgaard, seconded by Lovdahl, to adopt the agenda as presented. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

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94-45

Minutes of July 28, 1994 - Moved by Tripp, seconded by Cobb, to approve the minutes of July 28, 1994 as circulated. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Reports

Chairman's Report - Jim Nielsen reported that he and Jim Birkholz attended the Midwest Governor's Conference on August 22, 1994 in Lincoln, Nebraska. The topic of the 1995 Farm Bill was an issue that was discussed.

Executive Director's Report - Ron Harnack reported that he attended the Legislative Water Commission meeting on August 23, with BWSR programs and issues on the agenda.

Ron reported that BWSR received a certificate of commendation from Governor Carlson regarding the Heron Lake restoration project.

Ron reported that the legislative auditors have completed the audit of BWSR; they looked only at fiscal elements. Overall, it was a good report from the auditors, a final report will be distributed for public review.

Ron will pull some things together on Ethical Practices Board, ethics law for board members information and review.

Committee Reports -

Feedlot Committee - Jim Rossman reported that the Feedlot and Manure Management Committee was just established, he will inform the BWSR as meetings are held.

Soils Committee - Glenn Annexstad reported that the committee met and are waiting for full BWSR decision on the soil conservation program assessment.

Dispute Resolution Committee (DRC) - Kathy Roer reported that the DRC met in August to review the rules for watershed district appeals, draft for commentary from members will

be circulated soon. The DRC will meet monthly on the second Thursday.

Cost-Share Committee Allocation Recommendation - Wayne Zellmer reported that the committee recommends that MASWCD's cost-share allocation resolution not be adopted by the BWSR for the following reasons: 1) the present state cost-share program rules do not allow equal area allocations as the resolution suggests; 2) equal allocation by areas does not provide for at least 70% usage of this fund on high priority problems, as the present statutes requires; 3) the equal area allocation concept conflicts with the BWSR's Strategic Plan of targeting cost-share programs on erosion-prone lands; 4) the equal area allocation method would contradict efforts to accelerate land treatment in the Minnesota River watershed as per the recent Special Minnesota River Basin Fund appropriations. Dwain Otte brought resolution to MASWCD Board of Directors on August 23, and they accepted the committee's recommendations. Committee asked BWSR to not adopt the resolution, but to accept their recommendation. Moved by Otte, seconded by Lovdahl, to adopt the committee's report, staff to implement the recommendation. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried. The committee will stay in existence through the cost-share retooling process.

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94-46

Reinvest in Minnesota/Permanent Wetland Preserves (RIM/PWP) Easement FY95-96 Workplan and Allocations - Marybeth Block presented and reported on the draft #3 state resource priority assessment guidelines; target allocations by board conservationists work areas; and payment schedule. Ongoing sign-up process, November is the deadline for applications to be submitted to board conservationists, with consideration for funding in December, 1994. Moved by Rodning, seconded by Otte, to approve and accept the RIM/PWP easement workplan and allocations as presented. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

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94-47

Chairman Nielsen called for a break in the meeting at 10:50 a.m. The meeting reconvened at 11:00 a.m.

Water Planning and Implementation Program Assessment - Doug Thomas reviewed the assessment of the water planning and implementation program and staff recommended alternatives. Discussion followed. Chairman Nielsen said we have options: 1) go to legislature with a position paper and let them know what we need; 2) change the law; 3) find out what communities want to assist them in getting something done. Chairman Nielsen thanked Doug for his report.

Metro Water Planning Compliance/Dick Reynolds, Minnesota Chapter, National Audubon Society - Bruce Sandstrom recommends that staff be directed to carry out administrative process, assign board member to attend meetings, on this issue. Mr. Dick Reynolds asked that BWSR exercise authority to deal with the district's failure to adopt an approved plan. Moved by Roer, seconded by Rossman, that BWSR finds just cause for complaint, staff is

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94-48

instructed to proceed under Minnesota Statutes 410.0180, chair appointed board member Bard Cobb to follow process, bring recommendation to the September meeting. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, Nielsen. Opposed: None. Abstained: Peterson. Carried.

Chairman adjourned the meeting for lunch at 12:20 p.m. The meeting reconvened at 1:10 p.m.

Soil Conservation Program Assessment - Dave Behm reviewed the assessment of the soil conservation program. The Soil Conservation Service's (SCS) Soil Conservation Technical Advisory Committee and the BWSR's Soils Committee have reviewed this program assessment. After review, the Soils Committee and staff recommend alternative #2 "minimal enhancement and acceleration (priority level 1)." Dave distributed information provided by SCS. Dave Benner briefly commented on SCS's soil survey and GIS information. Fred Bergsrud, MES, stated that a group at MES is meeting and involved in discussions on this; Dave was not aware of this initiative, but will become involved in the discussions.

Tim Hvidsten reported that the BWSR Education Committee met yesterday to discuss the education element of the soil conservation assessment. The Education Committee recommends #5 enhancement and acceleration, involving expanding the staffing partnership with MES.

Ron stated that staff will come before the full board in October with an integrated program assessment recommendation as the framework for legislative initiatives. Chairman stated that the BWSR initiatives will go to the Governor and he then suggests to the legislature that they need to make some changes. Discussion of assessment process followed. Chairman stated that it's possible to take an additional day at the October meeting. Chairman asked for a simplified approach for the Board meeting that provides a blueprint for decision. The detailed assessments can be reviewed by members in preparation for blueprint discussion.

Watershed District Boundary Change - Doug Thomas presented the following boundary changes: Nine Mile Creek Watershed District and Riley-Purgatory-Bluff Creek Watershed District. Moved by Tripp, seconded by Annexstad to approve the boundary changes of Nine Mile Creek and Riley-Purgatory-Bluff Creek Watershed Districts. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Peterson, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

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94-49

Wetland Conservation Act (WCA) Adoption Status - Ron Harnack briefed the board on the status. The Wetland Heritage Advisory Committee (WHAC) will meet at 9:00 a.m. on September 12 at the Kelly Inn in St. Paul. Greg Larson said Bemidji in Beltrami County has adopted; the city of Thief River Falls has adopted, the other are under a moratorium.

Middle Des Moines Watershed District State Audit - Ron Harnack stated that the auditors reported discrepancies in the Middle Des Moines Watershed District. The BWSR as the oversight agency has limited authority. Ron said this will be reviewed with MAWD to deal with this issue; he suggested that Marv Tripp work with staff, to make a recommendation to the full board next month. Rodning asked that staff send a letter to the county attorney, legislative auditor and Middle Des Moines Watershed District acknowledging this issue. Chairman Nielsen directed staff to send the letter.

Advisor Comments

Minnesota Lakes Association (MLA): Pat Wulff stated that she hopes BWSR seeks greater authority regarding water management issues. Need to be supportive for additional staff during the legislative session. She requested support for their conference.

Minnesota Association of Conservation District Employees (MACDE): Dan Livdahl stated that the revolving fund was discussed with BWSR staff and MACDE. SWCDs are being surveyed asking for input.

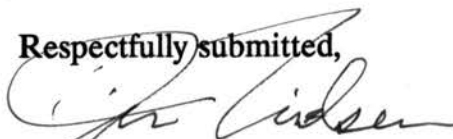
Minnesota Association of Townships (MAT): Franklin Denn reported that MAT will be going to Washington, D.C. in September for the national meeting of townships.

Association of Minnesota Counties (AMC): Dave Weirens reported that AMC is in the midst of developing their platform for 1995; expect to have draft format in September.

Kathy Roer stated that the five counties that have not adopted the Wetland Conservation Act should be invited to attend the WHAC meeting to air their concerns. Chairman Nielsen said they would be invited. Ron said WHAC will convene to meet their statutory requirements to meet twice a year; and to make recommendations to BWSR. BWSR needs to take a position and bring it before the legislature next year.

Chairman Nielsen adjourned the meeting at 3:00 p.m.

Respectfully submitted,



D. James Nielsen
Chairman



Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

1200 S. Broadway
Room 144
Rochester, MN 55904
(507) 285-7458

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

August 24, 1994

TO : Board Members
FROM : Dwain Otte, Cost-Share Committee Chair
RE : MASWCD's Cost-Share Allocation Resolution

The Cost-Share Committee met on August 15, 1994, to further consider MASWCD's Cost-Share Allocation Resolution. The Committee recommends that MASWCD's Cost-Share Allocation Resolution not be adopted by the Board because:

- * The present State Cost-Share Program Rules do not allow equal area allocations as the resolution suggests.
- * Equal allocation by areas does not provide for at least 70% usage of this fund on high priority problems, as the present statutes requires.
- * The equal area allocation concept conflicts with the BWSR's Strategic Plan of targeting cost-share programs on erosion-prone lands.
- * The equal area allocation method would contradict efforts to accelerate land treatment in the Minnesota River watershed as per the recent Special Minnesota River Basin Fund appropriations.

However, the Committee recognizes the potential benefit of local prioritization of cost-share dollars for water quality and conservation needs, as provided by MASWCD's resolution, therefore, the committee recommends to the BWSR that:

- 1) The "area allocation concept" as outlined in MASWCD's resolution, be incorporated within a revision of the rule.
- 2) The rule revision process should continue with a target date for the new rule to go into effect for the FY 96 allocation (July 1, 1995).
 - A) The influences of the implementation of the SRF needs to be adequately recognized in the rule revision process.
 - B) Wayne and Dave, the principal lead staff involved for this effort, along with assistance from BCs, will need a minimum of 12 months to complete this revision with their current responsibilities and workloads.
 - C) An optional target date for rule implementation is July 1, 1996.
- 3) The rule revision considers SWCD State Cost-Share Program issues as stated in "Potential Issues to Consider in the Retooling of the Cost-Share Program."

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- 4) With present levels of program funding, the program's focus must remain "agricultural" without being limited to cropland.
- 5) The influences of the SRF, potential increases in SWCD base funding, and other arising issues need to be recognized in the rule revision process.
- 6) This committee, with assistance and input from staff, MASWCD, and SWCDs, should remain in existence throughout this rule revision process.

POTENTIAL ISSUES TO CONSIDER IN RETOOLING OF COST-SHARE PROGRAM

Administrative Issues:

- > Contain allocation formula/process within rule?
- > Establish area cost-share committees and provide an equal allocation of available program funds for practices to each area committee; committee would then allocate funds to respective SWCDs based on area priorities/needs?
- > Allow cost-sharing on "potential", rather than ONLY on "existing", erosion/sediment/water quality problems?
- > Should BWSR provide "technical approval authority" for SWCD employees, similar to that now provided by SCS?
- > Should BWSR engineers sign off on designs prepared by SWCD or other non-SCS technical personnel for practices, whether or not the practices are included in SCS FOTG?
- > Eliminate "start" date on cost-share contract? (completion date sufficient?)
- > Change "fiscal year" basis to be calendar year?
- > Allow SWCDs to retain year-end slippage and unspent funds for use in next fiscal year?
- > Allow some practices to have more than one year to be adequately "established", rather than emphasize only "installation" of the practice

- > Allow priorities of comprehensive local water plans to be substituted for those contained within SWCD Comprehensive OR Annual Plans?
- > Allow cost-sharing for the following components of existing approved practices OR for certain limited situations:
 - (1) any length, rather than an arbitrary limit of 300 feet, of tile to a stable outlet for terraces?
 - (2) "establishment" (i.e., weed/insect control, drip trickle irrigation, etc.) of field windbreaks over a 3-5 year period following "installation" of the practice?
 - (3) alternative water supply for livestock in conjunction with fencing to exclude livestock from riparian areas?
 - (4) relocation of existing animal/agricultural waste facilities when doing so is best alternative for pollution control?
 - (5) monitoring of some recently installed/established practices to determine effectiveness for which practice was implemented?
 - (6) repair/replacement of any approved practice due to factors beyond control of landowner (i.e., natural disaster) regardless of whether the practice was initially funded, in part or whole, by state funds?
 - (7) pumps as an eligible component of an animal/agricultural waste control system?
- > Allow up to 100% cost-sharing from program, at discretion of SWCD for any practice?
- > Allow up to 100% cost-sharing, regardless of number and type of state sources contributing?

- > Allow differential cost-share rates, based on priorities?
- > Allow 75% cost-share rate for SLR practices?
- > Allow cost-sharing on "low-cost" (i.e., <100% resolution of problem) alternatives, particularly for animal/agricultural waste systems?
- > Deny OR allow cost-sharing to landowners to whom formal enforcement actions have been taken regarding erosion or water quality regulations? [refer to BWSR Board resolution #93-20 as passed on 4/28/93 -- pg 5 of minutes]
- > Relationship to USDA programs --
 - (1) simply accelerate what ACP provides for?
 - (2) minimize overlap with ACP and seek to:
 - (a) emphasize state and local priorities?
 - (b) cover the inherent limitations of ACP practices?
- > Provide a workable appeals process?

- > Provide an effective violations procedure -- one that treats willful and unwillful violations differently?
- > Eliminate "district cooperator agreement" requirements?
- > Require on-site spot checks of all practices within specified number of years?
- > Replace language on "variances" with section on "appeals"?
- > Expand the scope of high priority areas from ONLY "protected waters" to similar to that in the definition of "riparian" for RIM Reserve?
- > Provide computerized forms to SWCDs?
- > Initiate practice reporting system similar to USDA?
- > Revise "priority assistance contract" to be similar to USDA's "long-term agreements"?

POTENTIAL ISSUES TO CONSIDER IN RETOOLING OF COST-SHARE PROGRAM

(continued)

Technical Issues:

---> Broaden scope of approved practices to incorporate:

- (1) on-site wastewater systems?
- (2) wetland creation/restoration/enhancement?
- (3) forestry-related water quality practices?
- (4) urban erosion/sediment control practices?
- (5) urban stormwater management practices?
- (6) lake rehabilitation practices?
- (7) incentives for conservation tillage?
- (8) farmstead windbreaks?
- (9) sealing of abandoned wells?
- (10) field borders?
- (11) filter strips?
- (12) cover crops (e.g., on fallow fields to prevent wind erosion, on hilled-out row crop fields)?
- (13) more cultural and management practices, rather than the current emphasis on structural measures?
- (14) integrated roadside management?
- (15) grass hedges (as a low-cost alternative to terraces)?

---> Abolish list of approved practices and authorize SWCDs to cost-share on any practice that meets criteria established by BWSR and that would be identified in their comprehensive and annual plans?

---> Expand criteria for approved practices to include wildlife habitat?

---> Allow funds to be used for generally accelerating technical assistance, and/or for costs of specialized, highly technical engineering design assistance for certain limited practices?

---> Should "special projects" be retained, but "rethought" as to allow for ONLY those activities which are truly unique (e.g., demonstrations, experimental designs/applications, etc.)?

---> How should "high priority areas" of the state be determined?

- (1) What criteria?
- (2) What data is available?
- (3) What methods exist to ensure consistent and timely updates of the data?

---> Eliminate requirement that field windbreaks may only be cost-shared on fields with wind erosion rates exceeding 2xT?

---> Increase effective life requirement for approved practices to 20 years?

---> Revise specification for fencing around animal/agricultural waste systems to provide greater safety?

Board of Water and Soil Resources
CONSERVATION EASEMENT PROGRAMS
Fiscal Years (FY) 95-96 Work Plan

8/94: Report Prepared by: Marybeth Block, Easement Coordinator

I. Program Authority, History and Accomplishments

Authority

The Board of Water and Soil Resources (BWSR) administers two conservation easement programs, the Reinvest in Minnesota Reserve program and the Permanent Wetlands Preserve program. (Minnesota Statutes sections 103F.501 - 103F.531.) Administrative rules (Minn. Rules parts 8400.3000-8400.3930) for RIM Reserve were initially promulgated as emergency rules in 1986, and as permanent rules in 1988. The rules were revised in 1990, and have recently undergone another revision which will become effective in October 1994.

These programs are administered by the state and implemented at the county level by soil and water conservation districts (SWCDs).

History

In 1984, Governor Rudy Perpich's concern for the future of tourism in Minnesota lead him to appoint a citizen's commission to report on ways to improve and promote hunting and fishing in Minnesota. The commission recommended that the sales tax revenues generated from the state's one billion dollar outdoor recreation industry be reinvested in the resources that sustain those activities. Their recommendations prompted the formation of a large and diverse coalition of organizations whose members supported the passage of the RIM Program in 1986. The RIM Coalition continued to support the program by developing innovative promotion programs and seeking stable funding sources. One of the four programs under the "RIM umbrella" was the RIM Reserve Program which focuses on retiring marginal lands from crop production via conservation easements. The program also assists landowners to the establish grass, trees or wetlands on the easement area (i.e., establish conservation practices).

The Permanent Wetlands Preserve (PWP) Program was enacted in 1991 in conjunction with the Wetland Conservation Act (WCA). PWP allows for the acquisition of easements on existing type 1,2 or 3 wetlands and wetlands where permits for WCA exemptions are denied. In 1994 program eligibility was broadened to include type 6 wetlands and wetlands expiring from state waterbank contracts.

Accomplishments to Date

Since 1986, over \$40 million have been appropriated to the BWSR easement programs. RIM Reserve has secured 1,850 easements that protect over 48,300 environmentally sensitive acres. Over 481 wetland basins have been, or are currently being, restored encompassing 4670 acres, along with approximately 7,460 acres of adjacent uplands. The average size of a wetland restoration easement is 34 acres, with the average wetland basin covering about 10 acres. The average wetland restoration easement payment is \$567 per acre and the average practice establishment costs are \$152 per acre. Other easements (nonwetland restoration) average 23 acres in size at a cost of \$592 per acre for the easement payment and \$127 per acre for practice establishment.

In 1991, \$7 million was appropriated for PWP easements. Approximately \$6 million of that appropriation was expended through FY 94 to secure 260 easements protecting over 10,500 acres of existing wetlands and adjacent upland. Approximately one million dollars has been reserved to acquire easements where permits for WCA exemptions are denied.

Attachment #1 illustrates the location of easements across the state along with acres and numbers associated with the various eligible land types.

Many partnerships have formed to assist in the successful implementation of the conservation easement programs. The willingness of private groups to provide financial assistance to landowners to establish conservation practices, along with technical and financial assistance from federal agencies, has allowed the BWSR to target program appropriations towards the acquisition of more easement acres.

The historical demand for program dollars continues to exceed program appropriations by a large ratio. In 1993, landowners submitted over \$31 million of requests for conservation easements. **Attachment 2** illustrates, by year, the landowner demand and the bonding appropriation.

II. Program Priorities and Enrollment Goals

Statewide Priorities and Goals

In 1992, the BWSR adopted a five-year program plan for the RIM Reserve Program. This plan was based on the agency's strategic plan and set forth program priorities and objectives, as well as setting five-year enrollment goals.

Resource protection and improvement priorities established in the RIM Reserve program plan are:

1. Protect and improve **water quality**
2. reduce **soil erosion**
3. enhance **fish and wildlife habitat**

The same priorities are used for the PWP program, along with the priority to enroll wetlands that are highly susceptible to being altered (i.e., not protected by other local, state or federal regulations). For both RIM Reserve and PWP, high priority will be given to perpetual easements applications.

Acreage enrollment goals for FY 95-96 identified in the program plan include 4,000 acres of restored wetlands plus adjacent uplands; 6,000 acres of riparian lands (i.e., adjacent to a water course or water body); 2,000 acres of highly erosive marginal lands; 1,500 acres for ground water protection purposes and approximately 10,000 acres of lands expiring from a USDA Conservation Reserve Program contract or RIM Reserve limited-duration easement.

Local and Regional Prioritization

Each easement application is prioritized as to how well it achieves local resource protection goals as set forth in the county water plan, SWCD comprehensive plan and by a local screening committee. The screening committee is made up of representatives from conservation and environmental groups, farming organizations and various federal and state agencies. In addition to identifying resource protection priorities, this committee often reviews each application and assists the SWCD with prioritizing the applications.

Each easement application is subsequently assessed by one of the BWSR's 15 regional board conservationists (BCs) to determine how well (high, medium or low) it meets the BWSR's resource protection priorities listed above. Draft guidelines for this assessment are presented in **Attachment 3**. The BWSR's goal for FY 95-96 is to enroll at least 75 percent high resource protection priority easements, and no more than

25 percent medium priority easements. No low priority easement areas are included in the enrollment goals. In addition to considering how well the area meets local and BWSR resource protection priorities in a funding recommendation, the BC will also consider other factors, such as the degree to which the land's title is clouded or the capacity of the SWCD to implement the programs.

III. Easement Acquisition Procedures

Once an application has been approved for funding, the local SWCD gathers the information necessary to develop an agreement between the state and the landowner to enter into a conservation easement. During this process, land ownership is verified, a legal description and map of the easement area are prepared and a conservation plan is developed. Once the agreement is signed by the landowners and the state, the easement and conservation practice funds are encumbered.

The state purchases a title insurance policy on each proposed easement area. This allows for the resolution of any title problems that the state determines may pose a threat to the legal interests the state acquires upon conveyance of the easement (i.e., the cropping and grazing rights and the requirement that the conservation practices agreed to by the landowner and the state will be established and maintained). Upon the recording of the conservation easement and the state's approval of the final title policy, and upon the landowner's certification that cropping and grazing have ceased, the state will issue the easement payment. The easement payment is based on the Assessor's Township Average Market Value (ATAMV) as provided by the Minnesota Department of Revenue.

TYPE OF LAND	PERPETUAL	LIMITED
LANDS WITH CROP HISTORY	90% of the ATAMV	75% of the ATAMV
LANDS WITHOUT CROP HISTORY	60% of the ATAMV	45% of the ATAMV
Wetland W/out Crop History	50% of the ATAMV	N/A

Where ATAMV is not available, the current tax year's estimated market valuation of the land only (as documented by the assessor) will be used.

The general procedure to acquire a conservation easement is illustrated in a flowchart found in **Attachment 4**. Once the easement acquisition is complete the SWCD assists the landowner to establish the conservation practices as documented in the conservation plan. Engineering assistance

III. Easement Acquisition Procedures cont.

is provided to the SWCD and the landowner by the BWSR where needed (e.g., wetland restoration projects). Expenses incurred to install conservation practices will be reimbursed up to the statutory limits when the SWCD certifies that the practice has been adequately installed and submits an itemized expense voucher to the BWSR.

IV. Distribution of Program Funds

FY 95-96 Appropriation:

The Laws of 1994, Ch. 300, Sec. 64, appropriated \$9 million to the BWSR for conservation easement acquisition and the establishment of perennial cover on easement areas. Of this appropriation, \$300,000 was targeted to "jump-start" the state wetlands bank as defined in the administrative rules for WCA (M.R. Chapter 8420). These funds will subsequently be reimbursed through the sale of associated wetland banking credits. In addition, the BWSR has received approval from the Department of Finance to expend up to \$352,000 in FY 95 to supplement the BWSR's General Fund appropriation of \$150,000 for the professional services necessary to acquire easements, restore wetlands and provide technical assistance to SWCDs and landowners. A reserve of \$150,000 will also be set aside to cover the costs associated with obtaining title insurance policies and reinstalling failed conservation practices. These collective expenses are referred to as "program obligations." Of the \$9 million appropriation, \$802,000 will be set aside in FY 95 for program obligations, leaving \$8.2 million of available funds.

FY 95 Easement Acquisition:

- 60 percent of the available funds ($\approx$ \$5 million) will be used to secure conservation easements from applications submitted for funding consideration in December 1994.
- If approved by the North American Wetlands Conservation Council, a \$582,000 federal grant will be distributed in the Minnesota River Watershed for easement acquisition where wetlands will be restored on the enrolled lands.

Target allocations for the 1994 sign-up, as listed in **Attachment 5**, will be provided to BCs as a financial guideline to use when determining how many applications they will recommend be funded. If their target allocation will not fund all of the high or

medium priority applications submitted for their work area, up to three additional applications can be forwarded to BWSR in a "pending" status. The BWSR easement coordinator will determine which pending applications will be accepted based on the dollars made available from BCs who did not use all of their target allocation. A minimum of 50% of the available funds will be allocated to work areas within the Minnesota River Watershed, which is targeted as a high priority area by the BWSR.

- 5 percent ($\approx$ \$400,000) of the available funds will be reserved to fund special projects. Special projects are defined as projects in which:
 - ✓ the total costs exceed \$200,000 for an individual easement; or
 - ✓ the easement area is part of a watershed initiative for which BWSR pre-approval would be advantageous prior to soliciting landowner participation in the easement programs; or
 - ✓ easements in a SWCD that has made a special effort to solicit applications, but the easement applications were not funded in the December 1994 sign-up due to an inadequate target allocation for their area.

Special projects will be considered by the BWSR upon receipt of a complete project outline, including the project's purpose and scope, associated costs, financial and technical partners and resource protection benefits that will be realized with the acquisition of proposed easement area(s).

- Projects in excess of \$400,000 will need to request that the BWSR seek a special appropriation from the Legislature

FY 96 Easement Acquisition:

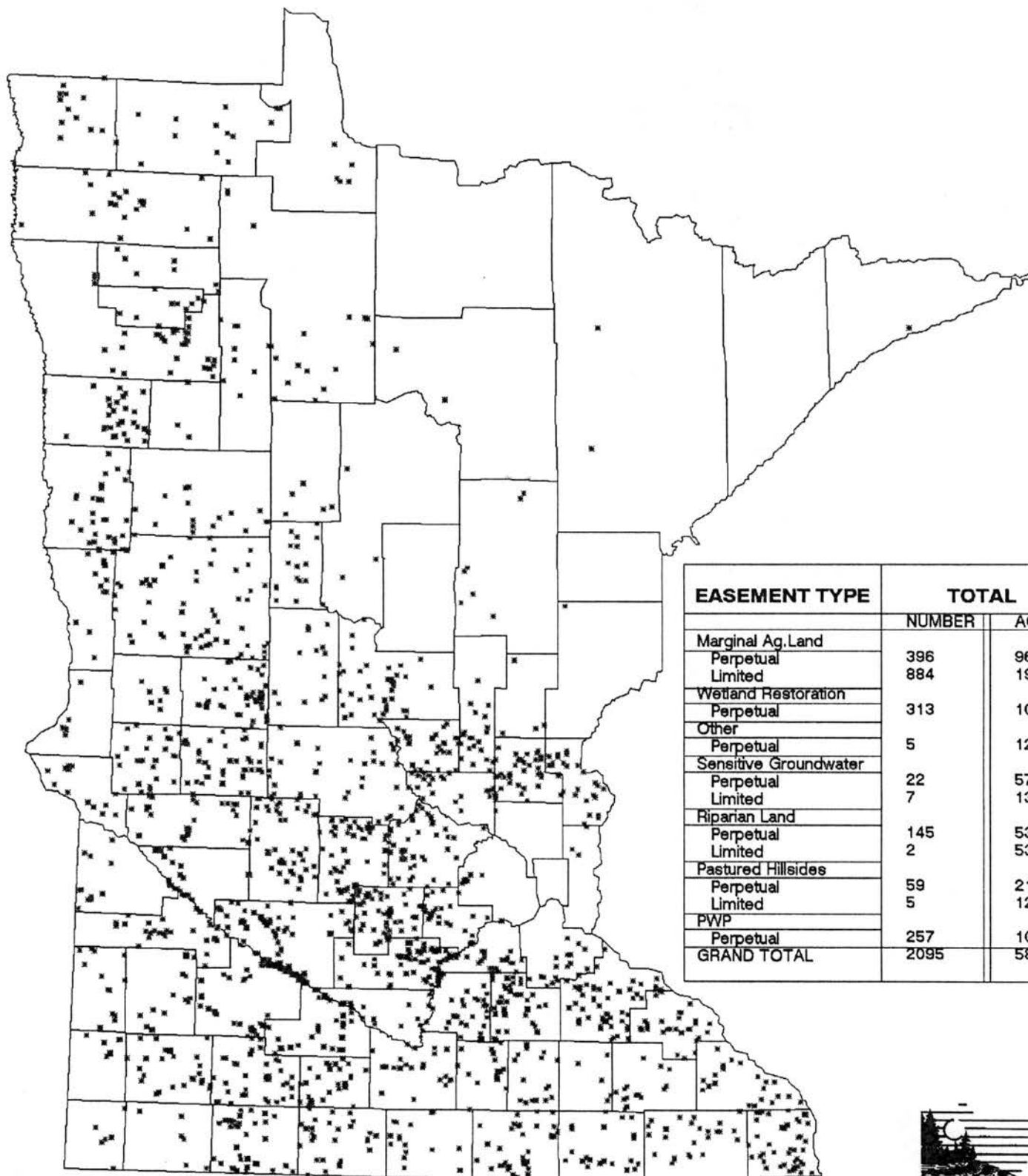
- 100 percent of the available funds (fund balances minus the program obligations for FY 96) will be allocated to applications submitted for funding consideration in November or December 1995.

Target allocations will be distributed to BCs to use when determining which applications in their area should be recommended for funding. A minimum of 50 percent of the available funds will again be allocated to for easements within the Minnesota River Watershed.

The BWSR will update this work plan in August of 1995.

Attachment #1

CONSERVATION EASEMENT LANDS 8/4/94 RIM RESERVE & PERMANANT WETLANDS

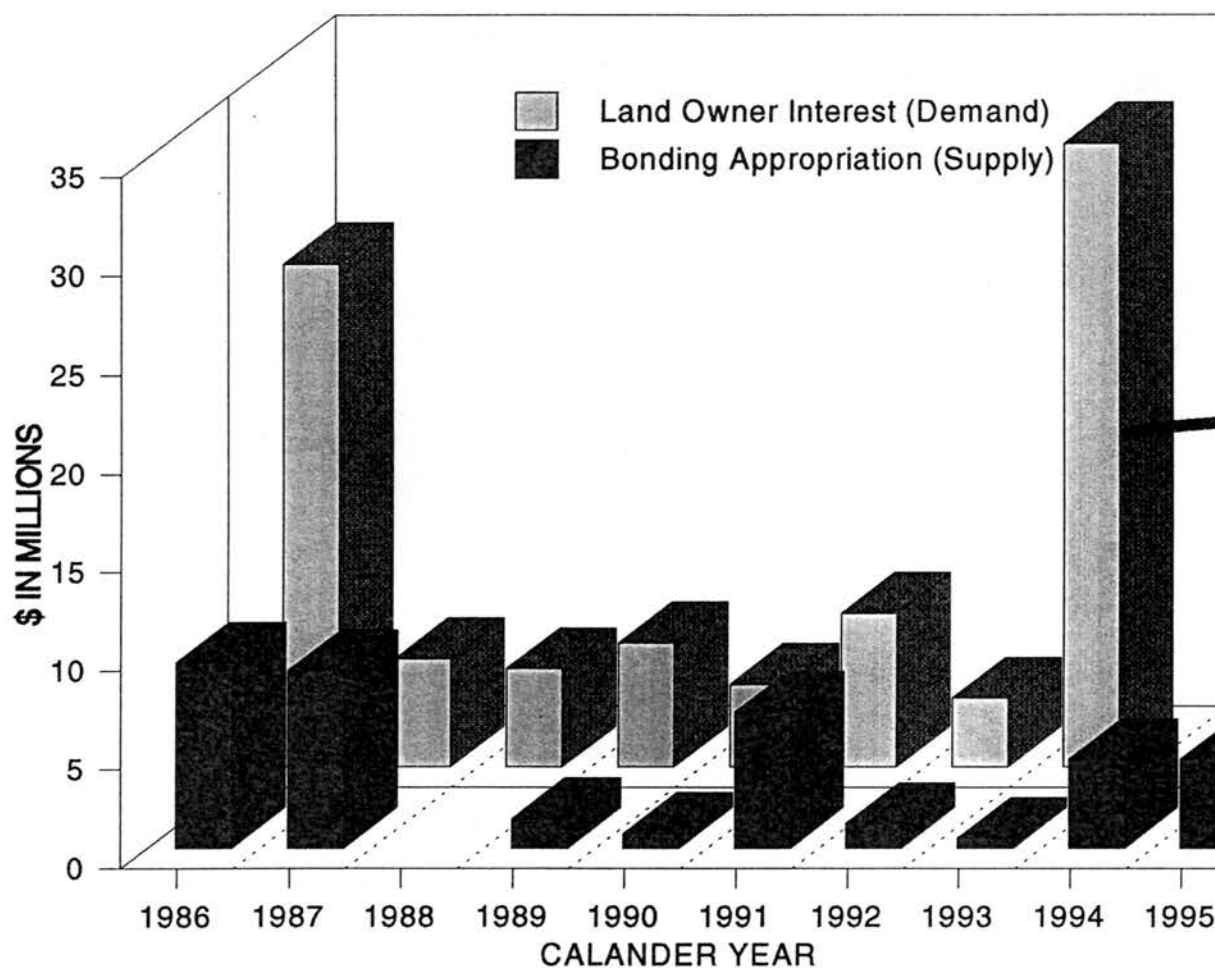


EASEMENT TYPE	TOTAL	
	NUMBER	ACRES
Marginal Ag. Land		
Perpetual	396	9663
Limited	884	19292
Wetland Restoration		
Perpetual	313	10592
Other		
Perpetual	5	125
Sensitive Groundwater		
Perpetual	22	577
Limited	7	135
Riparian Land		
Perpetual	145	5339
Limited	2	53
Pastured Hillides		
Perpetual	59	2166
Limited	5	125
PWP		
Perpetual	257	10519
GRAND TOTAL	2095	58586

08/04/94
RIM

- * RIM Easements
- * PWP Easements

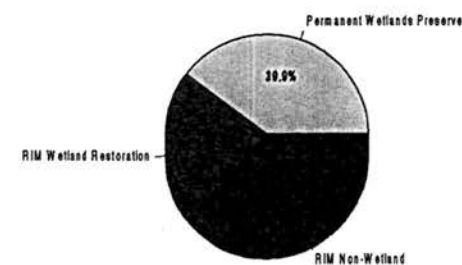




Landowner Interest 1993
By Easement Type

CONSERVATION EASEMENT FUNDING

Supply and Demand



DRAFT
ATTACHMENT # 3
STATE RESOURCE PRIORITY
ASSESSMENT GUIDELINES

Resource Protection Parameters

Assessment Matrix: *[Note: staff continue to work on refining this matrix]*

	HIGH (5)	MED. (2)	Low (0)
Water Quality Protect. (5)	10	7	5
Soil Erosion Reduction (3)	8	5	3
Fish & Wildlife Habitat (1)	6	3	1

Overall Rating: 24- 20 = High 19-14 = Medium 13-0 = Low

Assessment Guidelines: The following statements are meant to guide board conservationists (BCs) in ascertaining to what degree the resource priorities of the BWSR would be met if the application were approved and an easement was acquired on the area.

1. Water Quality Protection

- A. is a contributing area to a sinkhole or a designated wellhead protection area; [high]
- B. is presently in row crop production or a hay/row crop rotation¹ ; or
is presently in a limited duration conservation contract and at high-risk of being
converted to row crop production or a hay/row crop rotation; and

a majority of the easement area meets the above definition (e.g., > 60%) [high]

some of the easement area meets the above definition [medium]

a minority of the easement area meets the above definition [low].

- C. where high rates of nutrients, sediments or pesticides are being directly conveyed into a water body (e.g. riparian easements where sediment from the cropped field is deposited directly into a water course or recreational water body; the field is within 300' of a stream or 1,000' of a waterway). [high]
- D. where wetlands will be restored, or currently exist, and once farming ceases, the area will function to filter or trap nutrients, sediments or pesticides transported to the wetland from non-enrolled parcels. [high]

¹ hay/row crop rotation means at least two years of row crops are planted within previous 5 years.

2. Soil Erosion Reduction

- A. fifty percent or more of the easement area is presently in row crop production or a hay/row crop rotation²; or is presently in a limited duration conservation contract and at high-risk of being converted (potential for conversion) to row crop production or a hay/row crop rotation; **and**
 - A.1 shows evidence of (or potential for) excessive erosion (e.g., 2XT; Land Capability Class, if known, is erosive; ephemeral erosion is occurring, or gullies are present across the majority of the easement area) **[high]**
 - A.2 erosion is occurring (or potentially will occur), but not excessive (e.g. >T but <2XT; little or no evidence of ephemeral or gully erosion) **[medium]**
 - A.3 no evidence of (or significant potential for) erosion on the easement area **[low]**
- B. less than fifty percent of the easement area is presently in row crop production or a hay/row crop rotation **[low]**

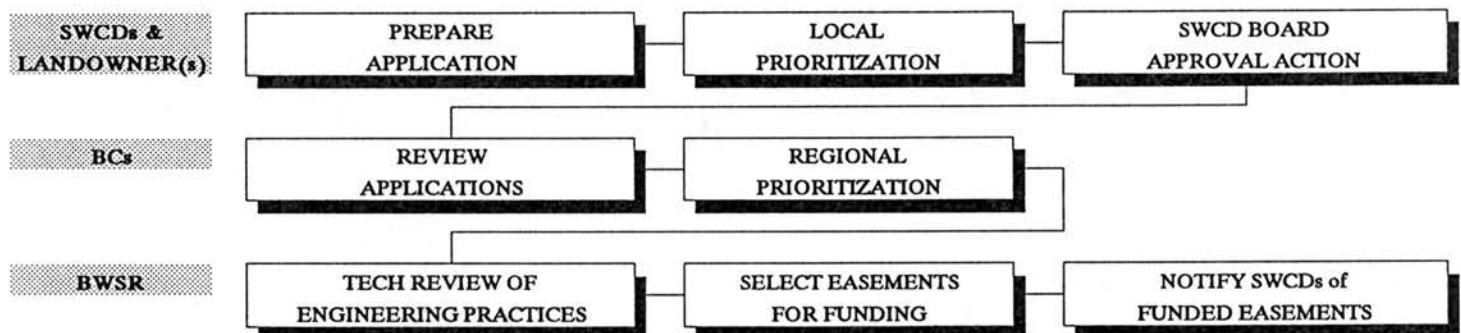
C. Fish and Wildlife Habitat

- A. contains endangered species habitat **[high]**
- B. contains threatened species habitat **[medium]**, or
- C. wetlands will be restored on the easement area; and currently the
 - C.1 basin is fully drained and the majority (e.g., 75% or more) is cropped **[high]**
 - C.2 basin is partially drained and partially being cropped **[medium]**
 - C.3 drainage system is no longer functioning and the basin is not being cropped **[low]**
- D. wetlands will be restored on the easement area; and
 - D.1 the upland to wetland ratio³ will be 3:1 or greater **[high]**
 - D.2 the upland to wetland ratio will be less than 3:1 but greater than 1:1 **[medium]**
 - D.3 the upland to wetland ratio will be less than 1:1 **[low]**
- D. the easement area and surrounding land use:
 - D.1 is predominantly in agricultural use and in row crops or a hay/row rotation **[high]**
 - D.2 has some area in agricultural use or residential use **[medium]**
 - D.3 is predominantly secluded & undisturbed land or recreational land **[low]**
- E. the easement area will be restored to:
 - E.1 a mixture of native grass/trees; or introduced grass/native grass; or introduced grass/trees/native grass **[high]**
 - E.2 a mixture of introduced grass and trees; or native grass **[medium]**
 - E.3 a monoculture of introduced grass or trees **[low]**

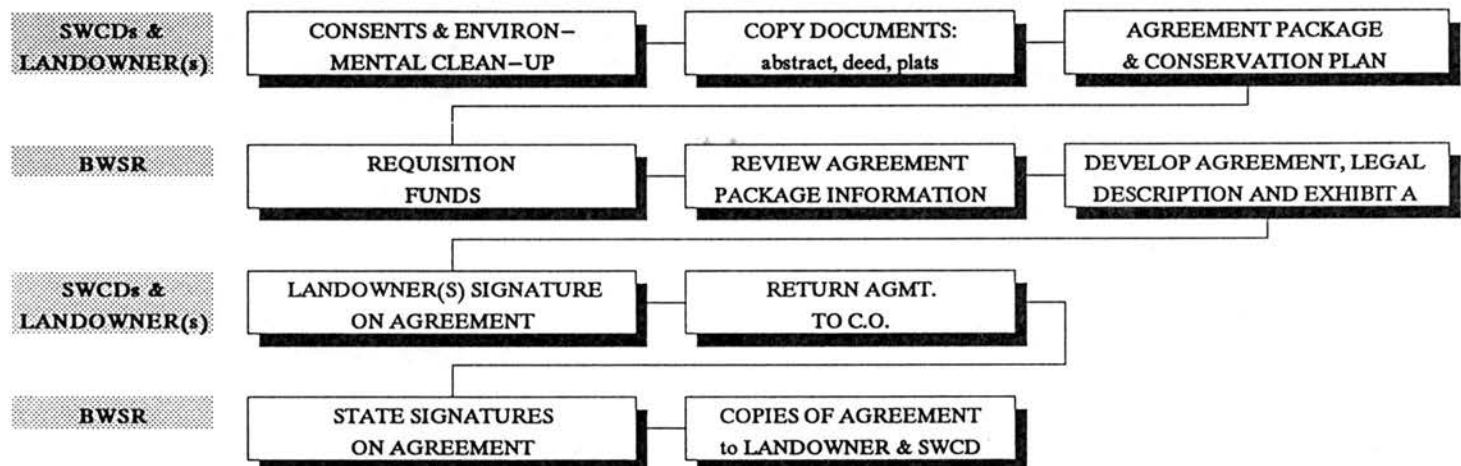
² hay/row crop rotation means at least two years of row crops are planted within the previous 5 years.

³ The ratio refers to the number of acres of upland for each acre of wetland. "Upland" refers to acres in vegetative cover that are adjacent to the wetland. The acres do not need to be owned by the applicant.

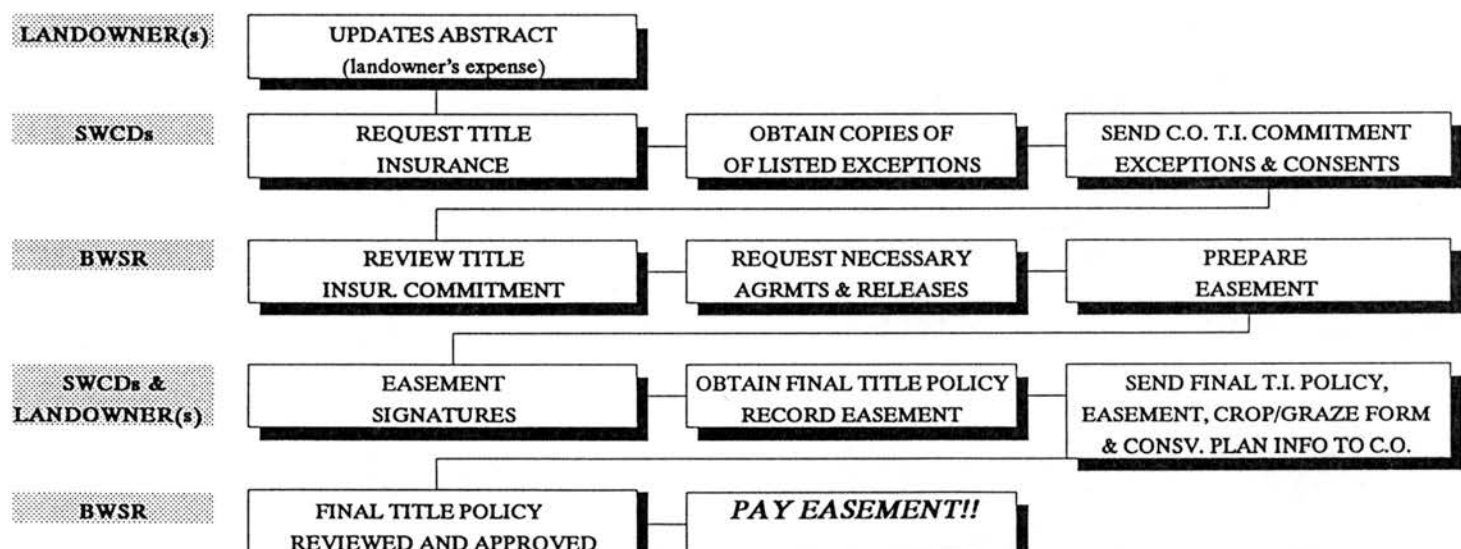
APPLICATION STAGE



AGREEMENT STAGE



EASEMENT STAGE



Attachment 5
Target Allocations by BC Work Area

BC	HISTORY	BASE	TOTAL	MNR %	TOTAL IN MNR
Brian Dwight	46,305.41 +	20000 =	66,000.00	0.00%	0.00
Bill Best	104,187.18 +	20000 =	124,000.00	0.00%	0.00
Mark Nelson	0.00 +	20000 =	20,000.00	0.00%	0.00
Dale Krystosek	300,985.23 +	20000 =	321,000.00	2.48%	7,464.43
Dan Steward	81,034.48 +	20000 =	101,000.00	0.00%	0.00
Keith Grow	162,068.96 +	20000 =	182,000.00	0.00%	0.00
Peter Waller	196,798.03 +	20000 =	217,000.00	32.68%	64,313.59
Jim Haertel	162,068.97 +	20000 =	182,000.00	31.01%	50,257.58
Barbara Ohman	11,576.35 +	20000 =	31,500.00	8.22%	951.57
David Sill	370,443.34 +	20000 =	390,500.00	94.05%	348,401.96
Tom Fischer	1,146,059.11 +	20000 =	1,166,000.00	50.57%	579,562.09
Tabor Hoek	694,581.28 +	20000 =	714,500.00	49.26%	342,150.73
Chris Hughes	764,039.41 +	20000 =	784,000.00	92.02%	703,069.06
Dave Peterson	405,172.42 +	20000 =	425,000.00	12.47%	50,525.00
Mary Kells	254,679.81 +	20000 =	275,000.00	0.00%	0.00
TOTALS	4,699,999.98 +	300000 =	4,999,999.00		2,146,696.05

History is based on activity in the work area for the past two fiscal years.

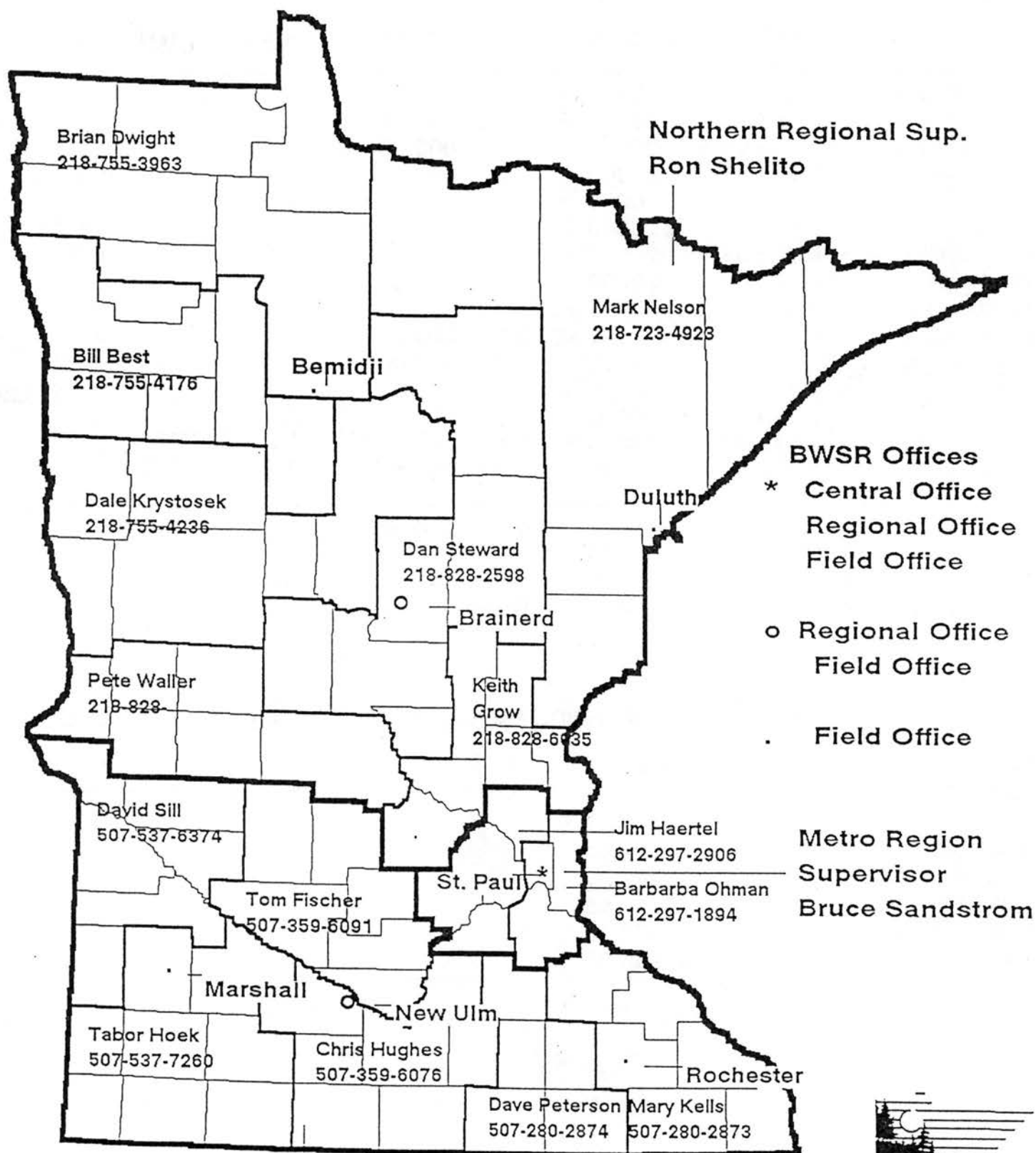
MNR % is the percent of the BC's work area within the Minnesota River Basin

NWCCA MNRIVER II Grant* - Wetland Restoration in the Minnesota River Basin

BC	GRANT
Peter Waller	30631.58
Jim Haertel	25226.02
David Sill	57659.44
Tom Fischer	178383.91
Tabor Hoek	108111.46
Chris Hughes	118922.60
Dave Peterson	63065.02
TOTALS	582,000.03

* Pending Approval

BOARD CONSERVATIONISTS WORK AREAS



6/23/94
bwbcaree.plt



Program Assessment: Water Planning and Management

This assessment will address three distinct aspects of water planning and management:

- 1) Metropolitan Surface Water Management (MSWM) pursuant to Minnesota Statutes (M.S.) section 103B.201;
- 2) Metropolitan Ground Water Management (MGWM) pursuant to M.S. section 103B.255; and
- 3) Local Water Planning (LWP) pursuant to M.S. section 103B.301.

PROGRAM DESCRIPTION: Metropolitan Water Management

The purpose of metropolitan water planning is to provide a framework and combination of authorities, including regulatory and financing mechanisms, under which:

- 1) forty six watershed management organizations (WMOs) prepare comprehensive water and related land resource management and protection plans, and
- 2) seven counties prepare ground water management and protection plans.

1982: ● Program established by legislature in 1982, was initially administered by Water Resources Board, a predecessors of the BWSR, and no new funding or staff was provided. Existing staff of the Water Resources Board included one director, one hydrologist, and one secretary. additionally no funding or staff was provided to any other applicable state agency or the Metropolitan Council yet all were required to provide data, consultation, and review plans. No state funding was available to the individual WMO's to assist in plan preparation.

1987: ● Statutory amendment provided authority to metropolitan area counties to voluntarily prepare ground water management plans. No additional funding or staff provided to the Water Resources Board, participating state agencies, or the Metropolitan Council.

● Board created through merger of Soil and Water Conservation Board, Water Resources Board, and Southern Minnesota River Basin Board. Five new staff provided at the time of merger to carry out the existing program responsibilities of the newly formed Board, yet none were directed for MSWM. Existing hydrologist position (from former Water Resources Board) reclassified as MSWM Coordinator.

- 1989: ● Legislature established Governor-appointed task force to review implementation of the Act. Recommendations included: (1) need to develop rules for plan content, (2) greater oversight of implementation by the Board, (3) better interagency coordination, and (4) greater reporting requirements by the WMOs.
- 1990: ● Ground Water Protection Act provided one hydrogeologist with 0.5 FTE directed to ground water management activities, including MGWM planning.
- Statutory amendments to MSWM Act require promulgation of administrative rules. Also placed greater emphasis on the Board for functions such as reporting and interagency coordination. No additional staff or monies were received to carry out this function.
- 1991: ● Board administrative reorganization created a Metropolitan Region, with the existing MSWM Coordinator reclassified as Metro Region Supervisor; this action resulted in a 0.6 FTE reduction of staff assistance from the position to MSWM.
- 1994: ● Metro Ditch Report.

PROGRAM STRENGTHS: Metropolitan Surface Water Management

- Provide metropolitan LGUs the ability to plan for and manage surface water on a watershed basis.
- Ability to strike a balance between the (a) need for growth, and the (b) protection of natural resources through public participation and review and approval of plans.
- The acceleration of capital improvement projects and programs where WMO's that have taken advantage of the ad-valorem taxing authority given to them under MSWM.

PROGRAM STRENGTHS: Metropolitan Ground Water Planning

- Provides metro counties with the ability to plan for and manage ground water. Metro Counties can be appropriate units of government for effective ground water planning and management.
- Fosters communication between metro counties on ground water issues (e.g. Metro Ground Water Alliance).
- Public involvement: has relied heavily on input of county residents and local water managers.
- Develops county-level ground water information management capabilities.
- Counties have developed the capability to provides technical assistance to cities and WMOs.

PROGRAM WEAKNESSES: Metropolitan Surface Water Management

- **Program Implementation.** Nine out of forty-six WMOs have not yet received approval of their first plan.

- **Conflicting relationship with other federal and state laws.** M.S. 103B.201, subdivision (1) ("to protect, preserve, and use natural surface and groundwater storage and retention systems") appears to be in conflict with how the U.S. Army Corps of Engineers (USCOE) and the Minnesota Pollution Control Agency (MPCA) currently administer sections 401 and 404 of the Clean Water Act.

- **Ineffective financing authorities.**
 - (1) Metropolitan area ditches.
 - (2) Ad-valorem levies.

- **Inadequate service to WMOs and member municipalities.**

- (a) review of all plans once every five years,
- (b) development of a model environmental management ordinance,
- (c) investigation of failures to implement WMO plans,
- (d) review of annual activity reports and financial audits, and,
- (e), as a result of the administrative rules promulgated as required, the Board must also conduct more detailed reviews of second generation plans.

- **Lack of financial assistance to WMOs and member municipalities.**

- **Excessive fragmentation of municipal jurisdiction.**

Currently, MSWM is based on 46 watershed units and many WMOs are small in size. Accordingly, some individual communities may lie within as many as four WMOs, each requiring them to develop a local plan that is compliant with the WMO's overall plan.

PROGRAM WEAKNESSES: Metropolitan Ground Water Planning

- Lack of support and commitment from some county boards to ground water planning.
- Lack of acceptance of county ground water planning efforts on the part of cities and WMOs.
- Counties with no direct zoning authority (Hennepin and Ramsey) must rely on cooperation with cities and WMOs for final plan implementation.
- The fragmented institutional framework of water management in the metro area has limited the effectiveness of metro ground water planning.
- Lack of leadership and support from BWSR. Though BWSR has met its minimum statutory obligations for plan review and approval, the Board has not shown the same leadership and advocacy that it traditionally had shown with comprehensive local water planning efforts outstate.

PROGRAM ALTERNATIVES: Metropolitan Surface Water Management

- 1) **Status Quo.** Maintain current levels of support including administration, outreach, funding, and legislative initiatives.

Staffing: No change.

Legislative Action: None.

Implications: Surface water management, based on hydrologic boundaries, will languish and legislative intent will not be met. LGUs will continue to spend time and money in a planning process that has little value to them due to unresolved interagency authorities and questions over financing. The Board will continue to be criticized for not effectively carrying out its responsibilities which will be evidenced by the number of incomplete and unadopted plans as well as the overall lack of implementation of local plans.

- 2) **Replace mandatory requirements with voluntary goals.** MSWM program would no longer be mandatory for WMOs, rather it would be offered as MSWM goals and authorities that could be voluntarily adopted by WMOs, similar to local water planning in Greater Minnesota.

Staffing: The existing staff complement of approximately 0.6 FTE (.4 FTE from regional supervisor and .2 FTE from BC's) would provide technical and administrative support to only those WMO's that are committed to achieving the goals and purposes of metropolitan surface water management.

Legislative Action: Elimination of the mandatory requirement for surface water management plans in the seven county metropolitan area.

Implications: Board and other agency staff would only work with those WMOs truly committed to surface water management, thereby optimizing extremely limited staff resources. However, the purpose of uniform stormwater, wetland, and ground water management within the metropolitan area and between local units of government would not be realized since it is already apparent that less than full participation of LGUs would occur. Counties would experience greater difficulty in implementing groundwater plans since much of the work is accomplished through the requirement for WMO and local plans to be in conformance with the groundwater plan.

- 3) **Full implementation of the Act.** All of the following suggested solutions should be considered together as one package, not as separate efforts.

Staffing: Four additional FTE positions: one program specialist, two Metro Region Board Conservationists, and one support staff. Additional consideration must also be given to staff deficiencies in other state agencies and the Metropolitan Council.

Legislative Action: A legislative initiative is necessary to address: (a) organizational structure of WMOs including issues of consolidation and BWSR authority to order the formation of a watershed district, (b) clarification of financing authorities, (c) oversight role of the Board, (d) resolution of conflicting wetland and stormwater mandates, and (e) increasing access to state financial assistance.

Implications: If this alternative was implemented water management plans would be developed and implemented in a timely manner; improved inter agency coordination would result in limited conflict between the various state and federal water quality and quantity goals; regulatory simplification at the watershed and municipal level; improved quality of water resources in the metropolitan area would occur; there would be reduced expenditures for damages resulting from uncontrolled surface water; and, fish and wildlife habitat and water recreational facilities would be enhanced.

4) **Transfer authority to Metropolitan Council.**

Metropolitan Council would administer MSWM as part of its "metropolitan systems" concept.

Staffing: Existing staff compliment (approximately 0.6 FTE combined total) would be reallocated to SWCD support, wetland conservation act administration, and interagency coordination. With this recommendation we believe it important for the Board to recognize that the Metropolitan Council would require additional staff to carryout these responsibilities.

Legislative Action: Requires changes to existing statute to transfer authorities.

Implications: Board's role would be reduced to an advisory and a plan reviewing capacity. Board would abdicate its role of empowering and assisting LGUs to plan for and manage its natural resources within the metropolitan area. Also, the ability of metropolitan LGUs to have access to the Board as a forum for water policy dispute resolution would be greatly diminished.

5) **Investigate a reorganization of Metropolitan Water Management.**

The purpose of this alternative would be to investigate the current water management structure and recommend alternatives. Outcomes of this process are unpredictable but could result in a program that favors more comprehensive organizations covering larger geographic areas, or giving counties a greater role.

Staffing: This alternative would require additional staff on a short term basis to staff the investigation, public input process, development of alternatives, and the legislative package.

Legislative Action: Requires special legislation similar to the creation of the metropolitan water management taskforce that was created in 1989.

Implications: This alternative would put the MSWM in a holding pattern during the period that the investigation would take place. The long term implication of this alternative may be the reduction of current fragmentation and conflicts. It may also provide for comprehensive management of water resources (both surface and ground water) in the metro area.

PROGRAM RECOMMENDATIONS: Metropolitan Surface Water Management

- Alternative 3: Staff believe that the Board should not abdicate its responsibility to LGUs in the metropolitan area in the area of water management. Staff believe that the Board's enabling legislation provides a unique and important liaison and function for the purpose of assisting LGUs through direct technical and administrative assistance, intervention, water policy dispute resolution, and funding.
- Staff further recommends that in the absence of pursuing Alternative 3, then Alternative 4 or 5 should be pursued.

PROGRAM ALTERNATIVES: Metropolitan Ground Water Planning

- 1) **Status Quo** Continue to meet the minimum requirements for plan review and approval of plans and updates. There would be some support for inter-county coordination such as is currently getting underway with the Metro Ground Water Alliance. There would be little additional effort to provide leadership to counties preparing or updating plans.

Staffing No change

Legislative Action: none

Implications: The Board would meet its minimum statutory requirements for plan review and approval. Inter-county coordination efforts would continue and receive some support from BWSR staff (mainly through the staff hydrogeologist). There will continue be a leadership and advocacy "vacuum" for the program. County Boards may withdraw support for ground water planning. It is likely that Hennepin, Washington, and Anoka counties will not adopt and implement plans. BWSR may be criticized for its lack of support and leadership. Other agencies (e.g. Met Council) will likely step into a leadership role in regional ground water management.

2) **Increased support, leadership and advocacy for Metro GW Planning**

Continue existing support for plan review and approval and for inter-county coordination. Increase support to counties preparing and revising plans. Increased advocacy of metro county ground water planning - working with county boards, other state agencies to get greater support for the program. Increased support for coordinating WMO planning with metro ground water planning.

Staffing: An additional 0.5 FTE for greater involvement by metro region BCs. Some reallocation of central office hydrogeologist's time to the program.

Legislative Action: none

Implications: Program will have a better chance of meeting the ground water management needs of the metro area. County boards may be more likely to provide support for ground water planning efforts. County ground water planning will be better coordinated with metro surface water management. However the institutional problems of metro water management, (fragmentation, lack of coordination) which are inherent in the current system, will remain. Problems will certainly not disappear as a result of increased BWSR involvement.

3) **Investigate a reorganization of Metropolitan Water Management**

The purpose of this alternative would be to investigate the current water management structure and recommend alternatives. Outcomes of this process are unpredictable but could result in a program that favors more comprehensive organizations covering larger geographic areas, or giving counties a greater role.

Staffing: This alternative would require additional staff on a short term basis to staff the investigation, public input process, development of alternatives, and the legislative package.

Legislative Action: Requires special legislation similar to the creation of the metropolitan water management taskforce that was created in 1989.

Implications: This alternative would put the MSWM in a holding pattern during the period that the investigation would take place. The long term implication of this alternative may be the reduction of current fragmentation and conflicts. It may also provide for comprehensive management of water resources (both surface and ground water) in the metro area.

**PROGRAM RECOMMENDATIONS: Metropolitan
Ground Water Planning**

If the Board chooses an expanded role in Metropolitan surface water management, then staff recommends that alternative 2 (increased support, leadership and advocacy for Metro Ground Water Planning) be followed. Staff also recommends that the entire metropolitan water management structure be examined for its effectiveness and possibly redesigned.

RELATIONSHIP TO STRATEGIC PLAN: Metropolitan Surface Water Management

The metropolitan surface water management act embodies many of the policies that the strategic plan of the Board addresses. The two main elements are:

Service to Local Units of Government - The BWSR provides local governments with guidelines, training, and technical assistance in developing, implementing, and administering water and soil resource management plans.

Coordination - The BWSR uses its members, local planning guidelines, rules, and staff assistance to foster communication, understanding, exchange of information and ideas, and working partnerships among Minnesota counties, soil and water conservation districts, watershed districts, other units of local government, regional development commissions, the metropolitan Council, state and federal agencies involved in water and soil resources management.

More specifically the strategic plan addresses urbanizing lands and states that BWSR will serve to minimize the potential water and soil problems associated with urbanization by assisting local governments in developing and implementing effective local water management plans and coordinating with other state agencies and the Metropolitan Council in establishing water planning and management policies.

PROGRAM DESCRIPTION: Local Water Planning

The purpose of local water planning is to provide a framework and combination of authorities, including regulatory and financing mechanisms, under which counties in Greater Minnesota can prepare and implement comprehensive management plans addressing surface water, ground water, and related land resources. The resultant goal of water planning is the enhancement, coordination, and development of programs, policies, and official controls by counties for the protection of water and related land resources.

PROGRAM HISTORY: Local Water Planning

- 1985: ● Program established, administered by the Water Resources Board; no new staff provided. Existing staff included one executive director, one hydrologist, and one secretary.
- 1987: ● Board created through merger of Soil and Water Conservation Board, Water Resources Board, and Southern Minnesota River Basin Board.
- Legislative Commission on Minnesota Resources (LCMR) funded a pilot program to provide grants to 52 counties to assist in their development of local water plans.
- 1988: Five new staff were requested to carry out the existing program responsibilities of the newly formed Board. Three of these positions directed to LWP as one coordinator and two field hydrologists (one designated to each half of the state).
- 1989: ● Groundwater Protection Act. Created the LWRPMP. Three staff added with one directed to LWP as a field hydrologist. However, the administrative duties of LWRPMP were assumed by the existing LWP coordinator; consequently, available staff assistance from the LWP coordinator for the routine service to LGUs was reduced by 0.25 FTE.

- 1991: ● Board administrative reorganization reclassified the three field hydrologists (whom had specialized in LWP service to LGUs) to Board Conservationists (with more generalized administrative responsibilities). This action resulted in each Board Conservationist assuming LWP responsibilities within their work area, resulting in a net-gain for LWP services to LGUs. However, the result of this reorganization was the transfer of watershed district responsibilities to the LWP coordinator which further reduced the available staff assistance from the LWP coordinator for the routine service to LGUs by an additional 0.35 FTE.
- 1994: ● Completion of the Board administrative reorganization with respect to the LWP coordinator reclassified that position with additional responsibilities regarding the overall administration of the Water and Land Management Section. This action resulted in a cumulative availability of staff assistance from the LWP coordinator to provide routine service to LGUs to less than 0.25 FTE.

PROGRAM STRENGTHS: Local Water Planning

- Adequate Board staffing at program initiation.
- State grants provided incentive to counties to develop and implement their local water plans.
- Active participation by the state agency partners.
- Increased participation of counties in the planning and management of water and related land resources.
- Greater participation of counties through the Board in the development of environmental policy at the state and local level.
- Greater coordination of all the resource management partners at the local level.
- Increased local funding of natural resource protection efforts through the matching of available state and federal grant programs.
- Increased education, monitoring, data collection and implementation efforts at the county level.
- Creation of regional and watershed based Joint Powers Boards.
- Consolidation local assistance grants into the natural resources block grant. The block grant is an expanded version of the LWRPMP.

PROGRAM WEAKNESSES: Local Water Planning

- **Potential for additional legislative mandates.** Recently, the legislature has mandated certain requirements of local water plans (stormwater retention and wetland conservation act provisions).
- **Reduced Board central office staff support.** The reduction in central office staff support has resulted in less than optimal coordination amongst the state agencies, loss of support to field staff, and an overall reduced emphasis on local water planning within the agency.
- **Inadequate oversight of LWRPMP.** Serious weaknesses are occurring in the ability of Board staff to provide adequate administration, program guidance and oversight of LGU compliance. Reporting out of accomplishments provide to BWSR through the annual workplans and reports is not being done.
- **Inadequate technical assistance regarding watershed and ground water context of local water plans.** Greater emphasis is needed in the next two to three years as counties revise and update their plans.
- **Lack of involvement by cities.** Little participation by cities occurred during the first generation of local water plans. This occurred primarily because of the perception that local water planning was a county program.

PROGRAM ALTERNATIVES: Local Water Planning

1) Full implementation of LWP/LWRPMP.

Staffing: One additional FTE required for the Board to administer LWP and the LWRPMP.

Legislative Action: None

Implications: Adequate staff support to both the Board Conservationists and counties resulting in high quality second generation plans that address current weaknesses of plans including coordination with cities, establishing roles and responsibilities of the various resource partners in the county, and increasing the watershed context of plans. Greater ability to report out accomplishments of local water planning and present that information as it relates the performance standards that are established for the program. Ultimately this alternative will result improved water quality, enhanced fish and wildlife habitat, and increased water based recreational opportunities through the coordination amongst the local resource partners and acceleration of implementation activities based on a comprehensive plan.

- 2) **Status Quo.** Maintain current levels of support regarding administration, outreach, funding and legislative initiatives.

Staffing: No change.

Legislative Action: None.

Implications: Continued reduction of support services to the Board Conservationists and county coordinators. Likely continued criticism of the Board's fiscal administration and compliance oversight of the LWRPMP. Lack of proper oversight and support has the potential to reduce the current enthusiasm for the program.

- 3) **Reduced services to LGUs.** Less emphasis on LWP would occur at all levels with the Board.

Staffing: No change. Existing field staff would focus more attention on programs like WCA, state revolving fund, and general support services to SWCD's and WD's. Central office staff would give its attention to program activities of WD's, state revolving fund, flood recovery efforts, compliance of grant programs.

Legislative Action: None, it would require however a policy decision on the part of Board to state what its priorities are and where limited staff assistance will be placed.

Implications: This alternative would result in the BWSR providing minimal support and guidance to counties for plan updates, technical and administrative assistance in plan implementation activities, and assistance with associated grant programs. Less interagency coordination would occur resulting in increased conflicts between counties, BWSR, and the agencies over local water plans and implementation programs. Lack of aggressive BWSR involvement will also result in less local coordination amongst the various resource partners and less acceptance of plans by the agencies.

PROGRAM RECOMMENDATIONS: Local Water Planning

Alternative 1: Staff believe that the Board needs to ensure the continued success of LWP. LWP is one of the most visible programs administered by the Board which directly seeks to empower LGUs with the necessary technical and financial assistance available from the State in assisting LGUs address their local resource management priorities.



Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

1200 S. Broadway
Room 144
Rochester, MN 55904
(507) 285-7458

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

August 12, 1994

To: BWSR Board Members

From: Bruce Sandstrom, Supr.
BWSR Metro Region

Subject: Complaint on Failure to Adopt Plan

Enclosed is a complaint filed by the Audubon Council and the Minnesota River Valley Audubon Chapter regarding the failure of the Nine Mile Creek Watershed District to adopt a watershed management plan. The complaint has been filed pursuant to MN Rules Chapter 8410.0180, a copy of which is also enclosed.

The applicable rule provides that if the Board finds that there is just cause for the complaint, then the administrative process set forth in the rule is triggered. After examining our files, I have concluded that the District is not in compliance with either the Metropolitan Water Management Act (MS 103B.201 to 103B.255) or the Watershed Act (MS 103D). The plan the district is operating under was adopted in 1973 and should have been revised in 1983 under the requirements of MS 103D. The Metro Watershed Management Act allowed the plan to continue, but required a revised plan to be submitted for review no later December 31, 1986. As some of you may recall, the District submitted a revised plan for review, but the BWSR rejected the District's plan at the November, 1991 regular board meeting.

It is my recommendation that you find that there is just cause for the complaint and that you direct staff to carry out an investigation of the facts. I further recommend that a Board member be assigned to participate in any meetings that might result to resolve the dispute.

Encl

cc Ron Harnack
Jim Birkholz
Jim Haertal
Dick Reynolds
Eileen Kulak, President Nine Mile WD

a:audubon.mem

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MINNESOTA RIVER VALLEY AUDUBON CLUB
Box 20400, Bloomington, Minnesota 55420

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AUG 10 1994

BOARD OF WATER
& SOIL RESOURCES

August 9, 1994

Ronald D. Harnack, Executive Director
Minnesota Board of Water and Soil Resources
Southridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107

Dear Mr. Harnack,

The Minnesota River Valley Audubon Chapter and Minnesota Audubon Council of the National Audubon Society submits this letter to you as a Complaint under Minnesota Rules part 8410.0180, subpart 2. This action was authorized by vote of the Natural Resources Committee of the Chapter and the Environmental Issues Committee of the state Council.

The Chapter and the Council write to complain that the Nine Mile Creek Watershed District has not adopted an approved water management plan, as required by Minnesota Statutes section 103B.231. Subpart 13 of the section specifies that the district was required to submit a plan for approval not later than December 31, 1986. The district has not updated its original plan which was adopted in 1973, and is therefore also in violation of Minnesota Statute section 103D.405, subd.1, which requires plan updates at least once every 10 years.

The Board of Water and Soil Resources has brought this delinquency to the attention of the watershed district on several occasions without success. In addition our Chapter brought this issue before your Board in February 1993 requesting the Board take action and we were assured that it would.

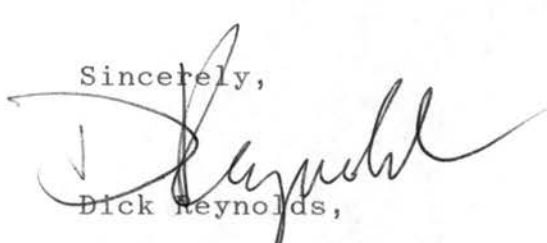
The district's failure to have a modern water management plan violates the spirit of, and circumvents, state regulations which protect the state's water resources on behalf of its citizens. In addition, by not complying with state statute it confronts the authority of the Board of Water and Soil Resources as is delegated to it by our state Legislature.

We ask the Board of Water and Soil Resources to exercise one or more of authorities provided it by the Legislature to deal with a district failure to adopt an approved plan:

1. Seek a court order to enjoin the district from pursuing any other activities until the planning job is completed; and/or
2. Direct the watershed district to submit a proper plan to the Board by a specific date, per Minn. Rule part 8410.0010, subp. 2; and if that deadline is missed, to promptly seek a court order directing the district to adopt an approved plan forthwith; and/or
3. Direct the counties containing the watershed to prepare, adopt, and implement the required plan and assume the authority of the district per Minn. Rule part 8410.0180, subp. 4, item B and Minn Stat. section 103B.231, subd 3, clause (b); and/or
4. Direct other state agencies to suspend issuance of water-related permits within the watershed per Minn. Stat. section 103B.231, subd 3, clause (g) item (3), and continue to do so until the Board of Water and Soil Resources determines that a plan is being implemented in accordance with its rules as authorized within clause (g).

We request the opportunity to present this issue to your next regularly scheduled Board meeting, and ask that the Board exercise its authority by taking action at that time to insure the district complies with Minnesota Statutes.

Sincerely,



Dick Reynolds,

Natural Resources Committee, Minnesota River Valley Audubon Chapter
Environmental Issues Committee, Minnesota Audubon Council

1794 E. Bluestone Dr.
Eagan, MN 55122



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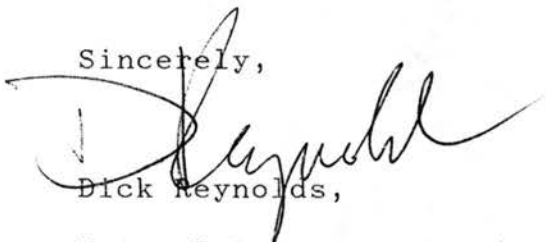
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3. Direct the counties containing the watershed to prepare, adopt, and implement the required plan and assume the authority of the district per Minn. Rule part 8410.0180, subp. 4, item B and Minn Stat. section 103B.231, subd 3, clause (b); and/or
4. Direct other state agencies to suspend issuance of water-related permits within the watershed per Minn. Stat. section 103B.231, subd 3, clause (g) item (3), and continue to do so until the Board of Water and Soil Resources determines that a plan is being implemented in accordance with its rules as authorized within clause (g).

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Dick Reynolds,

Natural Resources Committee, Minnesota River Valley Audubon Chapter
Environmental Issues Committee, Minnesota Audubon Council

1794 E. Bluestone Dr.
Eagan, MN 55122

(3) establishment of watershed management taxing districts;

(4) creation of stormwater utilities; and

(5) monetary impact against homes or farmsteads in affected community;

D. the impact on the local municipality of local implementation of each capital improvement project component if ad valorem financing is used; and

E. a summary of grant funding that would likely be available to fund water management projects and programs.

Subp. 9. **Implementation priorities.** Each local plan must prioritize implementation components to make the best use of available local funding and prevent future water management problems from occurring to the maximum practical extent. Local plans must prioritize organization plan implementation components in line with organization priorities as outlined under part 8410.0120 only for implementation components that must be facilitated by the local municipality or township.

Subp. 10. **Implementation program.** Each local plan must outline required implementation components that apply at a local level. These components shall be consistent with the required plan components outlined for organization plans under part 8410.0130. Official local controls must be enacted within six months of adoption of the local plan.

Subp. 11. **Amendment procedures.** Each local plan must contain a section entitled "Amendments to Plan" containing the year the plan extends to and establishes the process by which amendments may be made. The amendment procedure shall conform with the plan amendment procedure outlined in the organization plans that affect the community. Local plan amendments must be forwarded to each organization affected by the local plan amendment for review and approval before adoption.

Subp. 12. **Submittal and review.** After consideration and before adoption, the local plan shall be submitted to all affected organizations for review according to Minnesota Statutes, section 103B.235. Each local unit of government must also notify affected organizations within 30 days of adoption and implementation of the plan, including the adoption of necessary official controls.

SA: MS s 103B.101; 103B.211; 103B.231; 103B.227

HIST: 17 SR 146

8410.0180 DETERMINATIONS OF FAILURE TO IMPLEMENT.

Subpart 1. **Applicability.** This part applies when a plan is not being implemented for a watershed either because no watershed management organization exists, because the organization has not adopted an approved plan, or because the approved plan is not being carried out.

Subp. 2. **Establishing cause.** Before the board's involvement in determinations of whether a plan is being

properly implemented, the board shall first establish just cause for the determination by review of a written complaint from an aggrieved party or through conclusions arrived at by board staff under the review of an organization's annual report. A complaint or appeal made by an aggrieved party under Minnesota Statutes, section 103B.231, subdivision 13, must be made in writing to the executive director of the board and must summarize the issues at dispute and the efforts the party made to resolve the problem.

Subp. 3. Board staff responsibilities.

A. Board staff may investigate issues relating to alleged failure to implement plans primarily by response from written complaint from an aggrieved party or by review of the organization's annual report. Within 30 days of receiving a written complaint, board staff are required to initiate a preliminary investigation of the facts as they appear based on personal observation, review of all relevant documents, and discussions with involved parties. The results of this preliminary investigation shall be reviewed with the executive director, and the board's legal counsel if appropriate, before preparation of a report. The report shall ascertain whether a failure to implement exists, define the exact nature of the failure to implement, and recommend a course of action.

B. On completion of a report regarding a complaint or review of an annual report, the staff shall send a copy of its report by certified mail to the organization members of record to set a time and place for a meeting agreeable to all parties to informally discuss the contents of the report if a conflict exists. The complainant and any other aggrieved or affected party shall also be sent a copy of the report by certified mail and shall be invited to attend any meeting held to discuss the report.

C. The affected organization shall be allowed 30 days to hold a public meeting to develop a formal course of action if the joint powers agreement requires that process. Any formal response shall be sent by certified mail to the board and any aggrieved or affected party within 15 days of the meeting.

D. The affected organization and any aggrieved or affected party may not appeal to the board's dispute resolution committee established under Minnesota Statutes, section 103B.101, subdivision 10, to hear and resolve disputes over plan implementation until after the meeting has been held according to item B.

E. Based on information discovered at the meeting held according to item B, or receipt of the formal response received from the organization according to item C, board staff shall report to the board at a regular meeting as to the status of the dispute. If the board needs to take further action to resolve the dispute, board staff shall recommend the appropriate course of action, consulting with the board's legal counsel as

appropriate.

Subp. 4. Board responsibilities.

A. On receipt of the board staff's report and recommendations, the board is required to do any or all of the following:

- (1) nothing further if the staff's investigation finds that the subject plan is being properly implemented, provided the board concurs;
- (2) advise board staff to conduct additional fact finding it considers necessary and report back to the board accordingly;
- (3) order the dispute resolution committee to convene to attempt to negotiate the matter and to advise the board further; or
- (4) issue findings of fact and conclusions of its investigation advising the affected organizations, county, or counties of the documented failure to implement the subject plan and advise the appropriate unit of government of its responsibility to implement the plan under Minnesota Statutes, section 103B.231, subdivision 3, paragraph (b), within a prescribed period of time.

B. On issuance of its findings under subpart 3, item A, the board shall notify the appropriate counties to proceed as required by Minnesota Statutes, section 103B.231, subdivision 3, paragraph (b) or (c), as applicable. If a county fails to act after it is notified, the board shall notify state agencies that they may initiate their prerogatives under Minnesota Statutes, section 103B.231, subdivision 3, paragraph (g).

C. The board's dispute resolution committee has the following duties and responsibilities with respect to disputes relating to failure to implement a plan:

- (1) convene and hear appeals from both aggrieved parties and organizations not satisfied with the findings and recommendations of the board's staff report presented at the meeting required by subpart 2; and
- (2) convene at the pleasure of the board as prescribed by item A to attempt to negotiate and settle disputes over determinations relating to implementation of plans and to further advise the board.

SA: MS s 103B.101; 103B.211; 103B.231; 103B.227

HIST: 17 SR 146

Program Assessment: Soil Conservation

PROGRAM DESCRIPTION:

The soil conservation program of the Board consists of an integration of the following components:

- 1) Cost-Share Program for Erosion Control and Water Quality Protection;
- 2) Model excessive soil loss ordinance;
- 3) Reinvest In Minnesota (RIM) Reserve Program (selected eligible lands);
- 4) Minnesota Construction Site Erosion and Sediment Control Planning Handbook;
- 5) Support Services to Local Government Units (LGUs) (emphasis on administrative and technical assistance to soil and water conservation districts administering any of the components listed here);
- 6) Interagency Coordination (emphasis on USDA, MPCA, and SWCDs); and
- 7) State Revolving Fund Loan Program (recently established).

Items 1, 5 and 6 are individually assessed elsewhere. The purposes of the remaining components are briefly described below.

- **Model excessive soil loss ordinance.** This program is often referred to as "soil loss limits." The purpose of the law (M.S. sections 103F.401 - 103F.455) was to encourage counties, cities and towns to adopt an erosion control ordinance and to authorize the Soil and Water Conservation Board (SWCB) to prepare a model ordinance and to develop administrative rules (Minnesota Rules parts 8400.4000 - 8400.4080).
- **RIM Reserve Program.** RIM Reserve attempts to retire certain marginal agricultural lands from crop production and pasturing. RIM Reserve is a conservation easement program which offers a landowner a payment for conveying certain property rights (e.g., cropping, grazing, haying, and drainage) to the State. In addition, the program also offers financial assistance to establish perennial cover on the easement area. The eligible lands which are addressed by the soil conservation program include (1) marginal agricultural cropland, (2) riparian lands, and (3) pastured hillsides. The program is authorized and guided by Minnesota Statutes sections 103F.501 - 103F.531 and by Minnesota Rules parts 8400.3000 - 8400.3930.
- **Minnesota Construction Site Erosion and Sediment Control Planning Handbook.** Preparation of this document and some infrequent training of metropolitan SWCDs on urban erosion and sediment control planning have been accomplished by the Board.
- **State Revolving Fund Loan Program.** The Agriculture Best Management Practices Loan Program was created in 1994 to provide low interest financing to farmers, agriculture supply businesses, and rural landowners for the implementation of agricultural best management practices (BMPs). The program is administered by the Minnesota Department of Agriculture, yet the Board will be intimately involved in providing administrative and financial assistance to SWCDs.

PROGRAM HISTORY:

The purposes for which the soil conservation program was established remain valid today. However, the public's awareness and concern about soil quality, or soil productivity in particular, does not seem to be well developed or readily apparent. Yet, the public's awareness and concern about water quality degradation -- particularly from nonpoint sources -- seems to be widely apparent and well developed.

Since 1955, five major transitional events have occurred.

- 1) 1963: general services grant program established to provide financial resources to SWCDs;
- 2) 1977: cost-share program established;
- 3) 1984: initial (and only) allocation of staff (one FTE) to Board for soil conservation activities;
- 4) 1986: RIM Reserve Program established; and
- 5) 1994: Soil Conservation Advisory Committee prepares a report and model ordinance regarding the control of agricultural erosion and sedimentation.

- 1955: • First of eight annual/biennial appropriations to SCS for preparation of farm plans; later broadened to include watershed planning by SCS.
- 1963: • General services grant program established.
- 1975: • Special appropriation via Minnesota Resources Commission (later named Legislative Commission on Minnesota Resources -- LCMR) for demonstration program for streambank, lakeshore and roadside (SLR) erosion control.
- 1977: • Cost-share program established; 10% allowed for SWCD technical assistance costs and 10% allowed for administrative expenses of SWCDs and the Soil and Water Conservation Board (SWCB).
- 1977-78: • Special appropriations from LCMR to continue SLR demonstration program.
- 1984: One FTE provided as land use specialist; funding provided for contract with Association of Minnesota Counties to develop model ordinance excessive soil loss ordinance.
- 1985: • Legislative amendments allow up to 20% of annual cost-share program allocation to each SWCD for local costs to administer (including technical services) cost-share program; no new staff provided.
- 1986: • RIM Reserve program established; \$10 million bonding appropriation for RIM Reserve easement acquisitions (all for marginal agricultural cropland) and conservation practices, with \$600,000 for administrative and technical services support to Board (including one FTE for coordinator) and SWCDs.
- 1987: (1) Board created through merger of SWCB, Water Resources Board, and Southern Minnesota River Basin Board. Five new staff provided at the time of merger to carry out the existing program responsibilities of the newly formed Board, yet none were directed to its soil conservation program.

(2) \$9 million bonding appropriation for RIM Reserve easement acquisitions (mostly marginal agricultural cropland) and conservation practices.

(3) Established permanent annual general revenue appropriation of \$750,000 to SWCDs and \$150,000 to Board (including 3 FTE directed to design engineer, realty specialist, and clerk/typist) for administrative and technical assistance services support of RIM Reserve Program.
- 1988: • Approximately \$7,500 from Board's general administrative budget used to prepare urban erosion and sediment control handbook.
- 1989: • \$1.5 million bonding appropriation for RIM Reserve easement acquisitions (for soil conservation-related enrollments) and conservation practices.
- 1990: • \$750,000 bonding appropriation for RIM Reserve easement acquisitions (for soil conservation-related enrollments) and conservation practices.
- 1991: (1) \$6.9 million bonding appropriation for RIM Reserve easement acquisitions (\$5 million targeted for wetlands, with only \$1.9 million for soil conservation-related enrollments) and conservation practices.

(2) \$1 million appropriation from Environment and Natural Resources Trust Fund for RIM Reserve easement acquisitions (wetlands only) and conservation practices.

(3) Board administrative reorganization reclassified the three field hydrologists (whom had specialized in Local Water Planning services to LGUs) to Board Conservationists (with more generalized administrative responsibilities). This action resulted in each Board Conservationist assuming, for example, cost-share program administrative assistance responsibilities within their work area, resulting

in a net-gain for soil conservation program assistance to SWCDs.

(4) Board convenes Soil Conservation Advisory Committee to prepare a model ordinance for the control of agricultural erosion and sedimentation. Committee also prepares a preliminary report calling for a more comprehensive review and assessment of the state's soil conservation program.

1992: • Former land use specialist position reclassified as programs & policy analyst, resulting in less than 0.15 FTE directed specifically to soil conservation activities.

1993: (1) \$500,000 appropriation from Environment and Natural Resources Trust Fund for RIM Reserve easement acquisitions (for soil conservation-related enrollments; wetlands prohibited) and conservation practices.

(2) \$323,000 appropriation from Future Resources Fund for RIM Reserve easement acquisitions (for soil conservation-related enrollments; wetlands prohibited) and conservation practices.

(3) Board reprints the urban erosion and sediment control planning handbook, using approximately \$2,500 from its general administrative budget to do so.

1994: (1) \$9 million bonding appropriation for RIM Reserve (for soil conservation-related enrollments) and PWP easement acquisitions and conservation practices.

(2) \$10 million appropriated to Minnesota Department of Agriculture for SRF for each of first two years for land treatment practices. In addition, \$1 million annual appropriation to Board and SWCDs for SRF technical assistance services.

(3) Soil Conservation Advisory Committee prepares (a) model ordinance for control of agricultural erosion and sedimentation, and (b) report to the Board including recommendations to accelerate and enhance a more comprehensive approach to control agricultural erosion and sedimentation.

PROGRAM STRENGTHS:

- All resource management strategies (i.e., education-incentives-regulation) of the Board's Strategic Plan are represented and relatively integrated.
- Agricultural emphasis.
- Focus of program is largely land treatment and direct assistance of agricultural producers.
- Focus of program delivery is through LGUs, particularly SWCDs.
- [Refer also to program assessment for "Cost-Share Program."]

PROGRAM WEAKNESSES:

- The "incentives" resource management strategy is disproportionately represented in Board's offering to LGUs (i.e., need to provide greater educational program assistance and seek additional regulatory authorities for LGUs).
- Virtual lack of emphasis on urban and other non-agricultural lands with different soil conservation priorities.
- Inadequate emphasis on soil quality (rather than only erosion control and soil productivity issues for agricultural lands) and on relationship with water quality.
- Lack of Board staff support to LGUs, especially regarding: (a) local targeting of soil conservation priorities, and (b) administrative assistance for development of official controls.
- [Refer also to program assessment for "Cost-Share Program."]

PROGRAM ALTERNATIVES:

- 1) Status quo.

Staffing: Current staff commitment in central office is less than 0.15 FTE, excluding easement programs

staff and the grants coordinator role with the cost-share program, none of which is soil conservation-related *technical* assistance.

Legislative Action: None.

Implications: Board will not be meeting its minimum statutory obligations of providing encouragement and assistance to LGUs seeking to implement effective soil conservation programs. Inadequate financial resources, administrative and technical assistance, and overall guidance on relationship of state and local priorities will continue to result in inadequate protection of the state's soil (and water) resources.

2) **Minimal enhancement and acceleration (priority level 1).**

Staffing: [BWSR] Two FTE (one hydrologist or engineer and one clerk/typist) added to develop and administer a certification and training program for erosion and sediment control specialists and related soil conservation training needs. The hydrologist/engineer position may be able to provide technical assistance support for the soil conservation program while the existing programs & policy analyst (less than 0.15 FTE) would continue to provide model ordinance development assistance.

[SWCDs] Forty-nine (FTE) technicians.

Legislative Action: The following represents a minimum legislative package of the most essential fiscal and policy components to enhance and accelerate a more comprehensive soil conservation program; this package should not be reduced in scope or size.

- Acceleration of SWCD technical assistance (49 technicians @ \$40,000 each)
[state plus matching local funds; annual state appropriation] \$ 980,000
- Certification/training program [annual state appropriation] \$ 117,000
- Acceleration of state cost-share program
{recover inflationary losses since 1978 (\$0.75 million) plus overall acceleration (\$3 million)} [additional annual state appropriation] \$ 3,750,000
- County-level NRI data in 1997 and every 5 years thereafter
[state appropriation in 1997 and every 5 years thereafter] \$ 800,000
- Soils information:
[estimate represents state share, but would require matching amount of local funds]
[assume annual state appropriation @ \$ 1,079,000 for 5 years] \$ 5,395,000
- (a) soil survey completion or remap = 11 counties
- (b) update & recompile older soil surveys = 55 counties
- (c) digitize soil surveys = 13 counties
(including all of the above counties; 79 counties total)
- Add "Nondegradation of soil quality" clause to statutory "soil and water conservation policy"
- Establish interagency technical advisory committee to evaluate and retool the delivery of technical assistance from the conservation partnership of federal/state/local agencies
- Amend statutory "duties of state board -- program plan" to:
 - (1) identify the components of a comprehensive voluntary program, and
 - (2) prescribe a reasonable timeframe for achieving the erosion rate goal identified in *Minnesota Milestones: A Report Card for the Future*

GRAND TOTALS for Priority 1:

(a) permanent annual funding:	STATE = \$ 4,847,000	LOCAL = \$ 980,000
(b) additional annual funding through the year 2000:	STATE = \$ 1,079,000	LOCAL = \$ 1,079,000
(c) additional funding in 1997 (and every five years thereafter)	STATE = \$ 800,000	LOCAL = N/A

Implications: Many of the implications for alternative #2 would be eliminated. However, there would still remain an inadequate commitment to an overall education and an acute lack of adequate regulatory strategy for addressing soil conservation issues in the state.

3) **Enhancement and acceleration (priority level 2).**

Staffing: [BWSR & SWCDs] Same as alternative #2.

[MES/UofM] One FTE soil and water conservation specialist would be reestablished.

Legislative Action: The following represents an even greater enhancement and acceleration of the soil conservation program offered in alternative #2, including additional fiscal and policy initiatives.

- [Refer to items listed in alternative #2]
- MES/UofM soil and water conservation specialist \$?
- Development of soil quality indicators
(as recommended by the National Academy of Sciences) \$?
- Convert high priority CRP & 10-year RIM Reserve parcels to perpetual RIM Reserve easements
[state appropriation] \$ 5,816,000
- Establish auditing process to conduct on-site reviews to determine where best management practices for the control of agricultural erosion and sedimentation are being properly installed, operated, and maintained and whether or not they are effective
- Repeal "excessive soil loss" statutes
- Inventory landowners' compliance with existing federal, state, and local regulations addressing agricultural erosion

GRAND TOTALS for Priority 2 (in addition to totals for alternative #2):

- (a) additional permanent annual funding: STATE = \$? LOCAL = \$?
- (b) additional one-time funding: STATE = \$ 5,816,000 LOCAL = N/A

Implications: While some additional implications listed for alternative #3 would be eliminated, there would remain an overall inadequate education strategy and especially a regulatory strategy for addressing soil conservation issues in the state.

4) **Enhancement and acceleration (priority level 3).**

Staffing: [BWSR] Same as alternative #3, except also adds 7 FTE (shared with MES) regional soil and water conservation education program specialists.

[SWCDs] Same as alternative #3.

[MES/UofM] Same as alternative #3, except: (a) MES also adds 7 FTE (shared with BWSR) regional soil and water conservation education program specialists; (b) MES/UofM also reestablishes one FTE windbreak specialist.

Legislative Action: The following represents an even greater enhancement and acceleration of the soil conservation program offered in alternative #3, including additional fiscal and policy initiatives.

- [Refer to items listed in alternative #3]
- High priority maps (erosion, sedimentation) at county- and minor watershed-levels:
[state plus matching local funds] \$?
- MES/BWSR regional soil & water conservation education specialists
(7 @ \$70,000 each) [annual state appropriation] \$ 490,000
- MES/UofM windbreak specialist [annual state appropriation] \$?
- Excessive erosion fee [state plus matching local funds] \$?

- Request biennial reports from those state agencies which own or manage agricultural land or that administer programs affecting the management of private agricultural lands regarding the compliance of those lands with the erosion rate goal identified in *Minnesota Milestones: A Report Card for the Future*
- BWSR should include an assessment of statewide soil conservation achievements and needs in its biennial report to the Governor

GRAND TOTAL for Priority 3 (in addition to totals for alternative #3):

(a) permanent annual funding:	STATE = \$ 490,000 ⁺	LOCAL = \$	? ⁺
(b) additional one-time funding	STATE = \$	LOCAL = \$	?

Implications: Most of the implications for alternative #3 would be adequately addressed.

5) **Enhancement and acceleration (priority level 4).**

Staffing: [BWSR & SWCDs & MES/UofM] Same as alternative #4.

Legislative Action: The following represents an even greater enhancement and acceleration of the soil conservation program offered in alternative #4, including additional fiscal and policy initiatives.

- [Refer to items listed in alternative #4]
- Grants to Greater MN counties to adopt "model agricultural erosion ordinance" {60 counties @ \$15,000 each} [state plus matching local funds; annual appropriation through 2000] .. \$ 900,000
- Local conservation credit program (property tax credits)
[state plus matching local funds; annual state appropriation] \$?
- Designation of Lester soil as a state symbol
- Ensure long-term availability of new State Revolving Fund loan program to complement other existing and future incentive programs offered to agricultural producers to apply best management practices for the control of agricultural erosion and sedimentation

GRAND TOTAL for Priority 4 (in addition to totals for alternative #4):

(a) permanent annual funding:	STATE = \$	?	LOCAL = \$	?
(b) additional annual funding through the year 2000:	STATE = \$	900,000	LOCAL = \$	900,000

Implications: A comprehensive soil conservation program, emphasizing control of agricultural erosion and sedimentation, would be realized.

PROGRAM RECOMMENDATIONS:

Alternative #2 is preferred by the Board's Strategic Soil Loss Committee as being the most balanced and essential collection of initiatives to enhance and accelerate the soil conservation program.

RELATIONSHIP TO STRATEGIC PLAN:

The recommended alternative is fully consistent with the *Strategic Plan*. However, the following modifications are suggested so as to clarify and improve the relationship of the soil conservation program to the Board's mission.

- Revise references to "T by 2000" to emphasize the need for LGUs to locally adopt comprehensive soil conservation programs by the year 2000 -- i.e., a local program is adopted which adequately integrates an appropriate mix of resource management strategies (education-incentives-regulation);
- Clarify Board involvement with LGUs in encouraging soil conservation on urban and non-agricultural lands; and
- Further develop the relationship of federal agricultural programs on the need for state and local leadership and complementary efforts to provide protection of the state's soil resources.

Soil Conservation Initiative: Annotations to Priority 1 Recommendations 8/10/94

A. New or Accelerated Appropriations:

- Acceleration of SWCD technical assistance --
Based on a 1989 NACD survey of SWCD staffing, a need for 49 FTE technicians in MN's 91 SWCDs was identified. The BWSR Strategic Soil Loss Committee acknowledges the addition of several significant state and federal programs and laws since 1989 and the potential need to revise this number upward. The estimate of \$40,000 per technician is based on recent deliberations regarding the local staffing component of the State Revolving Fund (SRF) Loan Program.
- Certification/training program --
The BWSR Strategic Soil Loss Committee believes that a concurrent commitment to accelerated training of the above new staff, in addition to enhancing the development of existing SWCD technical staff, is essential. Thus, this item is inseparable from the above recommendation. The cost estimates include two new BWSR staff (engineer or hydrologist and clerk/typist) are based on a current proposal to the Environmental Protection Agency for Section 319 funding.
- Acceleration of state cost-share program --
It is essential to recover the inflationary losses since 1978 (\$0.75 million), especially since the overall program's appropriation has never substantially increased. Further, as indicated by the recent accelerative appropriation for the Minnesota River watershed, it is necessary to accelerate (e.g., \$3 million) this program on a broader scale to fully utilize the leverage capacity of the recent SRF Loan Program for agricultural best management practices. The BWSR Strategic Soil Loss Committee acknowledges that any level of acceleration is desirable and necessary.
- County-level Natural Resources Inventory (NRI) data in 1997 and every 5 years thereafter --
NRI has been conducted every 5 years by the Soil Conservation Service (SCS) since 1977. In 1982, NRI was statistically valid at the county level; that was the only time it was so. This recommendation would ensure county-level statistical validity only for those data elements which align with state priorities. This cost estimate is not well refined, but it is expected to represent an upper limit of the total costs, not a minimum amount.
- Soils information --
The cost estimates were provided by Jim Anderson of the Minnesota Extension Service. This recommendation simply seeks the necessary funding to complete this significant task; it is not intended to suggest that the state would supplant the role of SCS in conducting the necessary field work and quality assurance responsibilities. The BWSR Strategic Soil Loss Committee acknowledges that the level of annual funding will determine the overall timeline for completion of this task; consequently, it believes that the recommended \$1 million per year (for 5 years) seems reasonable and is consistent with a relatively recent state funding commitment to this effort.

B. Policy Actions:

- Add "Nondegradation of soil quality" clause to statutory "soil and water conservation policy" --
The 1989 Ground Water Protection Act contained a similar policy. Establishing such a policy in statute will clarify the state's commitment to adequately conserving and assuring the sustainability of our soil resource. This policy is an essential fundamental need to the overall initiative.
- Establish interagency technical advisory committee to evaluate and retool the delivery of technical assistance from the conservation partnership of federal/state/local agencies --
The recent establishment of this committee is an important first step. The BWSR must make a commitment to this effort and it should seek the commitment of the other conservation partners (i.e., SCS, SWCDs, MASWCD, MACDE) to further these discussions.
- Amend statutory "duties of state board -- program plan" (M.S. section 103C.405, subdivision 1) to identify the components of a comprehensive voluntary program, and prescribe a reasonable timeframe for achieving the erosion rate goal identified in *Minnesota Milestones: A Report Card for the Future* --
The BWSR Strategic Soil Loss Committee acknowledges that, while mandated in statutes, the BWSR has never completed the "program plan." This recommendation would further enhance the content of that document, upon its completion, by clarifying the fundamental expectations of the Board regarding the scope of local comprehensive programs to address soil conservation.

Potential State Funding Sources for Priority 1:

(a) annual general fund appropriations = \$ 4,847,000

[acceleration of SWCD technical assistance; certification/training program; acceleration of cost-share program]

(b) Environment and Natural Resources Trust Fund or Future Resources Fund appropriations = \$ 6,195,000

[county-level NRI in 1997; soils information]

Soil Conservation Initiative: Annotations to Priority 1 Recommendations 8/10/94

A. New or Accelerated Appropriations:

- Acceleration of SWCD technical assistance --
Based on a 1989 NACD survey of SWCD staffing, a need for 49 FTE technicians in MN's 91 SWCDs was identified. The BWSR Strategic Soil Loss Committee acknowledges the addition of several significant state and federal programs and laws since 1989 and the potential need to revise this number upward. The estimate of \$40,000 per technician is based on recent deliberations regarding the local staffing component of the State Revolving Fund (SRF) Loan Program.
- Certification/training program --
The BWSR Strategic Soil Loss Committee believes that a concurrent commitment to accelerated training of the above new staff, in addition to enhancing the development of existing SWCD technical staff, is essential. Thus, this item is inseparable from the above recommendation. The cost estimates include two new BWSR staff (engineer or hydrologist and clerk/typist) are based on a current proposal to the Environmental Protection Agency for Section 319 funding.
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- County-level Natural Resources Inventory (NRI) data in 1997 and every 5 years --
NRI has been conducted every 5 years by the Soil Conservation Service. The last NRI was statistically valid at the county level; that was the only NRI that was valid. To ensure county-level statistical validity only for those counties that have been inventoried, a cost estimate is not well refined, but it is expected to be a minimum amount.
- Soils information --
The cost estimates were provided by Jim Anderson. The recommendation simply seeks the necessary funding to complete the soils information. It suggests that the state would supplant the role of SCS in carrying out the soils information assurance responsibilities. The BWSR Strategic Soil Loss Committee acknowledges that the funding will determine the overall timeline for completion of the soils information. The recommended \$1 million per year (for 5 years) seems reasonable. A state funding commitment to this effort.

B. Policy Actions:

- Add "Nondegradation of soil quality" clause to statutory "soil and water conservation" policy in statute
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8/11/94
Ron - MF
Here is the "soil cons"
Program assessment
(stapled packet).
I suggest the assessment
plus the attached legal
sized sheet be the
Board member packet.
Dave

Soil Conservation Initiative: Annotations to Priority 1 Recommendations 8/10/94

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RECEIVED
AUG 11 1994
BOARD OF WATER
& SOIL RESOURCES

August 1, 1994

David Behm
Minnesota Board of Water
and Soil Resources
Southbridge Office Building
155 South Wabasha Street
Suite 104
St. Paul, MN 55107

Dear Dave:

Thank you for including me on Soil Conservation Advisory Committee. I hope the comments, to the report of the Committee, provided in this letter are helpful to moving forward with proposals to minimize soil erosion and the harmful effects of soil erosion.

The report contains a far reaching and comprehensive program to control and minimize soil erosion and its effects on agricultural production and the quality of surface and ground water in this state. It is likely ambitious to expect implementing all the proposals in this report within one or even two years. The Board of Water and Soil Resources (BWSR) may want to develop a five year plan for implementing this report.

Another issue of concern is the expected cost and sources of funding to implement the report. Most, if not all, of the proposals require the expenditure of federal, state and/or local funds that are already in chronic short supply. Creating an atmosphere of change when the wherewithal to accomplish this change does not exist, or is difficult to acquire, must be avoided. The BWSR can expect the Association of Minnesota Counties to insist on a fiscal note prior to legislative consideration of any of the proposals in this report.

Much of the report focuses on voluntary efforts to control soil erosion and the development of databases to assist in these voluntary efforts. The continuation of technical and financial assistance to landowners has been and should continue to be the backbone of governmental programs designed to minimize soil erosion. Increasing the base of information can be essential to properly guiding these assistance programs.



Page 2
Dave Behm
August 1, 1994

Many of the recommendations require counties and/or soil and water conservation districts to be involved in their implementation. As you know, counties are becoming increasingly aggressive in environmental protection activities, primarily through local water plans. But not every county will choose to make soil erosion a priority and this must be recognized as BWSR moves to implement this report.

In moving beyond some general comments of the report, one item that requires additional discussion is the recommendation regarding allowing counties to assess "excessive erosion fees". BWSR should be cautious in considering implementing this concept. It is likely that a fee of this nature will be extremely controversial at the State Capitol, as well as in county courthouses. The question that should be answered is: how important is this fee in addressing the problems identified with soil erosion? It may be that the divisive nature of this recommendation will harm soil erosion control programs.

The Association of Minnesota Counties is prepared to work with the BWSR in minimizing soil erosion. However, the financial condition of some counties will limit their opportunity to do more in this area in the near future.

Please feel free to call if you have any questions about any of the comments in this letter.

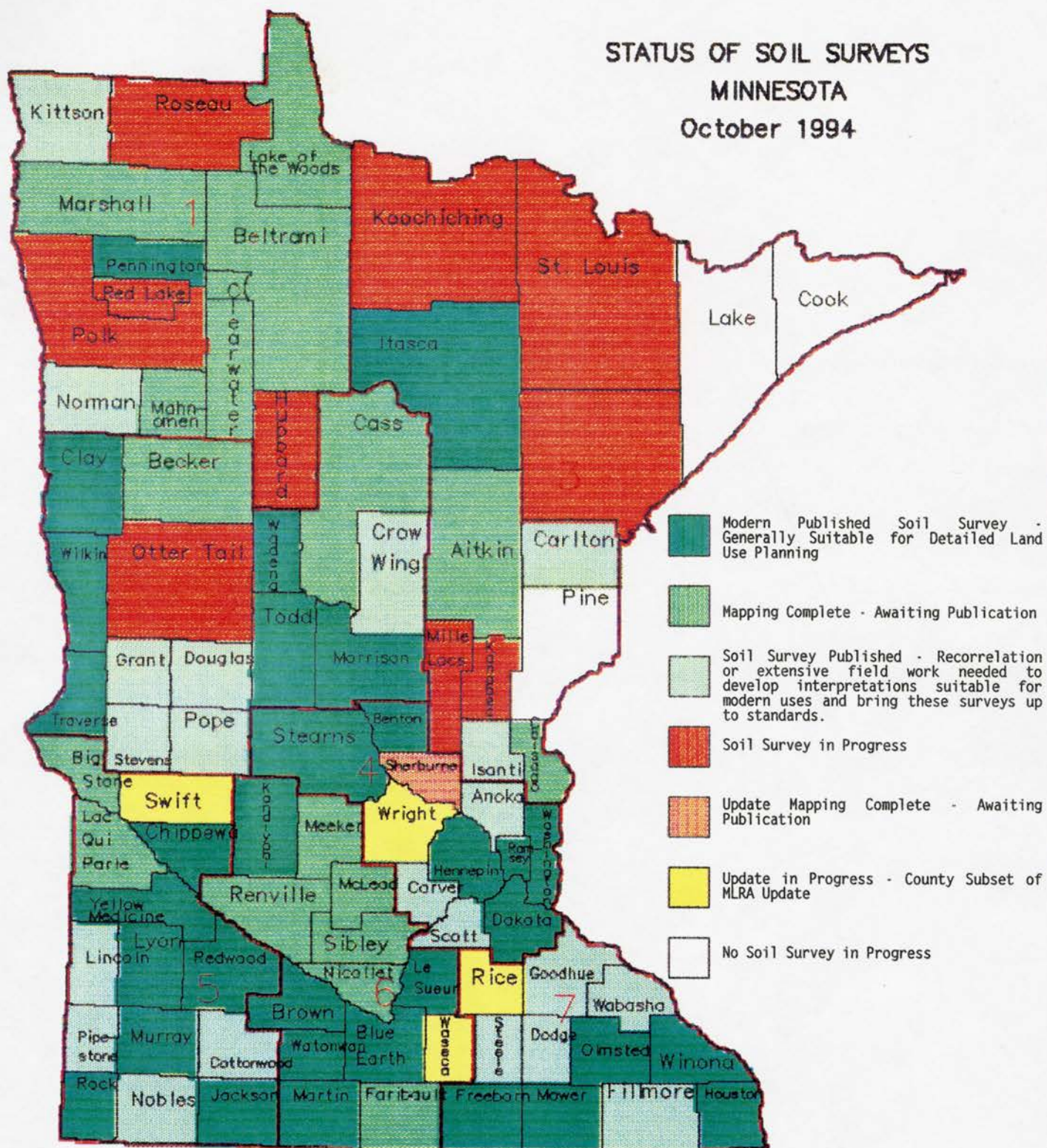
Sincerely,



David Weirens
Policy Analyst

cc: James Mulder, Executive Director

TITLE: Status of Soil Surveys
LOCATION: Minnesota GIS Lab, State Office



SOIL SURVEY PROGRAM IN MINNESOTA

Prepared by the USDA Soil Conservation Service
August 18, 1994

The following is intended to provide information and generate discussions to all interested parties concerning the soil survey program in Minnesota

PAST HISTORY REGARDING THE SOIL SURVEY PROGRAM

The cost-shared accelerated program to complete mapping the state was started in 1977. This acceleration was made possible through a one-third each cost-sharing arrangement at the county, state, and Federal levels. Funding at all levels has been contingent on commitments at the other two levels. Minnesota's county and state governments have provided a significant amount of the funding during this period.

The 1/3-1/3-1/3 cost arrangements have been extremely successful. However, in June 1992, the soil survey program did not receive additional funding from the Legislative Commission on Minnesota Resources (LCMR).

As a result of the discontinuation of LCMR funding, there are no longer any Minnesota Agricultural Experiment Station (MAES) soil scientists conducting soil survey inventories. *SCS staff is the only staff currently available to conduct all soil survey inventory-related activities on non-federal lands in Minnesota.*

CURRENT SCS WORKLOAD

Currently, SCS has a staff of 39 soil scientists to complete the remaining work as discussed below (refer to the status map dated October 1994).

There are 18 counties where soil mapping is complete, however, these surveys are not published. The amount of work required to have these surveys published varies, from map finishing, manuscript development, refinement of interpretations, to a cursory review of the final report prior to publication.

There are also 13 soil surveys that have soil survey mapping activities underway. Cost estimates to complete these mapping activities and complete correlations, interpretations, investigations, and publish these surveys will cost approximately \$13.5 million. *Again, SCS staff is the only staff conducting these activities and these costs do not include digitizing and Geographic Information System (GIS) efforts.*

SOIL SURVEY NEEDS

Also shown on the status map are 21 soil surveys that require recorrelation or extensive field work to develop interpretations suitable for modern uses and bring these surveys up to standards.

Counties identified on this status map supersedes all previous lists of counties identified as needing update activities.

There are approximately 8.8 million acres in these 21 counties. Workload estimates for soil survey legend development, report preparation, map finishing, soil survey mapping, publication costs, and related contingencies will cost approximately \$13.1 million. This DOES NOT include digitizing and GIS efforts.

FUTURE OF SOIL SURVEY

Soil Survey in Minnesota has reached a crossroads in its evolution. In the past the main objective has been to produce county soil survey reports. Presently only three counties do not have a published soil survey report or a survey in progress. With this in mind, the emphasis must shift from mapping and producing soil surveys to updating, maintaining and interpreting soil surveys.

Updating and maintenance of surveys has been, and will continue to be an increasing workload for SCS. The first soil survey update has been completed in Sherburne County. Additional updates are underway in Rice, Wright, Waseca and Swift Counties (LCMR proposal for Fillmore County is being considered). The funding for the updates has been between SCS and the individual counties. State contributions for soil survey mapping or updating has not been available since LCMR eliminated funding for soil surveys in 1992.

Utilization and interpretation of soil survey information has been greatly expanded in recent years due to technological advances in computer hardware and software. More and more users are recognizing the need for a detailed soil layer in their GIS. In a GIS, soil survey information must be accurate, up to date, and correctly referenced for maximum utility by user groups.

Presently published soil surveys are being digitized by a variety of public institutions and private vendors. Most of these digital products are derived from base maps that has not been accurately referenced to a coordinate system or have been rubber sheeted to get a "best fit" at this point. This has lead to duplication of effort, incompatible formats, and a general inefficient delivery and utilization of digital soil survey information in the state. It is to this extent that this proposal has been developed.

DIGITIZING EFFORTS

The goal is to accelerate the development of digital soil survey information in a correctly referenced format to a common standard to meet users current and future needs. By doing so problems of inaccurate referencing, duplication of effort, outdated data bases and format incompatibilities can be avoided.

This will require the involvement of the MAES and BOWSR because each member would have a unique role in the total effort. The roles are described in the following paragraphs:

ROLE OF THE SOIL CONSERVATION SERVICE

The SCS has the experienced soil scientist field staff needed to recompile published soil survey information from an inaccurate base map to a correctly referenced base map. The base map for this proposal is the 1991-92 NAPP digital ortho photography. Approximately 60 percent of the state will have NAPP coverage by January, 1995. Experienced soil scientists are required for the recompilation step to assure the integrity of the original survey is maintained, to identify and correct any line placement deficiencies caused by original base map distortion, and to assure all sheets are complete, accurate and are joined with other sheets.

SCS develops and maintains the State Soil Survey Database (3SD) for all soil surveys in the state. This data base provides the specific soil data and interpretations essential for any GIS analysis and output.

SCS also has national responsibility for quality control to assure that digital soil information conforms to a common standard. This standard is called the State Soil Geographic Data Base (SSURGO). SCS cannot be part of any cooperative effort that does not have a SSURGO certified end product.

SCS also has national responsibility to see that soil information is correlated and interpreted in a uniform manner across local and regional boundaries. To that extent, updated surveys are produced and correlated using Major Land Resource Region (MLRA) boundaries and not county boundaries as has been the case in the past. Correlation by MLRA's will assure users that have multi-county or regional needs will have access to soil survey information in a compatible GIS format.

ROLE OF THE MINNESOTA AGRICULTURAL EXPERIMENT STATION

The development of digital soil survey information involves numerous time consuming, complex steps. This type of work has been successfully done by MAES in the past using a software program called the Soil Survey Information System (SSIS). Cost efficiencies have been accomplished utilizing University of Minnesota students on an "as needed" basis.

The main steps in developing digital soil surveys involves scanning recompiled soil survey sheets (vectorizing), attributing the soil polygons, edge matching/joining between sheets, linking the 3SD database with the soil polygons, and producing a tape/disk of the final product.

MAES has also developed and supported, as part of SSIS, computer programs to assist users with manipulating and analyzing soil survey information. Examples are the assessing of land values using Crop Equivalency Ratings (CER), the CONSERVE program to assist in USDA programs, programs to address water quality concerns, and others. These programs are needed by many users and should be part of any future GIS development.

ROLE OF THE BOARD OF WATER AND SOIL RESOURCES

There is a need to promote the digitizing of soil survey information to a common standard on a correctly referenced coordinate system. This need exists to overcome current inefficiencies, duplication of effort, incompatible formats and inaccurately referenced soil information.

There is also a need to address the need for funding of a cooperative effort to provide digital soil information in the state. No one of the agencies in this proposal has sufficient staff and funding to independently produce the extensive amount of digital soil survey information currently needed in the state. Future demand for soil information will only increase as more county, state, and federal agencies develop their own GIS's.

BOTTOM LINE

1. SCS staff is the only staff available to conduct all soil survey inventory-related activities on non-federal lands in Minnesota. Accordingly, all future soil survey inventory plans must be coordinated and approved by SCS.
2. Legislative contacts are key to making the elected officials and the public in general aware of the need to have soil survey information in a format that is accurate, referenced and up to date to meet users current and future needs. BOWSR, MAES, and SCS must work together in this cooperative effort.



Board member Update

August 1994

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.

Southern Region

- Wetland Conservation Act (WCA) activities were rather slow in the southern region during July. Board conservationists (BCs) assisted with a few technical evaluation panel issues and potential wetland banking restoration sites. BCs Tom Fischer, Tabor Hoek, and David Sill assisted with a training session provided by DNR for its conservation officers. The conservation officers expressed the same initial program frustrations that many local government units (LGUs) experienced when WCA was introduced.
- Conservation easement program (Reinvest in Minnesota Reserve and Permanent Wetland Preserves) activities continue as several SWCDs are still sending in agreement packages for review and processing. Overall SWCDs are looking forward to the "re-tooled" conservation easement program. Potential applications from SWCDs in the southern region number well into the hundreds -- some SWCDs are predicting 50-100 applications. A major work effort will be needed by the BWSR and SWCD staff to prioritize these applications and begin processing them.
- BCs Tom Fischer and Chris Hughes provided an orientation training for new SWCD supervisors/employees. Other training participants included Soil Conservation Service (SCS) Area Conservationist Ronald Hardesty, Minnesota Association of Soil and Water Conservation District (MASWCD) Area VI Director C. Merle Anderson, and South Central Minnesota Association of Conservation District Employees (MACDE) President Brian Goepfert. Attendees were very appreciative of this basic introduction/orientation session.
- On July 26th, Marshall BC Tabor Hoek spoke on watershed management at the annual meeting of the Southwestern Minnesota Coalition of Lake Associations. Lake associations tend to have a narrow focus: looking at the lake itself, not realizing the lake's health is a result of its watershed. Strong cooperation and partnerships are necessary between lakeshore owners and other landowners in the watershed.
- On August 24th, Tabor will be facilitating a meeting with the Southwestern Technical College System and the Conservation Partnership Technical Advisory Committee. This meeting is intended to initiate a two-year technical program to produce qualified candidates for environmental resource positions.
- Chris Robbins of the Cannon River Watershed Partnership, Cheryl Miller of the Audubon Society, and Rochester BC

Dave Peterson have been talking about setting up a session for water planners and other local staff of the Cannon River watershed concerning the wetlands component for the water plan revisions. The session would start with a case study presentation on the value of individual wetlands and their aggregate effect on the watershed followed by a review of the 11 components of wetland priority area establishment. The participants would then develop additional parameters they would like to see used in the watershed. Finally, a small group of participants would develop a model wetlands section for use in their county water plans. If this works, it would provide coordinated priority areas across the watershed, take into account local concerns, and give the water planners an adoptable wetlands plan component without a lot of work on their part.

Northern Region

It's still summer up north but beginning to feel like fall. Staff have been busy with many activities typical of a Minnesota summer, and they've been working some too. A few samples:

- Jim Lemmerman, Duluth forester, traveled to Springfield, Missouri, for the National Association of Conservation Districts (NACD) North Central meeting in July. Jim was one of twenty-some from Minnesota to attend. Jim was invited to address the group about the role of Minnesota SWCDs in forest management. Of the eight states in the north central region, Minnesota and Michigan SWCDs seem to be the most active in forest management, Jim reports. Jim was also a presenter again this year at the week-long Windbreak Technology course held in Morris. This intensive training course is targeted to SWCD and SCS field personnel.
- Duluth BC Mark Nelson reports that he attended nine different WCA related meetings in July. Three of these were with DNR folks. Mark's experience shows that DNR seems to be adhering closely to the provisions of the law, contrary to what some locals allege. Mark also reports much phone time spent on WCA questions. Mark developed a slide show highlighting activities of the Lake Superior Association of SWCDs. Mark presented this slide show at the statewide water planners conference held in July.
- Up in Bemidji, BC Brian Dwight spent lots of time in the field with WCA this month. He spent time with Kittson and Lake of the Woods counties checking out gravel pits as potential wetland banking sites. He also did some delineation work in Roseau, Kittson, and Marshall counties. The non-adapters are still standing strong in opposition to WCA. Brian and Northern Supervisor Ron Shelito continue to work with the group and have gotten them to the point where they can all talk constructively about changes rather than simply bashing the act and everyone associated with it. Thanks to Ted Lovdahl for his assistance in this endeavor.
- Brian and Bemidji BC Bill Best assisted the SCS in the delivery of a three day wetland plant ID course. It was a great session, well attended, and was followed up by a two-day hydric soils course. This kind of continued technical training is needed if field staff are to stay versed on the technical as well as the administrative aspects of implementing WCA. Now all we need is some courtroom experience!
- Bill's been working with staff from Lake Bemidji State Park and the Minnesota Department of Transportation (Mn/DOT) to secure wetland training sites for the September Advanced Prac-

ticums BWSR will offer to clientele this September. Bill has also been busy helping to beef up BWSR field computers by installing microprocessor chips (ranch flavor) that should boost horsepower up to four times. This added horsepower will speed up our computers and open up opportunities to merge with other systems out there.

- Dale Krystosek, Bemidji BC, worked with several WCA violations requiring tech panels in Wadena, Becker, and Ottertail counties. The WCA workload continues to be highest in counties with a high number of lakes. Dale's non-WCA workload items involved assisting with water plan challenge grant requests from several counties. Specifically, Dale spent significant time with the Big Pine Lake Association and Ottertail County on a challenge grant request for lake protection initiatives. This is significant in that the Big Pine group had been talking about forming a watershed district a few years ago. Now that Ottertail County has adopted and begun implementing its water plan, the lake group is trying to meet its objectives through that route.
- Dan Steward, Brainerd BC, spent time in transition in July. With the addition of Pete to the north staff, work areas got juggled a little. Dan lost three counties and picked up two new ones. Dan spent time meeting clientele in his two new counties and personally introducing Pete to two of Pete's new clientele groups. Dan also assisted in developing and conducting the BWSR board tour in July. It was a real challenge to come up with a handful of tour stops that would represent not only BWSR/LGU workloads, but also the diversity of the area. Northern staff appreciates the interest shown by the board, and the willingness to discuss controversial issues. The staff is also deeply appreciative of the great weather. Thanks

to Barb Uppgaard and Crow Wing county for hosting the tour.

- The highlight of Keith's July was that his 14-year-old's AAU baseball team won the state championship, beating the likes of Apple Valley, Orono, Bloomington, and Osseo. The team was coached by Keith and his son Jeff was one of the heroes. Congrats to Keith and Jeff. Now, get back to work! Keith did some work but that wasn't nearly as exciting.

Engineering and technical services section

Conservation easements

- The majority of the Conservation Easement Handbook is being printed and assembled, with distribution scheduled for the end of the month. Handbook review sessions will be held on September 28 in Alexandria and October 4 in Mankato. It's been another stressful month for members of the team, finishing handbook sections and making it all fit together, but the light at the end of the tunnel is beginning to shine.
- Board conservationists report that landowner interest in applying for enrollment into the conservation easement programs appears to be high for the upcoming sign-up.
- Although we had heard through the grapevine that the Prairie Pothole Joint Venture's resubmitted Minnesota River 2 grant proposal to the North American Wetland Conservation Act (NAWCA) Council rated very high, in the end it didn't get funded. We're very disappointed, because this type of grant has given the BWSR flexibility to restore some very good wetlands for which restoration costs are more than the statutory limits. Our Minnesota River 1 NAWCA grant also allowed the BWSR to place

Jeff Hedtke in our New Ulm office as a wetland restoration technician to provide direct technical assistance in the Minnesota River basin. We've received some good feedback about the work Jeff has been doing. The grant funding for his position will run out in November, so we'll be considering our options in the interim. We understand that the Minnesota River 2 proposal will automatically be resubmitted for consideration in February.

- A number of wetland restoration projects have recently been completed and several more are under construction at this time. The much-improved weather and working conditions this year (as compared to last) have contributed to this surge of construction.

Lakeshore engineering

- The phase I buttress construction for the Sucker Bay project was recently completed on schedule and without any significant hitches. Gene Clark, lakeshore engineer, served as the construction inspector. We are pleased with the final product, as are the four landowners involved. A whole lot of red clay and silt will be kept out of Lake Superior by this project. Gene will design the phase II upper surface and groundwater control plan over the winter, with construction planned for next spring.
- Gene met with the city of Two Harbors recently to discuss the final design concepts for shoreline stabilization at the campground that he and Al Kean, chief engineer, have developed. The city wants to extend shoreline protection as far along the campgrounds as funding will permit. We are trying to accelerate the preparation of plans and specifications for this project to allow construction yet this fall. Brad Matlack, feedlot specialist,

is helping Gene with surveying and drafting to achieve that goal.

Area II

- Darrell Apelgrain, BWSR Area II engineer, Al Kean, and Kerry Netzke, Area II coordinator, recently developed a feasibility plan of study for the proposed Lazarus Creek reservoir project, for which some previous evaluations have been done by the SCS. We intend to coordinate with the DNR, the Pollution Control Agency (PCA) and involved South Dakota agencies to identify alternatives, evaluate the feasibility of this project and document the findings in a report that will serve as a common source of information and potential funding request document.
- The first draft of an Environmental Assessment Worksheet (EAW) for the RW-22 project is scheduled to be completed by HDR Engineering by September. DNR and Corps of Engineers staff recently inspected the existing wetlands at the project site.

Feedlots

- The EPA grant money funding Brad Matlack's feedlot specialist position ran out; Brad is temporarily being funded through General Fund money. We are not certain of his future with the BWSR due to funding.
- Brad recently provided additional feedlot pollution abatement system design training to the three new technicians hired by the Redwood River Clean Water Partnership. He plans to provide feedlot training for a staff person hired by Blue Earth River Basin Initiative in the near future.

INTERAGENCY MEMORANDUM OF UNDERSTANDING for the State of Minnesota

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, the participating Federal agencies concur that the State Wetland Bank is consistent with the Corps of Engineers (Corps) and Environmental Protection Agency (EPA) Mitigation Memorandum of Agreement dated February 7, 1990 and the Generic Mitigation Banking Guidelines promulgated by EPA - Region 5 and the Corps - St. Paul District on July 10, 1991; 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, Wetland bank credits provide a replacement option only where the proposed use of such credits meets all of the compensatory mitigation requirements (e.g., size, type and location) of the Federal, state or local approval agency(s); 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. STATEWIDE GENERAL PERMIT(s)

WHEREAS, federal wetland policy encourages the U.S. Army Corps of Engineers to issue Regional 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 Statewide General Permit(s) 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; and,

WHEREAS, the Wetland Conservation Act requirements and the provisions of a Statewide General Permit(s) 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 Statewide General Permit(s) 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 of an interagency wetlands newsletter service 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 present and future versions of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, the *U.S. Army Corps of Engineers Wetland Delineation Manual*, and the *National Food Security Act Manual*; and,
4. Comprehensive administrative training and guidance for agency staff implementing and complying with wetland regulations; and
5. Continued acceptance of the combined project notification/application 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 undertake and continue these initiatives and other collaborative efforts resulting in effective wetland protection through regulatory simplification.

IV. GENERAL

1. The policy and procedures contained within this Memorandum of Understanding (MOU) do not create any rights, either substantive or procedural, enforceable by any party regarding an application for a permit or enforcement action brought by the United States or the State of Minnesota. Deviation or variance from the administrative procedures included in this MOU will not constitute a defense for violators or others concerned with any State or Federal enforcement action.

2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any of the signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued jointly by the agencies.
3. Nothing in this MOU will be construed as indicating a financial commitment by the signatory agencies for the expenditure of funds except as authorized by specific appropriations.
4. This MOU will take effect on the date of the last signature below and will continue in effect until modified or revoked by agreement of all signatory agencies. Any one of the signatory agencies may revoke its participation in this MOU by a 90 days prior written notice to all of the other signatory agencies. Modifications to this MOU may be made by mutual agreement and approval by all the signatory agencies. Such modifications will take effect upon signature of the modified document by all the signatory agencies.

[SIGNATURES]

Signature Date D. James Nielsen, Chairman, Board of Water & Soil Resources

Signature Date James T. Scott, Colonel, Corps of Engineers, District Engineer

Signature Date Chuck Williams, Commissioner, MN Pollution Control Agency

Signature Date Rod Sando, Commissioner, MN Dept. of Natural Resources

Gary R. Nordstrom 8/24/94
Signature Date Gary Nordstrom, SCS State Conservationist, USDA

Signature Date James N. Denn, Commissioner, MN Dept. of Transportation

Signature Date Dale Bryson, Water Division Director, Region 5 - USEPA

Signature Date Elton Redalen, Commissioner, MN Dept. of Agriculture

Signature Date Lynn Lewis, Field Supervisor, Twin Cities Field Office - USFWS



cc Greg
Ron Harnack
JJ
SB

COMMISSIONERS OFFICE
County of Lake

COURTHOUSE
601 3RD AVENUE
TWO HARBORS, MINN 55616
(218) 834-8320 FAX 834-8365

FIRST DISTRICT
LEE A. RAMSDELL, SILVER BAY
SECOND DISTRICT
DERRICK L. GOUTERMONT, SILVER BAY
THIRD DISTRICT
SHARON HAHN, TWO HARBORS
FOURTH DISTRICT
STEPHEN WISNESS, TWO HARBORS
FIFTH DISTRICT
STANLEY A. NELSON, TWO HARBORS

RECEIVED

AUG 11 1994

BOARD OF WATER
& SOIL RESOURCES

August 9, 1994

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

ATT: T. James Neilsen, Chair

Dear Mr. Neilsen:

Attached is Lake County's modified Natural Resources Block Grant Agreement form together with Lake County's resolution relative to the Wetland Conservation Act.

Please be aware that Lake County is essentially enforcing the Wetland Conservation Act, but is not prepared to accept State funds at this time.

The attached resolution is an attempt to state our concerns. We believed our discussions with Ron Harnack would have positive results. You must understand that for human development to take place in a county which has more than 98 percent of its pre-settlement wetlands in place, a county with some 82 percent public land ownership; there is some rationale for local flexibility other than the cumbersome state-wide notification process.

Our environmental record is exemplary, but our allegiance must be to our community, customs, traditions, and values.

Sincerely,

Lee A. Ramsdell, Chair

LAR:dt

Enclosures

cc: Representative David Battaglia
Lake County Soil and Water Conservation District
Ron Harnack, Director, MN Board of Water and Soil Resources
Mark Nelson, MN Board of Water and Soil Resources, Duluth
Northern Counties Land Use Coordinating Board
Bruce L. Anderson, Lake County Attorney
Northern Minnesota Counties



COMMISSIONERS OFFICE
County of Lake

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601 3RD AVENUE
TWO HARBORS, MINN 55616
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FIRST DISTRICT
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SECOND DISTRICT
DERRICK L. GOUTERMONT, SILVER BAY
THIRD DISTRICT
SHARON HAHN, TWO HARBORS
FOURTH DISTRICT
STEPHEN WISNESS, TWO HARBORS
FIFTH DISTRICT
STANLEY A. NELSON, TWO HARBORS

RESOLUTION

94072713

CONDITIONAL ACCEPTANCE OF THE NATURAL RESOURCES BLOCK GRANT
1994-1995

WHEREAS, Minnesota Legislature established the Natural Resources Block Grant designed to assist with the implementation of Comprehensive Local Water Plans, Wetland Conservation Act, and Shoreland Programs through the return of some taxpayers dollars to the resource, and

WHEREAS, components of the Wetlands Conservation Act impinge on the rights of citizens of Lake County, and

WHEREAS, this county board was elected by its peers to not only carry out state law, but also to protect their interest;

RESOLVED, the Lake County Board of County Commissioners authorizes the execution of the Natural Resources Block Grant exclusive of the requirements of the Wetland Conservation Act and rejects any funds tendered by the State to carry out the terms of that Wetland Conservation Act until such time as the Act better addresses the concerns of the citizens of Northeastern Minnesota.

Commissioner Hahn moved the adoption of the foregoing resolution and the same was declared adopted upon unanimous yea vote of all members present.

Adopted July 12, 1994

State of Minnesota)

ss

County of L A K E)

I, Richard A. Sigel, Clerk of the Board, Lake County, Minnesota, do hereby certify that I have compared the foregoing resolution with the original filed in my office on the 12th day of July, 1994, and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and seal of office at Two Harbors, Minnesota, this 1st day of August, 1994.

Clerk of the Board

for

Hennepin

Memo

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JUL 21 1994

BOARD OF WATER

Recycled Paper

DATE: July 21, 1994
TO: Ron Harnack, Executive Director BWSR
FROM: Joel Settles, Hennepin County EMD *Jed*
SUBJECT: Appreciation of Jim Haertel's Assistance

Just a short note to express my appreciation for the assistance provided by Jim Haertel regarding the Wetland Conservation Act. Jim has been especially helpful to me personally as well as the rest of the HCD staff. I know that I and the HCD staff regard Jim as a knowledgeable and respected source of information. Now that I have taken a position with Hennepin County, Jim has continued to be an excellent source of information and assistance. Jim has always been timely and enthusiastic in his response to my requests. I believe that is a remarkable accomplishment considering his work load.

c: Jim Birkholz, Assistant Director BWSR
Bruce Sandstrom, Metro Regional Supervisor BWSR



MINNESOTA

SOIL AND WATER CONSERVATION DISTRICTS

SOUTH ST. LOUIS COUNTY SOIL AND
WATER CONSERVATION DISTRICT

RECEIVED

JUL 21 1994

BOARD OF WATER
SOIL AND WATER CONSERVATION DISTRICTS

4850 Miller Trunk Highway, Suite 1-B

Duluth, Minnesota 55811

Telephone: 218-722-6109
218-720-5209

Jeff Nielsen, Reg. Supervisor
Board of Water & Soil Resources
P.O. Box 756
Highway 15 South
New Ulm, MN 56073

7/20/94

Dear Jeff:

The South St. Louis SWCD Board would like to commend the work of Sara Johnson. We have benefited in many ways from the reports and information Sara has put together and from her willingness to give assistance and training.

The Internal Revenue Service recently requested information from us concerning our tax reporting in 1991. Sara spent two and one half days with us. It became evident early in the project that we literally needed to redo the entire years forms. Without Sara's expertise we would have had to hire outside help to complete the project on time.

Sara has consistently gone the extra mile each time we have asked for her help. She is a very pleasant and patient person, always willing to explain the often complicated workings of bookkeeping and takes the time to answer our questions and explain in a clear cut manner.

Sara does an outstanding job.

Yours truly,

David T. Davis, Chairman

cc: Sara Johnson
✓Ron Harnack
Jim Birkholz



Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

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July 18, 1994

Wade Pavleck, Board Chair
Koochiching County
County Administrator's Office
Koochiching County Courthouse
4TH Street and 7TH Avenue
International Falls, MN 56649

Dear Commissioner Pavleck:

WETLAND CONSERVATION ACT (WCA) BLOCK GRANT RETURN

Since the Board of Water and Soil Resources (BWSR) has not received any indication of Koochiching County's adoption of the WCA (as requested in the letter to you dated June 3, 1994) the BWSR hereby notifies you that:

1. The moratorium on all wetland draining and filling continues in effect for all wetlands under the jurisdiction of the WCA until the County adopts the WCA Rules.
2. The county is in breach of the Natural Resources Block Grant (NRBG) Agreement and ordered to return the WCA portion of the NRBG. The terms of the NRBG Agreement (attached) contract require that the county adopt and implement the WCA pursuant to MN Rules Chapter 8420. Koochiching County adopted a resolution stating that they would adopt and implement the WCA (attached). Koochiching County is in violation of the contract which awarded \$19,200 to the county and is hereby ordered to return this amount less the \$5,000 passed on to the Soil and Water Conservation District (SWCD) and any funds previously delegated to cities in Koochiching County administering the WCA. The BWSR has determined, based on the NRBG application and resolution that \$14,200 is the amount to be returned. Please provide documentation of all grant money distributed to other local governments.

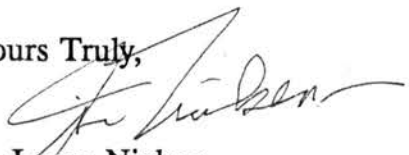
As mentioned before, the BWSR is willing to listen to the concerns your county and others have with the WCA. There may be opportunity for refinement through future law and rule changes. However, the BWSR is also required to ensure that the WCA is properly administered by local government and will pursue appropriate legal options toward this end.



If your county has adopted the WCA, please remit the supporting documentation immediately. If you have questions please direct them to Ron Shelito, Regional Supervisor, at (218) 828-2604.

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Yours Truly,


D. James Nielsen
Chair

Field Offices

Northern Region:

394 S. Lake Avenue
Room 403
Duluth, MN 55802
(218) 723-4752
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Bemidji, MN 56601
(218) 755-4235
Fax (218) 755-4201

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

DJN/jj

c: **BWSR Members**
Dave Weirens, AMC
Frank Sawinski, President, AMC
Matt Seltzer, Assistant Attorney General
Ron Shelito
Mark Nelson
Jerry Engelbrecht, DNR Enforcement Supervisor
Koochiching County Auditor
Koochiching SWCD

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Room 403
Duluth, MN 55802
(218) 723-4752
Fax (218) 723-4794

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

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

July 18, 1994

Gail Skare, Board Chair
Beltrami County
Beltrami County Courthouse
619 Beltrami Avenue NW
Bemidji, MN 56601

Dear Commissioner Skare:

WETLAND CONSERVATION ACT (WCA) BLOCK GRANT RETURN

Since the Board of Water and Soil Resources (BWSR) has not received any indication of Beltrami County's adoption of the WCA (as requested in the letter to you dated June 3, 1994) the BWSR hereby notifies you that:

1. The moratorium on all wetland draining and filling continues in effect for all wetlands under the jurisdiction of the WCA until the County adopts the WCA Rules.
2. The county is in breach of the Natural Resources Block Grant (NRBG) Agreement and ordered to return the WCA portion of the NRBG. The terms of the NRBG Agreement (attached) contract require that the county adopt and implement the WCA pursuant to MN Rules Chapter 8420. Beltrami County adopted a resolution stating that they would adopt and implement the WCA (attached). Beltrami County is in violation of the contract which awarded \$36,000 to the county and is hereby ordered to return this amount less the \$5,000 passed on to the Soil and Water Conservation District (SWCD) and any funds previously delegated to cities in Beltrami County administering the WCA. The BWSR has determined, based on the NRBG application and resolution that \$31,000 is the amount to be returned. Please provide documentation of all grant money distributed to other local governments.

As mentioned before, the BWSR is willing to listen to the concerns your county and others have with the WCA. There may be opportunity for refinement through future law and rule changes. However, the BWSR is also required to ensure that the WCA is properly administered by local government and will pursue appropriate legal options toward this end.

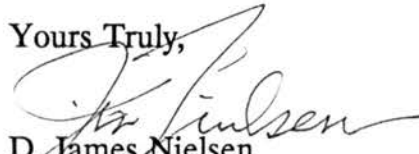
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If your county has adopted the WCA, please remit the supporting documentation immediately. If you have questions please direct them to Ron Shelito, Regional Supervisor, at (218) 828-2604.

Yours Truly,


D. James Nielsen
Chair

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155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

DJN/jj

c: BWSR Members
Dave Weirens, AMC
Frank Sawinski, President, AMC
Matt Seltzer, Assistant Attorney General
Ron Shelito
Brian Dwight
Jerry Engelbrecht, DNR Enforcement Supervisor
Beltrami County Auditor
Beltrami SWCD

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Room 403
Duluth, MN 55802
(218) 723-4752
Fax (218) 723-4794

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

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

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155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

July 18, 1994

DelRay Larson, Board Chair
Marshall County
Marshall County Courthouse
208 East Colvin Avenue
Warren, MN 56762

Dear Commissioner Larson:

WETLAND CONSERVATION ACT (WCA) BLOCK GRANT RETURN

Since the Board of Water and Soil Resources (BWSR) has not received any indication of Marshall County's adoption of the WCA (as requested in the letter to you dated June 3, 1994) the BWSR hereby notifies you that:

1. The moratorium on all wetland draining and filling continues in effect for all wetlands under the jurisdiction of the WCA until the County adopts the WCA Rules.
2. The county is in breach of the Natural Resources Block Grant (NRBG) Agreement and ordered to return the WCA portion of the NRBG. The terms of the NRBG Agreement (attached) contract require that the county adopt and implement the WCA pursuant to MN Rules Chapter 8420. Marshall County adopted a resolution stating that they would adopt and implement the WCA (attached). Marshall County is in violation of the contract which awarded \$19,200 to the county and is hereby ordered to return this amount less the \$5,000 passed on to the Soil and Water Conservation District (SWCD) and any funds previously delegated to cities in Marshall County administering the WCA. The BWSR has determined, based on the NRBG application and resolution that \$14,200 is the amount to be returned. Please provide documentation of all grant money distributed to other local governments.

As mentioned before, the BWSR is willing to listen to the concerns your county and others have with the WCA. There may be opportunity for refinement through future law and rule changes. However, the BWSR is also required to ensure that the WCA is properly administered by local government and will pursue appropriate legal options toward this end.

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Room 403
Duluth, MN 55802
(218) 723-4752
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(218) 755-4235
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Brainerd, MN 56401-3660
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Fax (218) 828-6036

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Fax (507) 359-6018

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(507) 537-6060
Fax (507) 537-6368

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155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

If your county has adopted the WCA, please remit the supporting documentation immediately. If you have questions please direct them to Ron Shelito, Regional Supervisor, at (218) 828-2604.

Yours Truly,


D. James Nielsen
Chair

DJN/jj

c: **BWSR Members**
Dave Weirens, AMC
Frank Sawinski, President, AMC
Matt Seltzer, Assistant Attorney General
Ron Shelito
Brian Dwight
Jerry Engelbrecht, DNR Enforcement Supervisor
Marshall County Auditor
Marshall SWCD
Marshall-Beltrami SWCD

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July 18, 1994

Southbridge Office Building
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Kenneth Murphy, Board Chair
Pennington County
Pennington County Courthouse
P.O. Box 616
Thief River Falls, MN 56701-0616

Field Offices

Northern Region:

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

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

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Suite 202
Brainerd, MN 56401-3660
(218) 828-2383
Fax (218) 828-6036

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

Dear Commissioner Murphy:

WETLAND CONSERVATION ACT (WCA) BLOCK GRANT RETURN

Since the Board of Water and Soil Resources (BWSR) has not received any indication of Pennington County's adoption of the WCA (as requested in the letter to you dated June 3, 1994) the BWSR hereby notifies you that:

1. The moratorium on all wetland draining and filling continues in effect for all wetlands under the jurisdiction of the WCA until the County adopts the WCA Rules.
2. The county is in breach of the Natural Resources Block Grant (NRBG) Agreement and ordered to return the WCA portion of the NRBG. The terms of the NRBG Agreement (attached) contract require that the county adopt and implement the WCA pursuant to MN Rules Chapter 8420. Pennington County adopted a resolution stating that they would adopt and implement the WCA (attached). Pennington County is in violation of the contract which awarded \$16,700 to the county and is hereby ordered to return this amount less the \$5,000 passed on to the Soil and Water Conservation District (SWCD) and any funds previously delegated to cities in Pennington County administering the WCA. The BWSR has determined, based on the NRBG application and resolution that \$11,700 is the amount to be returned. Please provide documentation of all grant money distributed to other local governments.

As mentioned before, the BWSR is willing to listen to the concerns your county and others have with the WCA. There may be opportunity for refinement through future law and rule changes. However, the BWSR is also required to ensure that the WCA is properly administered by local government and will pursue appropriate legal options toward this end.

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If your county has adopted the WCA, please remit the supporting documentation immediately. If you have questions please direct them to Ron Shelito, Regional Supervisor, at (218) 828-2604.

Yours Truly,

A handwritten signature in dark ink, appearing to read "D. James Nielsen".

D. James Nielsen
Chair

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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Bemidji, MN 56601
(218) 755-4235
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217 S. 7th Street
Suite 202
Brainerd, MN 56401-3660
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Fax (218) 828-6036

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Highway 15 S.
New Ulm, MN 56073
(507) 359-6074
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Room 135
Rochester, MN 55904
(507) 285-7458
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1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
Fax (507) 537-6368

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

DJN/jj

c:

BWSR Members

Dave Weirens, AMC
Frank Sawinski, President, AMC
Matt Seltzer, Assistant Attorney General
Ron Shelito
Brian Dwight
Jerry Engelbrecht, DNR Enforcement Supervisor
Pennington County Auditor
Pennington SWCD

s:\$back.wca

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July 18, 1994

Lee Ramsdell, Board Chair
Lake County
Lake County Courthouse
601 Third Avenue
Two Harbors, MN 55616

Southbridge Office Building
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Suite 104
St. Paul, MN 55107
(612) 296-3767
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Dear Commissioner Ramsdell:

WETLAND CONSERVATION ACT (WCA) MORATORIUM

Since the Board of Water and Soil Resources (BWSR) has not received any indication of Lake County's adoption of the WCA (as requested in the letter to you dated June 3, 1994) the BWSR hereby notifies you that the moratorium on all wetland draining and filling continues in effect for all wetlands under the jurisdiction of the WCA until the County adopts the WCA Rules.

As mentioned before, the BWSR is willing to listen to the concerns your county and others have with the WCA. There may be opportunity for refinement through future law and rule changes. However, the BWSR is also required to ensure that the WCA is properly administered by local government and will be pursuing legal options toward this end.

The BWSR has adopted a position to allow finalization of the water management and shoreland portions of the Natural Resources Block Grant for this year. Attached is a revised agreement for your consideration.

If your county has adopted the WCA, please remit the supporting documentation immediately. If you have questions please direct them to Ron Shelito, Regional Supervisor, at (218) 828-2604.

Yours Truly,

A handwritten signature in dark ink, appearing to read "D. James Nielsen".

D. James Nielsen
Chair

DJN/JJ

c: ~~BWSR Members~~
Jerry Engelbrecht, DNR
Lake Co. Auditor
Frank Sawinski, President, AMC
Matt Seltzer, Assis. Attorney General

Mark Nelson
Dave Weirens, AMC
Lake Co. SWCD
Ron Shelito,



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August 3, 1994

James T. Scott, Colonel
U.S. Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

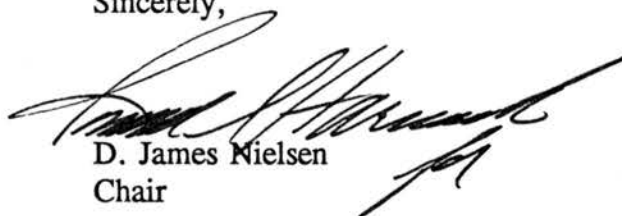
Dear Colonel Scott:

Attached is the final version of the interagency Memorandum of Understanding (MOU) as developed through a consensus process by a team of agency staff over the past year. I understand that the MOU has been reviewed by you and has your agency's support.

A short signing ceremony and discussion of wetland regulatory simplification has been scheduled for 9:00 a.m., Wednesday, August 24, 1994 in Room 112 of the State Capitol, 75 Constitution Avenue, St. Paul, Minnesota. Please make plans to attend or if you cannot please contact Mary Jo Anderson at (612)297-4290 to arrange for a time when you would be available to sign the MOU prior to August 24th. You may also wish to send someone to the signing ceremony to represent your agency. Your agency staff on the interagency group that developed the agreement are listed below.

I want to commend the staff that has worked diligently to finalize this document. It is one significant step to more effective and efficient management of Minnesota's wetland resources.

Sincerely,



D. James Nielsen
Chair

attachments

Wetland Regulatory Simplification MOU

cc: Interagency Wetland Group participants

MNDNR Waters: Bruce Gerbig, Erv Berglund
MNDNR Fish & Wildlife: Doug Norris, Tom Landwehr, Bill Penning
MNDOT Env. Services: Sarma Straumanis, Nick Tiedeken
MPCA: Larry Zdon
BWSR: John Jaschke, Greg Larson
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Attorney General: Matt Seltzer

Cindy Jepsen, Governor's Office
Doug Ehorn, Chuck Orzechoskie and Sue Elston, USEPA - Region 5
Col. Richard Craig, Corps of Engineers, Division Engineer
Patty Burke, MPCA
Paul Burns, MN Dept. of Agriculture
Kent Lokkesmoe, DNR Waters



August 3, 1994

Elton Redalen, Commissioner
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
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Marshall, MN 56258
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Fax (507) 537-6368

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Dear Commissioner Redalen:

Attached is the final version of the interagency Memorandum of Understanding (MOU) as developed through a consensus process by a team of agency staff over the past year. I understand that the MOU has been reviewed by you and has your agency's support.

A short signing ceremony and discussion of wetland regulatory simplification has been scheduled for 9:00 a.m., Wednesday, August 24, 1994 in Room 112 of the State Capitol, 75 Constitution Avenue, St. Paul, Minnesota. Please make plans to attend or if you cannot please contact Mary Jo Anderson at (612)297-4290 to arrange for a time when you would be available to sign the MOU prior to August 24th. You may also wish to send someone to the signing ceremony to represent your agency. Your agency staff on the interagency group that developed the agreement are listed below.

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Sincerely,


D. James Nielsen
Chair

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Attorney General: Matt Seltzer

Cindy Jepsen, Governor's Office

Doug Ehorn, Chuck Orzechoskie and Sue Elston, USEPA - Region 5

Col. Richard Craig, Corps of Engineers, Division Engineer

Patty Burke, MPCA

Paul Burns, MN Dept. of Agriculture

Kent Lokkesmoe, DNR Waters

s:gpbkmmou.cov



August 3, 1994

James N. Denn, Commissioner
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

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Room 403
Duluth, MN 55802
(218) 723-4752
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Bemidji, MN 56601
(218) 755-4235
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Brainerd, MN 56401-3660
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Southern Region:

P.O. Box 756
Highway 15 S.
New Ulm, MN 56073
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Room 135
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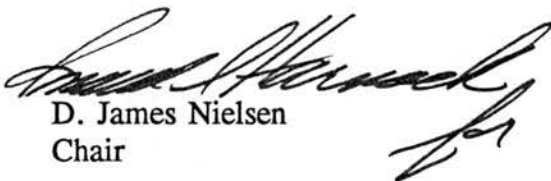
Dear Commissioner Denn:

Attached is the final version of the interagency Memorandum of Understanding (MOU) as developed through a consensus process by a team of agency staff over the past year. I understand that the MOU has been reviewed by you and has your agency's support.

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I want to commend the staff that has worked diligently to finalize this document. It is one significant step to more effective and efficient management of Minnesota's wetland resources.

Sincerely,


D. James Nielsen
Chair

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cc: Interagency Wetland Group participants

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Patty Burke, MPCA
Paul Burns, MN Dept. of Agriculture
Kent Lokkesmoe, DNR Waters

s:gpbkmmou.cov



August 3, 1994

Gary Nordstrom, State Conservationist
Soil Conservation Service
600 Farm Credit Service Building
375 Jackson Street
St. Paul, MN 55101-1854

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

Dear State Conservationist Nordstrom:

Attached is the final version of the interagency Memorandum of Understanding (MOU) as developed through a consensus process by a team of agency staff over the past year. I understand that the MOU has been reviewed by you and has your agency's support.

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Sincerely,

D. James Nielsen
Chair

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Cindy Jepsen, Governor's Office
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Kent Lokkesmoe, DNR Waters

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
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Room 403
Duluth, MN 55802
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Bemidji, MN 56601
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Highway 15 S.
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(507) 359-6074
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1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
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1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
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August 3, 1994

Rod Sando, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

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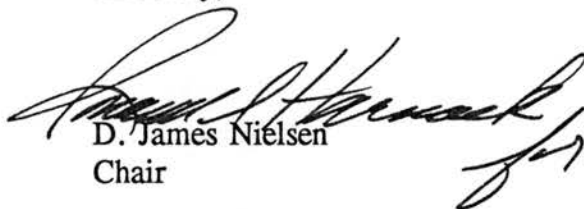
Dear Commissioner Sando:

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Sincerely,


D. James Nielsen
Chair

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Attorney General: Matt Seltzer
Cindy Jepsen, Governor's Office
Doug Ehorn, Chuck Orzechoskie and Sue Elston, USEPA - Region 5
Col. Richard Craig, Corps of Engineers, Division Engineer
Patty Burke, MPCA
Paul Burns, MN Dept. of Agriculture
Kent Lokkesmoe, DNR Waters

s:gpbkmmou.cov



August 3, 1994

Chuck Williams, Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55101

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

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155 S. Wabasha Street
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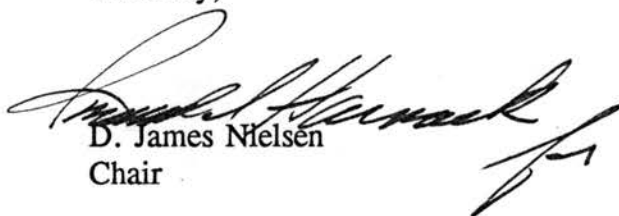
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Sincerely,



D. James Nielsen
Chair

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Col. Richard Craig, Corps of Engineers, Division Engineer
Patty Burke, MPCA
Paul Burns, MN Dept. of Agriculture
Kent Lokkesmoe, DNR Waters

s:gybnkmou.cov



August 3, 1994

Dale Bryson, Chief
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604

RE: INTERAGENCY MOU - WETLAND REGULATORY SIMPLIFICATION

Dear Chief Bryson:

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Paul Burns, MN Dept. of Agriculture
Kent Lokkesmoe, DNR Waters

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

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INTERAGENCY MEMORANDUM OF UNDERSTANDING for the State of Minnesota

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, the participating Federal agencies concur that the State Wetland Bank is consistent with the Corps of Engineers (Corps) and Environmental Protection Agency (EPA) Mitigation Memorandum of Agreement dated February 7, 1990 and the Generic Mitigation Banking Guidelines promulgated by EPA - Region 5 and the Corps - St. Paul District on July 10, 1991; 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, Wetland bank credits provide a replacement option only where the proposed use of such credits meets all of the compensatory mitigation requirements (e.g., size, type and location) of the Federal, state or local approval agency(s); 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. STATEWIDE GENERAL PERMIT(s)

WHEREAS, federal wetland policy encourages the U.S. Army Corps of Engineers to issue Regional 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 Statewide General Permit(s) 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; and,

WHEREAS, the Wetland Conservation Act requirements and the provisions of a Statewide General Permit(s) 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 Statewide General Permit(s) 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 of an interagency wetlands newsletter service 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 present and future versions of the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, the *U.S. Army Corps of Engineers Wetland Delineation Manual*, and the *National Food Security Act Manual*; and,
4. Comprehensive administrative training and guidance for agency staff implementing and complying with wetland regulations; and
5. Continued acceptance of the combined project notification/application 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 undertake and continue these initiatives and other collaborative efforts resulting in effective wetland protection through regulatory simplification.

IV. GENERAL

1. The policy and procedures contained within this Memorandum of Understanding (MOU) do not create any rights, either substantive or procedural, enforceable by any party regarding an application for a permit or enforcement action brought by the United States or the State of Minnesota. Deviation or variance from the administrative procedures included in this MOU will not constitute a defense for violators or others concerned with any State or Federal enforcement action.

2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any of the signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued jointly by the agencies.
3. Nothing in this MOU will be construed as indicating a financial commitment by the signatory agencies for the expenditure of funds except as authorized by specific appropriations.
4. This MOU will take effect on the date of the last signature below and will continue in effect until modified or revoked by agreement of all signatory agencies. Any one of the signatory agencies may revoke its participation in this MOU by a 90 days prior written notice to all of the other signatory agencies. Modifications to this MOU may be made by mutual agreement and approval by all the signatory agencies. Such modifications will take effect upon signature of the modified document by all the signatory agencies.

[SIGNATURES]

Signature Date D. James Nielsen, Chairman, Board of Water & Soil Resources

Signature Date James T. Scott, Colonel, Corps of Engineers, Division Engineer

Signature Date Chuck Williams, Commissioner, MN Pollution Control Agency

Signature Date Rod Sando, Commissioner, MN Dept. of Natural Resources

Signature Date Gary Nordstrom, SCS State Conservationist, USDA

Signature Date James N. Denn, Commissioner, MN Dept. of Transportation

Signature Date Dale Bryson, Water Division Director, Region 5 - USEPA

Signature Date Elton Redalen, Commissioner, MN Dept. of Agriculture



Board member Update

August 1994

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.

Southern Region

- Wetland Conservation Act (WCA) activities were rather slow in the southern region during July. Board conservationists (BCs) assisted with a few technical evaluation panel issues and potential wetland banking restoration sites. BCs Tom Fischer, Tabor Hoek, and David Sill assisted with a training session provided by DNR for its conservation officers. The conservation officers expressed the same initial program frustrations that many local government units (LGUs) experienced when WCA was introduced.
- Conservation easement program (Reinvest in Minnesota Reserve and Permanent Wetland Preserves) activities continue as several SWCDs are still sending in agreement packages for review and processing. Overall SWCDs are looking forward to the "re-tooled" conservation easement program. Potential applications from SWCDs in the southern region number well into the hundreds -- some SWCDs are predicting 50-100 applications. A major work effort will be needed by the BWSR and SWCD staff to prioritize these applications and begin processing them.
- BCs Tom Fischer and Chris Hughes provided an orientation training for new SWCD supervisors/employees. Other

training participants included Soil Conservation Service (SCS) Area Conservationist Ronald Hardesty, Minnesota Association of Soil and Water Conservation District (MASWCD) Area VI Director C. Merle Anderson, and South Central Minnesota Association of Conservation District Employees (MACDE) President Brian Goepfert. Attendees were very appreciative of this basic introduction/orientation session.

- On July 26th, Marshall BC Tabor Hoek spoke on watershed management at the annual meeting of the Southwestern Minnesota Coalition of Lake Associations. Lake associations tend to have a narrow focus: looking at the lake itself, not realizing the lake's health is a result of its watershed. Strong cooperation and partnerships are necessary between lakeshore owners and other landowners in the watershed.
- On August 24th, Tabor will be facilitating a meeting with the Southwestern Technical College System and the Conservation Partnership Technical Advisory Committee. This meeting is intended to initiate a two-year technical program to produce qualified candidates for environmental resource positions.
- Chris Robbins of the Cannon River Watershed Partnership, Cheryl Miller of the Audubon Society, and Rochester BC

Dave Peterson have been talking about setting up a session for water planners and other local staff of the Cannon River watershed concerning the wetlands component for the water plan revisions. The session would start with a case study presentation on the value of individual wetlands and their aggregate effect on the watershed followed by a review of the 11 components of wetland priority area establishment. The participants would then develop additional parameters they would like to see used in the watershed. Finally, a small group of participants would develop a model wetlands section for use in their county water plans. If this works, it would provide coordinated priority areas across the watershed, take into account local concerns, and give the water planners an adoptable wetlands plan component without a lot of work on their part.

Northern Region

It's still summer up north but beginning to feel like fall. Staff have been busy with many activities typical of a Minnesota summer, and they've been working some too. A few samples:

- Jim Lemmerman, Duluth forester, traveled to Springfield, Missouri, for the National Association of Conservation Districts (NACD) North Central meeting in July. Jim was one of twenty-some from Minnesota to attend. Jim was invited to address the group about the role of Minnesota SWCDs in forest management. Of the eight states in the north central region, Minnesota and Michigan SWCDs seem to be the most active in forest management, Jim reports. Jim was also a presenter again this year at the week-long Windbreak Technology course held in Morris. This intensive training course is targeted to SWCD and SCS field personnel.
- Duluth BC Mark Nelson reports that he attended nine different WCA related meetings in July. Three of these were with DNR folks. Mark's experience shows that DNR seems to be adhering closely to the provisions of the law, contrary to what some locals allege. Mark also reports much phone time spent on WCA questions. Mark developed a slide show highlighting activities of the Lake Superior Association of SWCDs. Mark presented this slide show at the statewide water planners conference held in July.
- Up in Bemidji, BC Brian Dwight spent lots of time in the field with WCA this month. He spent time with Kittson and Lake of the Woods counties checking out gravel pits as potential wetland banking sites. He also did some delineation work in Roseau, Kittson, and Marshall counties. The non-adapters are still standing strong in opposition to WCA. Brian and Northern Supervisor Ron Shelito continue to work with the group and have gotten them to the point where they can all talk constructively about changes rather than simply bashing the act and everyone associated with it. Thanks to Ted Lovdahl for his assistance in this endeavor.
- Brian and Bemidji BC Bill Best assisted the SCS in the delivery of a three day wetland plant ID course. It was a great session, well attended, and was followed up by a two-day hydric soils course. This kind of continued technical training is needed if field staff are to stay versed on the technical as well as the administrative aspects of implementing WCA. Now all we need is some courtroom experience!
- Bill's been working with staff from Lake Bemidji State Park and the Minnesota Department of Transportation (Mn/DOT) to secure wetland training sites for the September Advanced Prac-

ticums BWSR will offer to clientele this September. Bill has also been busy helping to beef up BWSR field computers by installing microprocessor chips (ranch flavor) that should boost horsepower up to four times. This added horsepower will speed up our computers and open up opportunities to merge with other systems out there.

- Dale Krystosek, Bemidji BC, worked with several WCA violations requiring tech panels in Wadena, Becker, and Ottertail counties. The WCA workload continues to be highest in counties with a high number of lakes. Dale's non-WCA workload items involved assisting with water plan challenge grant requests from several counties. Specifically, Dale spent significant time with the Big Pine Lake Association and Ottertail County on a challenge grant request for lake protection initiatives. This is significant in that the Big Pine group had been talking about forming a watershed district a few years ago. Now that Ottertail County has adopted and begun implementing its water plan, the lake group is trying to meet its objectives through that route.
- Dan Steward, Brainerd BC, spent time in transition in July. With the addition of Pete to the north staff, work areas got juggled a little. Dan lost three counties and picked up two new ones. Dan spent time meeting clientele in his two new counties and personally introducing Pete to two of Pete's new clientele groups. Dan also assisted in developing and conducting the BWSR board tour in July. It was a real challenge to come up with a handful of tour stops that would represent not only BWSR/LGU workloads, but also the diversity of the area. Northern staff appreciates the interest shown by the board, and the willingness to discuss controversial issues. The staff is also deeply appreciative of the great weather. Thanks

to Barb Uppgaard and Crow Wing county for hosting the tour.

- The highlight of Keith's July was that his 14-year-old's AAU baseball team won the state championship, beating the likes of Apple Valley, Orono, Bloomington, and Osseo. The team was coached by Keith and his son Jeff was one of the heroes. Congrats to Keith and Jeff. Now, get back to work! Keith did some work but that wasn't nearly as exciting.

Engineering and technical services section

Conservation easements

- The majority of the Conservation Easement Handbook is being printed and assembled, with distribution scheduled for the end of the month. Handbook review sessions will be held on September 28 in Alexandria and October 4 in Mankato. It's been another stressful month for members of the team, finishing handbook sections and making it all fit together, but the light at the end of the tunnel is beginning to shine.
- Board conservationists report that landowner interest in applying for enrollment into the conservation easement programs appears to be high for the upcoming sign-up.
- Although we had heard through the grapevine that the Prairie Pothole Joint Venture's resubmitted Minnesota River 2 grant proposal to the North American Wetland Conservation Act (NAWCA) Council rated very high, in the end it didn't get funded. We're very disappointed, because this type of grant has given the BWSR flexibility to restore some very good wetlands for which restoration costs are more than the statutory limits. Our Minnesota River 1 NAWCA grant also allowed the BWSR to place

Jeff Hedtke in our New Ulm office as a wetland restoration technician to provide direct technical assistance in the Minnesota River basin. We've received some good feedback about the work Jeff has been doing. The grant funding for his position will run out in November, so we'll be considering our options in the interim. We understand that the Minnesota River 2 proposal will automatically be resubmitted for consideration in February.

- A number of wetland restoration projects have recently been completed and several more are under construction at this time. The much-improved weather and working conditions this year (as compared to last) have contributed to this surge of construction.

Lakeshore engineering

- The phase I buttress construction for the Sucker Bay project was recently completed on schedule and without any significant hitches. Gene Clark, lakeshore engineer, served as the construction inspector. We are pleased with the final product, as are the four landowners involved. A whole lot of red clay and silt will be kept out of Lake Superior by this project. Gene will design the phase II upper surface and groundwater control plan over the winter, with construction planned for next spring.
- Gene met with the city of Two Harbors recently to discuss the final design concepts for shoreline stabilization at the campground that he and Al Kean, chief engineer, have developed. The city wants to extend shoreline protection as far along the campgrounds as funding will permit. We are trying to accelerate the preparation of plans and specifications for this project to allow construction yet this fall. Brad Matlack, feedlot specialist,

is helping Gene with surveying and drafting to achieve that goal.

Area II

- Darrell Apelgrain, BWSR Area II engineer, Al Kean, and Kerry Netzke, Area II coordinator, recently developed a feasibility plan of study for the proposed Lazarus Creek reservoir project, for which some previous evaluations have been done by the SCS. We intend to coordinate with the DNR, the Pollution Control Agency (PCA) and involved South Dakota agencies to identify alternatives, evaluate the feasibility of this project and document the findings in a report that will serve as a common source of information and potential funding request document.
- The first draft of an Environmental Assessment Worksheet (EAW) for the RW-22 project is scheduled to be completed by HDR Engineering by September. DNR and Corps of Engineers staff recently inspected the existing wetlands at the project site.

Feedlots

- The EPA grant money funding Brad Matlack's feedlot specialist position ran out; Brad is temporarily being funded through General Fund money. We are not certain of his future with the BWSR due to funding.
- Brad recently provided additional feedlot pollution abatement system design training to the three new technicians hired by the Redwood River Clean Water Partnership. He plans to provide feedlot training for a staff person hired by Blue Earth River Basin Initiative in the near future.

THE MINNESOTA EXTENSION SERVICE

MES means teamwork...

Extension educators work together in multi-county teams called clusters. University faculty and county extension educators also work together as teams in ten areas of specialization:

- Child and Youth Development
- Community Resources
- Crop Systems
- Environment and Natural Resources
- Family Development
- Financial and Business Management
- Horticulture
- Leadership/Citizenship Education
- Livestock Systems
- Nutrition, Food and Health

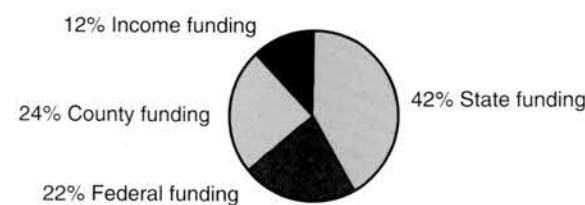
MES means partnerships...

MES has traditionally been a part of the University's Institute of Agriculture, Forestry and Home Economics. By creating new linkages, MES now has formal working agreements with ten colleges of the University of Minnesota and the three coordinate campuses:

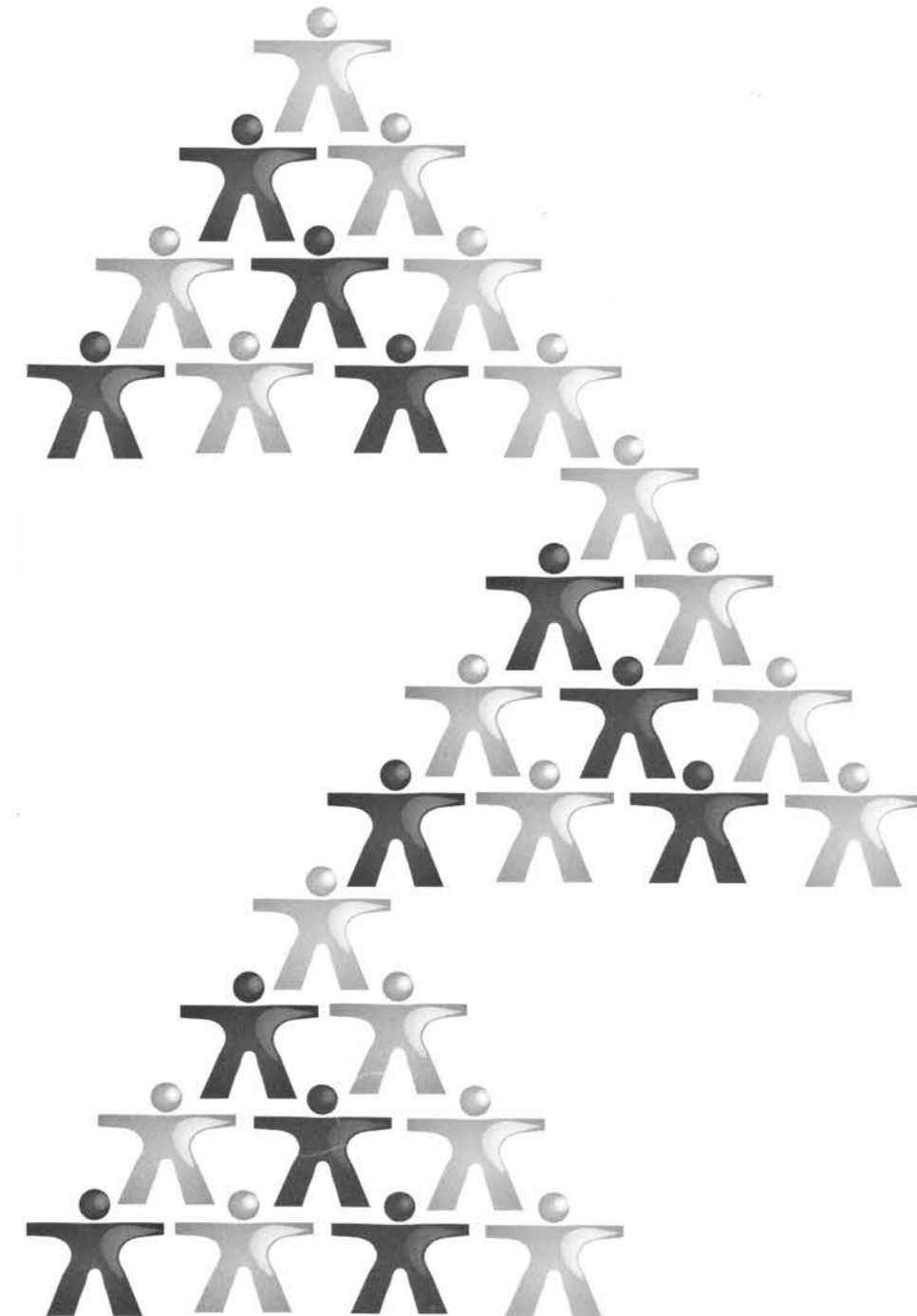
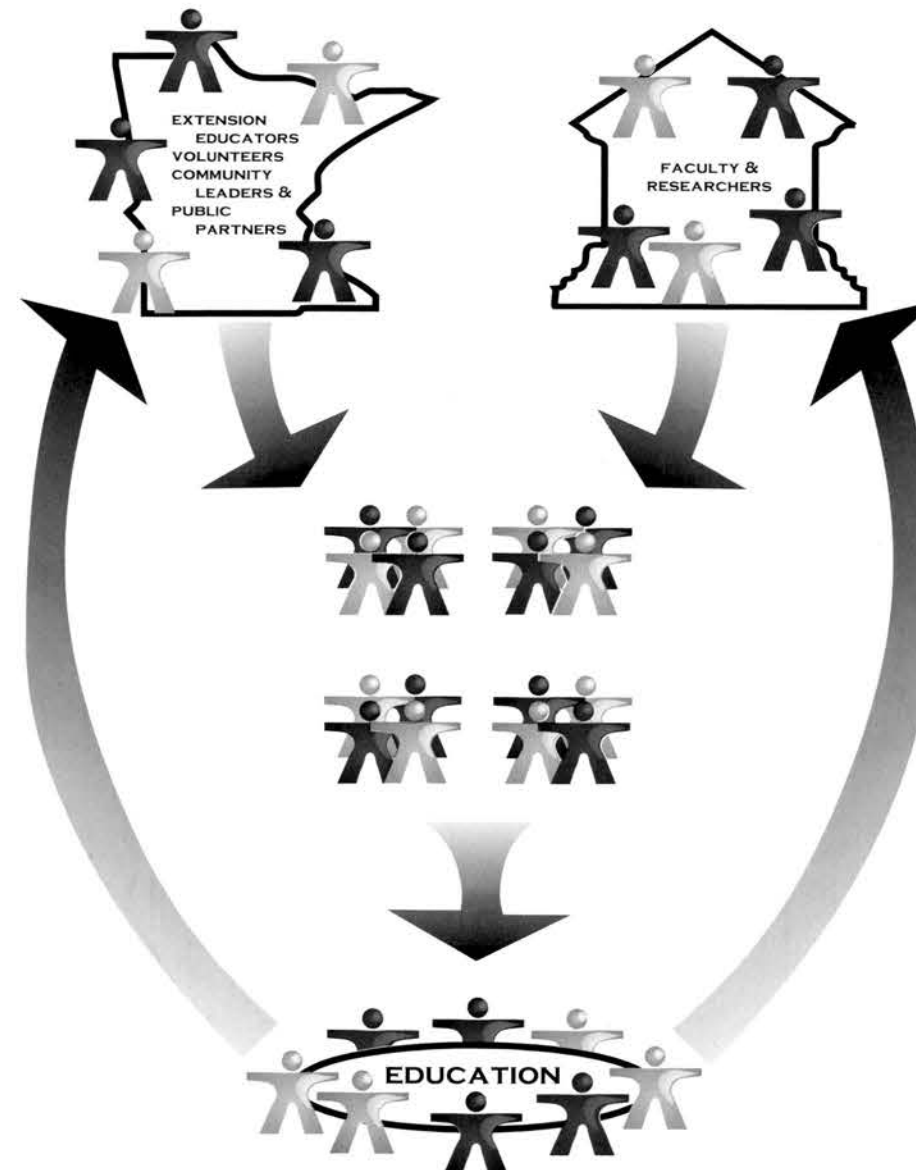
- Agriculture
- Architecture and Landscape Architecture
- Continuing Education and Extension
- Education
- Hubert H. Humphrey Institute of Public Affairs
- Human Ecology
- Public Health
- Natural Resources
- Nursing
- Veterinary Medicine
- University of Minnesota-Duluth
- University of Minnesota-Crookston
- University of Minnesota-Morris

MES Funding...

MES funding comes from state, federal, county, and income sources



MES EDUCATIONAL PROGRAMS ARE DEVELOPED THROUGH EFFORTS OF CLUSTER TEAMS, INITIATIVE TEAMS, CITIZEN ADVISORY TEAMS, SPECIALIZATION TEAMS, VOLUNTEERS AND OTHERS.



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GOING IN YOUR DIRECTION

SINCE 1909, THE MINNESOTA EXTENSION SERVICE (MES) HAS HELPED MINNESOTANS CREATE A MORE PROSPEROUS, PRODUCTIVE AND HEALTHY STATE. THE PARTNERSHIPS THAT FORM THE EXTENSION SYSTEM LINK MINNESOTA COUNTIES AND THE UNIVERSITY OF MINNESOTA. THIS PARTNERSHIP ALLOWS UNIVERSITY FACULTY, COUNTY EXTENSION EDUCATORS, VOLUNTEER LEADERS AND TEACHERS, AND MINNESOTANS TO WORK TOGETHER.

Extension's mission is to involve people in improving the quality of life and enhancing the economy and the environment through education, applied research and the resources of the University of Minnesota.



to involve you...

MES educational programs grow out of the needs of the citizens of Minnesota. Citizens are an integral part of planning and carrying out programs. MES helps government, education, business, communities, and individuals work fruitfully together:

- MES-sponsored community forums in central Minnesota allowed farmers from varying farm operations to talk to University faculty about the future of farming and about what they will need from MES in the next century.
- In a southwestern Minnesota county, Extension joined school districts, law enforcement officials, family service agencies, and clergy on a chemical abuse prevention team for youth.
- In southeast Minnesota, MES-initiated community forums helped citizens identify local needs of children, youth and family. Directed by citizens, the forums inspired the development of fifteen citizen groups who are making their communities better for children and families.
- In a northeastern Minnesota community, Extension brought together people from public and private sectors to discuss community needs. This resulted in the creation of a new community center.
- In a northwestern county, MES brought together local health care providers, policy-makers, and citizens to discuss local health care needs and issues.
- In an urban county, MES and the University of Minnesota Pediatric Clinic worked with two major corporations, and various neighborhood groups on a lead poisoning prevention program in a poor city neighborhood.



... in improving your quality of life and enhancing the economy and the environment...

MES provides the education that helps individuals, families, and communities improve their lives:

- In an urban county, a bilingual MES educator worked with Hmong high school students and their families in a program called *Job Sense*. Students increased their self-sufficiency and self-esteem.
- The *Dairy Initiative* has taught farm families, private industry, and University faculty modern problem-solving methods for farm families. Over 400 local dairy professionals have been trained to help farm families identify problem areas and set goals to increase profitability.
- *Business Retention and Expansion Strategies* (BR&E) programs have helped communities keep and improve the businesses they have, while developing strategic plans and support systems to encourage new industries.
- An urban 4-H group worked with businesses, public officials, parents, police, and an alternative school to renovate a movie theater into a neighborhood arts and learning center. The center now serves as a safe haven for youth in a high-crime area.
- Working with farmers and state agencies, extension specialists developed a manure management computer program, including composting techniques, that helps producers meet feedlot ordinance requirements and water quality regulations and save money.
- In cooperation with the League of Minnesota Cities, public officials received MES training in taxation policy. Subsequent statewide sessions allowed them to update and discuss taxation concerns with their community residents.



... through education, applied research and the resources of the University of Minnesota.

The MES satellite system and statewide computer network link county offices and communities to the University for information sharing and access to national satellite programs. MES is a pipeline between the University and the county partners who help direct University research. MES applied research links University research and resources to the real world:

- A farm cancer study in cooperation with the School of Public Health and the Medical School gathers important information while teaching farm family members safe pesticide handling techniques.
- A graduate class in Landscape Architecture presented community design solutions to a Minnesota community interested in improving its economy through community redesign.
- Through stewardship education workshops, field demonstrations, and video, forest landowners have learned to use their resources to reach multiple objectives while sustaining the quality of the forest land environment.
- Responding quickly to Minnesota's third coolest growing season in 1992, MES helped save thousands of dollars across the state through information packets, media, meetings, and expert consulting. At harvest time, MES provided information and education to help producers and grain elevator businesses keep energy use and drying costs down while maintaining grain quality.



FUTURE MINNESOTA EXTENSION SERVICE PROGRAMS WILL CONTINUE TO BE DIRECTED AND DEFINED BY MINNESOTANS AND HOW THEY EXPECT THEIR LAND-GRANT UNIVERSITY TO HELP THEM DEAL WITH CHALLENGES. MES LISTENS CAREFULLY TO PUBLIC CONCERNS AND WORKS WITH MINNESOTANS TO RESOLVE PROBLEMS FOR AN IMPROVED FUTURE.

9/29/94

**BOARD OF WATER AND SOIL RESOURCES
BEST WESTERN CANTERBURY INN
ESSEX HALL
1244 CANTERBURY ROAD
SHAKOPEE, MINNESOTA
SEPTEMBER 29, 1994**

BOARD MEMBERS PRESENT: Jim Nielsen, Jim Rossman, Kathy Roer, Marvell Tripp, Warren Rodning, Barb Cobb, Barb Uppgaard, Tim Hvidsten, Ted Lovdahl, Glenn Annexstad, and Dwain Otte.

BOARD MEMBERS ABSENT: Howard Peterson

AGENCY MEMBERS PRESENT:

Kim Benson-Johnson, Department of Health
Fred Bergsrud, U of M/Extension Service
Wayne Anderson, Pollution Control Agency
Wayne Edgerton, Department of Natural Resources
Paul Burns, Department of Agriculture

OTHERS PRESENT:

Gary Wehrenberg and Dan Livdahl, Minnesota Association of Conservation District Employees (MACDE)
D'Wayne DeZiel and Bob Pigeon, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Gary Nordstrom and John Brach, Soil Conservation Service (SCS)
Franklin Denn, Minnesota Association of Townships (MAT)

STAFF PRESENT:

Ron Harnack
Doug Thomas
Jim Birkholz
Barbara Ohman
Al Kean
Bruce Sandstrom
Jim Haertel
Dave Behm
Wayne Zellmer
Mary Jo Anderson

Chairman Nielsen called the meeting to order at 8:35 a.m.

94-50 **Adopt Agenda** - Moved by Otte, seconded by Tripp to adopt the agenda as presented. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

94-51 **Minutes of August 24, 1994** - Moved by Tripp, seconded by Cobb, to approve the minutes of August 24, 1994 as circulated. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Reports

Chairman's Report - Chairman Nielsen received a letter from Pine County regarding their water plan, this will be on an upcoming agenda.

Chairman Nielsen briefly reported on the Redwood County feedlot problem. He has been in contact with Elton Redalen, Commissioner of the Department of Agriculture. Chairman Nielsen stated that there is a need to encourage SWCDs to address these matters before they become problems; BWSR should develop a policy to address this.

Chairman Nielsen received the Legislative Auditor's Report regarding BWSR's LCMR programs. Jim Rossman reported that BWSR probably got a B+; he was surprised to see five auditors at the meeting. Ron Harnack stated that the audit report that BWSR members received was a follow-up from last years audit of LCMR (Environmental Trust) programs. We have not yet received the Legislative audit report from this years agency audit.

Chairman Nielsen thanked Bruce Sandstrom, Jim Haertel and Barbara Ohman for the tour.

Executive Director's Report - Ron Harnack reported that the Wetland Heritage Advisory Committee (WHAC) met. The WHAC will meet two more times before December. Based on the WHAC report, the desire is to develop a consensus bill by January, for Wetland Conservation Act changes.

94-52 Ron stated that Koochiching County returned \$15,000 WCA funds to BWSR. The other three counties (Beltrami, Pennington, Marshall) are still in default of the contract; the counties signed the agreement and received money. Discussion followed. Chair referred this back to staff to come up with appropriate plan for BWSR's review and action at October meeting. Ron has been in contact with Matt Seltzer to discuss options. Moved by Roer, seconded by Cobb, to direct legal council to draft a legal document and letter to the county attorney stating obligations and accountability. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard. Opposed: Nielsen. Carried.

Conventions - members interested in attending the conventions of the Minnesota Association of Soil and Water Conservation Districts, the Association of Minnesota

Counties, and the Minnesota Association of Watershed Districts should let Ron know.

Committee Reports

Dispute Resolution Committee - Kathy said two Wetland Conservation Act appeals are scheduled for October.

Technical Advisory Committee Report - Al Kean introduced the Technical Advisory Committee representatives on implementation of the Engineering and Technical Support for SWCDs (D'Wayne DeZiel, MASWCD; Gary Wehrenberg, MACDE; and John Brach, SCS). Al stated that the committee is seeking BWSR's endorsement for watershed based (Alternative E) recommendation so the committee can move forward. D'Wayne DeZiel reported that the MASWCD Board of Directors adopted Alternative E at their meeting on Tuesday. This alternative would provide statewide coverage of technical support (engineers and technicians) for nonpoint best management practices (BMPs) implementation primarily on a watershed basis. Boundaries of these watershed areas would be smaller than the existing SCS/MASWCD areas, but would utilize existing SWCD boundaries to approximate major watershed/river basin boundaries (land use, BMP needs and technical expertise needs would also be considered). Approximately 10-11 clusters of SWCDs are envisioned, along with joint powers groups of SWCDs and a host district in each area for new engineers and technicians. The funding includes salary, fringe, office rent and equipment, travel and communications. Funding does not include administrative costs for joint powers agreement or host district. The SCS and BWSR would provide supplemental technical assistance. Board suggested that River Basin Watershed was more reflective of the direction supported. Moved by Rossman, seconded by Lovdahl, to endorse Alternative E. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

**
94-53

Program Assessments

Service to Local Governments - Jim Birkholz gave an overview on the services BWSR provides to SWCDs and watershed districts.

Dispute Resolution and Hearings - Doug Thomas gave an overview of the various dispute resolution and hearing responsibilities of the BWSR.

Agency Administration - Ron Harnack overviewed the five elements: fiscal management, personnel management, information management, interagency coordination, and board member support. Ron commended staff that had input in the program assessments.

Chairman Nielsen called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:40 a.m.

Blueprint of BWSR Biennial Budget Request: Staff Recommendations from Program Assessments - Dave Behm, Ron Harnack, Jim Birkholz, and Doug Thomas briefly commented on the program assessments. Dwain Otte asked if reorganization of BWSR

administration had been a consideration. Ron said only indirectly. Barb Uppgaard really appreciated the in-depth assessment of the programs; timing is important, she is pleased to see the recommendation for additional central staff. Barb Cobb mentioned that a voluntary water planning program in the metro region would be a significant change. Rodning stated that he's pleased with the dedication of the staff. Stable funding was discussed. Chairman Nielsen said this item will be on the October meeting agenda, staff will put together a management chart/structure as suggested. A revised blueprint will be discussed. An organization chart will be included with the mailing. *from the program assessment recomm. made at Aug. meeting*

FY95 Challenge Grant Allocations - Wayne Zellmer stated that the Grant Committee made the recommendations with two changes: Redwood and Lyon to fund as listed. Moved by Barb Uppgaard, seconded by Annexstad, to adopt the challenge grant allocations as presented, subject to verification of Clearwater project. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Hazeltine-Bavaria Watershed Management Organization Watershed Management Plan Approval - Barbara Ohman introduced Brett Emmons and Cecilio Olivier, consultants with Bonestroo, Reseng, and Anderlik Associates. Barbara gave an overview of the plan. Staff recommends approval of the plan. Moved by Cobb, seconded by Otte, to approve the Hazeltine-Bavaria Watershed Management Organization Watershed Management Plan. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Dispute Resolution Committee's (DRC) Recommendation, Harstad vs. City of Fridley - Kathy Roer, chair of DRC, explained the appeal to the full BWSR and said that the DRC affirms the City of Fridley's resolution and recommends that BWSR pass the following resolution: a) Affirming the decision of the City of Fridley; and b) Authorizing the Chair of the BWSR to sign and issue an Order consistent with the resolution. Moved by Uppgaard, seconded by Lovdahl, that the BWSR adopt the DRC's recommended resolution regarding Harstad Companies vs. the City of Fridley. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Tripp, Uppgaard, and Nielsen. Opposed: Rossman. Carried.

Request for Public Hearing for the Valley Branch Watershed District Watershed Management Plan Revision and the Riley-Purgatory Bluff Creek Watershed District Watershed Management Plan Revision. Moved by Lovdahl, seconded by Rossman, to grant the public hearing. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried. Chairman Nielsen appointed Cobb, Otte, and Rodning to attend the public hearings.

Advisor Comments

Minnesota Association of Townships (MAT): Franklin Denn reported that he was in Washington, D.C., and met with the Environmental Protection Agency.

Minnesota Association of Conservation District Employees (MACDE): Dan Livdahl reported that the MACDE sent out a tech capability survey; the results have just been mailed to BWSR as to who needs training. Area 5 had an environmental fair, they will appreciate the challenge grant.

Soil Conservation Service (SCS): Gary Nordstrom introduced his boss, Gary Margheim. SCS just recently signed a federal memorandum of understanding regarding wetland delineations. SCS would like to come before BWSR to report on their strategy and inform people on who is in charge of what. Chairman Nielsen asked that WHAC be given the report as well. Gary Margheim briefed BWSR on reorganization, both the Senate and House have passed appropriations for next year and President Clinton will receive the bill to sign. House passed USDA reorganization bill; it will go to conference. Chairman Nielsen stated he appreciates Gary's assistance and coordination.

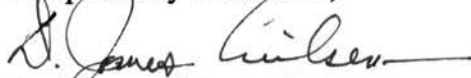
Fred Bergsrud, MES, distributed "Restoring Your River" 1995 calendar for members' information.

Paul Burns, MDA, asked that a status report on the State Resolving Fund (SRF) be given at the October meeting from the Department of Agriculture.

The next BWSR meeting is October 26, there will not be a meeting in November; December 7 is the scheduled meeting date for November/December.

Chairman Nielsen adjourned the meeting at 12:10 p.m.

Respectfully submitted,



D. James Nielsen
Chairman

DRAFT

DRAFT

**BOARD OF WATER AND SOIL RESOURCES
BEST WESTERN CANTERBURY INN
ESSEX HALL
1244 CANTERBURY ROAD
SHAKOPEE, MINNESOTA
SEPTEMBER 29, 1994**

BOARD MEMBERS PRESENT: Jim Nielsen, Jim Rossman, Kathy Roer, Marvell Tripp, Warren Rodning, Barb Cobb, Barb Uppgaard, Tim Hvidsten, Ted Lovdahl, Glenn Annexstad, and Dwain Otte.

BOARD MEMBERS ABSENT: Howard Peterson

AGENCY MEMBERS PRESENT:

Kim Benson-Johnson, Department of Health
Fred Bergsrud, U of M/Extension Service
Wayne Anderson, Pollution Control Agency
Wayne Edgerton, Department of Natural Resources
Paul Burns, Department of Agriculture

OTHERS PRESENT:

Gary Wehrenberg and Dan Livdahl, MACDE
D'Wayne DeZiel and Bob Pigeon, MASWCD
Gary Nordstrom and John Brach, SCS
Franklin Denn, MAT

STAFF PRESENT:

Ron Harnack
Doug Thomas
Jim Birkholz
Barbara Ohman
Al Kean
Bruce Sandstrom
Jim Haertel
Dave Behm
Wayne Zellmer
Mary Jo Anderson

94-50

AMC - Kathy
MASWCD - Barb C
MAWD - Ted

Chairman Nielsen called the meeting to order at 8:35 a.m.

Adopt Agenda - Moved by Otte, seconded by Tripp to adopt the agenda as presented.

Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Minutes of August 24, 1994 - Moved by Tripp, seconded by Cobb, to approve the minutes of August 24, 1994 as circulated. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Reports

Chairman's Report - Chairman Nielsen received a letter from Pine County regarding their water plan, this will be on an upcoming agenda.

Chairman Nielsen briefly reported on the Redwood County feedlot problem. He has been in contact with Elton Redalen, Commissioner of the Department of Agriculture. Chairman Nielsen stated that there is a need to encourage SWCDs to address these matters before they become problems; BWSR should develop a policy to address this.

Chairman Nielsen received the Legislative Auditor's Report regarding BWSR's programs. LCMR

Jim Rossman reported that BWSR probably got a B+; he was surprised to see five auditors at the meeting. Ron Harnack stated that the audit report that BWSR members received was a follow-up from last year, ~~we have not yet received the report from this year's~~ *audit of 1 CMR (Executive) programs.*

Chairman Nielsen thanked Bruce Sandstrom, Jim Haertel and Barbara Ohman for the tour.

Executive Director's Report - Ron Harnack reported that the Wetland Heritage Advisory

Committee (WHAC) met. The WHAC will meet two more times before December. By *January* a consensus bill ~~will be available~~ *for WCA changes.*

Ron stated that Koochiching County returned \$15,000 to BWSR. The other three counties (Beltrami, Pennington, Marshall) ~~have defaulted~~ *are still in* the contract; the counties signed the agreement and received money. Legal council will draft letters to the county attorneys demanding they return the money. Option is to take county for non-compliance. Discussion followed. Chair referred this back to staff to come up with appropriate plan for BWSR's review and action at October meeting. Ron has been in contact with Matt Seltzer of the

to discuss options. Attorney General's office, who stated we have two options: send a letter to the county attorneys, or begin litigation by state for default of contract. Moved by Roer, seconded by

Cobb, to direct legal council to draft a letter to county commissioners (with a courtesy copy

attorney to county attorney) stating *obligation* BWSR's intent. Affirmative: Annexstad, Cobb, Hvidsten,

Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard. Opposed: Nielsen. Carried.

Conventions - members interested in attending the conventions of the Minnesota

Association of Soil and Water Conservation Districts, the Association of Minnesota Counties, and the Minnesota Association of Watershed Districts should let Ron know.

Committee Reports

Dispute Resolution Committee - Kathy said two Wetland Conservation Act appeals are scheduled for October.

Technical Advisory Committee Report - Al Kean introduced the Technical Advisory Committee on implementation of the State Revolving Fund (SRF) (D'Wayne DeZiel, ^{representative Engineering} ~~Technical Support~~ ^{for SRF})

MASWCD; Gary Wehrenberg, MACDE; and John Brach, SCS). Al stated that the committee is seeking BWSR's endorsement for ~~concept~~ ^{the proposed watershed based (ATTE)} recommendation so the committee

can move forward. D'Wayne DeZiel reported that the MASWCD Board of Directors adopted Alternative E at their meeting on Tuesday. This alternative would provide statewide coverage of technical support (engineers and technicians) for nonpoint best management practices (BMPs) implementation primarily on a watershed basis. ^{Boundaries} ~~Cluster~~

^{of these watershed} areas would be smaller than the existing SCS/MASWCD areas, but would utilize existing SWCD boundaries to approximate major watershed/river basin boundaries (land use, BMP needs and technical expertise needs would also be considered). Approximately 10-11 clusters of SWCDs are envisioned, along with joint powers groups of SWCDs and a host district in each ^{area} ~~cluster~~ for new engineers and technicians. Part of the initial appropriation

~~would be used to equip these technical staff. The SCS and BWSR would provide supplemental technical assistance, including training, technical expert assistance, design ^{was more reflective of the direction supported.} standards development and maintenance support, and oversight, as appropriate. Moved by~~

~~The funding includes salary, fringe, office rent & equipment, travel & communications. Funding does not include administrative costs for JPA or host district.~~

Rossman, seconded by Lovdahl, to endorse Alternative E. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Rossman, Tripp, Uppgaard, and Nielsen. Opposed: None. Carried.

Program Assessments

Service to Local Governments - Jim Birkholz gave an overview on the services BWSR provides to SWCDs and watershed districts.

Dispute Resolution and Hearings - Doug Thomas gave an overview of the various dispute resolution and hearing responsibilities of the BWSR.

Agency Administration - Ron Harnack overviewed the five elements: fiscal management, personnel management, information management, interagency coordination, and board member support. Ron commended staff that had input in the program assessments.

Chairman Nielsen called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:40 a.m.

Blueprint of BWSR Biennial Budget Request: Staff Recommendations from Program

Assessments - Dave Behm, Ron Harnack, Jim Birkholz, and Doug Thomas briefly commented on the program assessments. Dwain Otte ^{asked if} suggested considering reorganization of BWSR administration ^{had been a consideration. Ron said only indirectly.} rather than new staff. Chairman Nielsen asked if Dwain wanted to see a management chart, superimposing the holes that exist and the responsibilities that

~~are being ignored.~~ Barb Uppgaard really appreciated the in-depth assessment of the programs; timing is important, she is pleased to see the recommendation for additional central staff. Barb Cobb mentioned that a voluntary water planning program in the metro region would be a significant change. Rodning stated that he's pleased with the dedication of the staff. ~~Stable funding was discussed.~~ Chairman Nielsen said this item will be on the October meeting agenda, staff will put together a management chart/structure as suggested.

a revised blue print ~~document~~ will be decreased. An ~~with organization chart~~ organization chart will be included with the mailing.

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Kathy Roer, chair of DRC, explained the appeal to the full BWSR and said that the DRC affirms the City of Fridley's resolution and recommends that BWSR pass the following resolution: a) Affirming the decision of the City of Fridley; and b) Authorizing the Chair of the BWSR to sign and issue an Order consistent with the resolution. ~~Rossman stated that the City of Fridley was unclear in their evaluation of the Harstad appeal.~~ Moved by Uppgaard, seconded by Lovdahl, that the BWSR ^{ad pt} pass the DRC's recommended resolution regarding Harstad Companies vs. the City of Fridley. Affirmative: Annexstad, Cobb, Hvidsten, Lovdahl, Otte, Rodning, Roer, Tripp, Uppgaard, and Nielsen. Opposed: Rossman. Carried.

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The next BWSR meeting is October 26, there will not be a meeting in November; December 7 is the scheduled meeting date for November/December.

Chairman Nielsen adjourned the meeting at 12:10 p.m.

SP not right

Respectfully submitted,

D. James Nielsen

Chairman

Kathy Roe, room 186

Re: Appeal by Harstad Companies from
resolution No. 51-1994 adopted
by the City of Fridley on
June 20, 1994

Fridley Resolution No. 51-1994

determined that a proposed wetland
fill by Harstad Companies was
not exempt under the Wetland
Conservation Act and that
Harstad Companies had not
met the requirements for a
replacement plan.

Harstad Companies appealed
to the Board. The Dispute
Resolution Committee held a
hearing on September 8, 1994

that was continued until
September 28, 1994

On September 28, 1994,
the Dispute Resolution Committee
passed a resolution, with one
dissenting vote, to recommend
that the Board should affirm
the decision of the City of
Fridley.

The basis for the Dispute
Resolution Committee's recommendation
is as follows:

1) At the hearing ~~at~~ on
September 8th, Harstad Companies

acknowledged that it had not met the ~~qualification~~ requirements for a replacement plan. Harsford Companies dropped its appeal of the denial of the replacement plan.

2) The exemption issue relates solely to Exemption 244 to the Wetland Conservation Act. This is an exemption that, among other things, exempts development projects that received approvals during

the "window period" ~~from~~
from July 1, 1986 through
June 30, 1991, provided
approval has not expired.

Here, Harsted Companies
received a land alteration
permit to place certain fill,
but this permit was
obtained prior to the
window period in May
1986. Furthermore, the
record shows that the
land alteration permit
expired December 31, 1986.

Under the circumstances,
Exemption 24 does not
apply.

The Dispute Resolution
Committee respectfully
recommends that the
Board should pass a

resolution as follows:

- a) Affirming the
decision of the City of
Fridley; and
- b) Authorizing the Chair
of the Board to sign and
issue an Order consistent with
the resolution.

August 29, 1994

BWSR AGENCY ADMINISTRATION ASSESSMENT

Elements of the agency administration assessment are:

- * Fiscal management
- * Personnel management
- * Information management
- * Interagency coordination
- * Board member support

The assessment will also follow the outline of the other assessments to include program strengths, weaknesses, alternatives, recommendations, and relation to the agencies strategic plan.

BACKGROUND: The context of this assessment is for BWSR to have the necessary resources to effectively and efficiently provide support services for the implementation of the responsibilities of the agency. A little history of the organization is necessary to understand the issues relating to this assessment. Prior to the establishment of the BWSR and for two to three years thereafter our agency was for administrative support purposes within the Department of Agriculture (MDA). The Department of Agriculture handled all the personnel and fiscal administration for the agency. In 1989 some of the fiscal responsibilities were pushed out of DOA with the assignment of one business staff person. Gradually after that point all the fiscal and personnel responsibilities were transferred out of DOA without additional capacity. The final transition took place in 1992 with the transfer of the personnel administration activities with personnel files being transferred without additional support.

The addition of staff and program responsibilities over the years have focused on professional staff not recognizing the support services needs of clerical, rent, information management, personnel, and budget administration. Therefore, the delivery systems of the agency suffers from inefficiencies, staff and client frustration, increased staff stress, grievances, diminished communication, etc.

This assessment considered the areas independently from the viewpoint of strengths and weaknesses, however addresses the options in the context of the agency as a whole.

INFORMATION MANAGEMENT

- Records management and retention
- Data base development and maintenance
- Communications
- Staff training
- Local government assistance

Strengths

- Computers for all staff
- E-mail access to field office and between staff
- E-mail access to SWCDs from county and regions
- E-mail access to other agencies via internet
- Data bases for RIM, waterbank
- SSP hardware update

Weaknesses

- Data entry and data base maintenance
- Staff not adequately trained in computer use
- Lack of assistance to meet local government demands
- Lack of capacity to meet central office/field office demands
- Lack of readily accessible information to monitor programs
- Not in strategic plan

Options

- 1) Status Quo - No new resources. Continue to expand with existing resources. Will limit agency capability to have effective and efficient program delivery and assessment. Reduced efforts in data base development and use. Outmoded computer equipment and poorly trained staff; inadequate records management.
- 2) Establish three regional data management positions and one central office data entry and data base management positions.

Priority 1 option will allow agency to keep stride with current information and data management and communications systems.

- 3) Establish training programs for minimal computer skills for all employees.

Priority 3 option will not require new resources. Basic training into employees development plan.

- 4) Update hardware and software for agency to stay current and efficient in communications and data management.

Priority 2 option.

PERSONNEL MANAGEMENT

- Clerical/administrative assistance
- Employee training (all levels)
- Employee hiring, firing, orientation, benefit promotions, etc. (all levels)
- Time management - time sheets, over-time, comp. time, sick leave
- Contract administration (grievances)
- Position descriptions, classifications, etc.
- Agency marketing/promotion

Strengths

- Employee handbook
- Affirmative Action Plan
- Team approach
- Employee empowerment
- Comp. time policy

Weaknesses

- Not element of strategic plan
- Reactive to issues
- Lack of employee benefit promotion and training
- Employee training program
- Commitment to employee handbook maintenance
- Union contract administration and supervisor support limited
- Conflict of interest policy
- Inadequate regional and central office clerical services
- Inadequate knowledge of state personnel policies and procedures

Options

- 1) Status Quo - No new resources. Will continue to struggle with clerical support services in central office and regions. Delayed product delivery, inadequate records management,
- 2) Increase clerical/administrative support in each region by one full-time employee and in central office by one full-time employee. Priority 1
- 3) Establish a personnel management assistance position to maintain knowledge of personnel policies and procedures; employee handbook; employee assistance and benefit promotion. Priority 4
- 4) Establish specific supervisory and management training for supervisors and managers. Priority 2
- 5) Establish training fund for each region and section for employee development, add training coordinator for agency and local government. Priority 3.

FISCAL MANAGEMENT

- Budget *Budget management/reports*
- Building Management
- Procurement

Strengths

- Block grants
- Finance and administrative delegation
- Regional procurement
- Timely payment of bills
- SSP implementation

Weaknesses

- Grants oversight and tracking
- Securing outside dollars
- Rental negotiations and management not clearly defined and maintained
- Lack of training of key staff for fiscal matters (field and central office)
- Employee handbook updates
- Not element of strategic plan

Options

- 1) Status Quo - Continual audit deficiencies. Delays in procurement, inadequate trained staff.
- 2) Implement priorities for information management and personnel management. This will allow current staff to focus on weaknesses in this area. Priority 1.

INTERAGENCY COORDINATION

- EQB - EQB Tech - EQB WRC
- Pesticide Committee (MDA)
- Feedlot Committee (MDA/PCA)
- Well Committee (MDH)
- Nonpoint Coordinating Committee (PCA)
- WHAC (BWSR)
- SRF Committee (MDA)
- DRC (BWSR)

Strengths

- BWSR participation in issues
- Other agency input into local programs - proactive
- Local government linkage
- Strategic plan focus

Weaknesses

- High cost (dollars and time)
- Other agency role in BWSR and local programs primarily reactive
- BWSR reactive vs proactive
- Lack of agency specialists in soil conservation and landuse with state of art knowledge
- Other agencies unaware of BWSR role

Options

- 1) Status Quo is to limit participation and coordination to reactionary involvement.
- 2) Reduce number of committee that BWSR sits on. First priority for participation by members and staff. No new resources received, however, resources better focused. Still will be more reactive than proactive. *Priority 1*
- 3) Establish position for more active participation in EQB; EQB/WRC; EQB Tech; WRC Tech, and other agency committees. This will enhance involvement and visibility of BWSR and local government with other agencies.

Priority 2

BOARD MEMBER SUPPORT AND ADMINISTRATION

- Board meeting preparation
- DRC support
- Member orientation and awareness

Strengths

- Board/staff interaction
- Board/staff committees
- Board vs Commissioner
- Per diem policy
- Regional tours/board meetings
- Interaction with local governments
- Annual Board retreat
- *Board member update*

Weaknesses

- Member handbook
- Member orientation
- Delegation of authority to staff is unclear on some issues
- Lack of By-Laws
- Adequacy of preparation for Board meetings
- Board preparation reduces effort to other areas of emphasis
- *interaction of board members w/ their peers, Co. Commissioners*

Options

- 1) Status Quo - Priority 3
- 2) Implement priority recommendations in information management; personnel management, and interagency coordination will free time to address most weaknesses in this area. Priority 1
- 3) Reduce number of Board meetings and lengthen time of each meeting to day and a half; six to seven meetings or one to two days would permit better staff preparation and more time for member review and assessment and interaction. Priority 2

** development of consent agenda items*

FAX BWSR 612-297-5615

MF - here's my assessment,
sorry for delay.

Please put each on
separate sheet or page.
I think you can get
each on front or at
least front & back of
on page. Then put on
SHARE to MT & Dave Bohm.
Thanks.
See you Monday.

5:10
5:1

Information Mgmt

- * Records mgmt & retention
- * data base development & maint
- * Communications
- * staff training
- * local government assistance

STRENGTHS

- Computers for all staff
- E-Mail access to field office & between staff
- E-Mail access to SWODs from CO & Roms
- E-Mail access to other agencies via internet
- data base for RIM; waterbank
- SSP hardware update

WEAKNESSES

- data entry & data base maintenance
- staff not adequately trained in computer use
- lack of assistance to meet local govt demands
- lack of capacity to meet co/FO demands
- lack of readily accessible info to monitor programs
- not in strategic plan

OPTIONS

1) STATUS QUA - No new resources. Continue to proceed with existing resources. Will limit agency capability to have effective & efficient programs, delivery and achievement. Reduced efforts in data base development & use. Outmoded computer equipment & poorly trained staff; inadequate records mgmt.

2) ESTABLISH - 3 regional data mgmt positions & one CO data entry & data base mgmt position.

Priority 1 option will allow agency to keep steady with current information & data mgmt & communications systems.

3) ESTABLISH Training program for technical computer skills for all employees.

Priority 3 option will not require new resources. Based training into employees development plan.

4) Update hardware & software of agency to stay current & efficient in communications and data mgmt.

Priority 3 option.

Personnel Mgmt

- * Clerical / admin Assistances
- * Employee Training (all levels)
- * Employee hiring, firing, orientation, benefit promotions, etc. (all levels)
- * Time mgmt - Time sheets, OT, CT, Sh,
- * Contract admin (grievances)
- * Pds, classifications, etc
- * Agency marketing / promotion

STRENGTHS

- Employee handbook
- Affirmative action plan
- TEAM approach
- Employee empowerment
- Comp time policy

• Not element of strategic plan
• Reactive to issues.

WEAKNESSES

- lack of employee benefit promotion & training
- employee training program
- ~~no~~ commitment to employee handbook maintenance
- union contract administration
- supervisor support limited
- ~~no~~ conflict of interest policy
- inadequate approval of central office clerical services

Options

1) STATUS Quo - No new resources.
Will continue to struggle
with clerical support
screeners in CO & Region. Delayed
product delivery, inadequate
records mgmt, displaced
employees, increased
deteriorated morale, etc.

2) Increase clerical/admin support
in each region by 1 F.T.E. &
in CO by 1 F.T.E.

Priority 1-

3) ~~Decrease~~ Establish a personnel
mgmt assistance position to
maintain knowledge of personnel
policies & procedures, and employee
handbook; employee assistance
& benefit promotion.

Priority 4-

4) Establish specific supervisory
& mgmt training for supervisors
& managers.

Priority 2-

5) Establish training fund for
each region & section for
employee development and training
coordination for agency & local govt.

Priority 3-

FISCAL MGMT

- BUDGET
- BLDG MGMT
- PROCUREMENT

STRENGTHS

- Block grants
- Finance & Admin delegation
- regional procurement
- Timely payment of bills
- SSP Implementation

WEAKNESSES

- grants oversight & tracking
- increasing outside fees
- Rental negotiations & mgmt not clearly defined and maintained
- lack of training of key staff for fiscal matters (Field & Co.)
- employee hand book updated
- Not element of strategic plan

OPTIONS

1) Status Quo - Continued audit deficiencies, delays in placement, inadequate trained staff

2) Implement priorities for information mgmt & personnel mgmt. This will allow current staff to focus on weaknesses in this area. (Priority 1)

Interagency Coordination

- EQB - EQB Tech - EQB WRC
- Pesticide Committee (Agr)
- Feedlot Committee (Agr-PCA)
- Well Committee (Health)
- Wapiti Coord. Committee (PCA)
- WHAC (BWSR)
- SRT Committee (Agr)
- DRC

STRENGTHS

- BWSR participation in issues
- other agency input into local programs - proactive opportunities
- local government linkage
- strategic plan focus

WEAKNESSES

- high cost (\$ & time)
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- BWSR reactive vs proactive
- lack of agency specialty in soil cons & land use with state govt knowledge
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1) Status Quo is to limit participation & coordination to reactionary involvement.

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3) Establish position for more active participation in ESB; ESB/WRC; ESB Tech; WRC Tech & other agency committees. This will enhance involvement & visibility of BWSR & local govt with other agencies.

4)

Board Member Support & Adm.

- Board meeting prep'n
- DRC support
- Member orientation & awareness

STRENGTHS

- Board / staff interaction
- Board / staff committees
- Board vs Commissioner
- Per diem policy
- Regional Tours / Bd m'tgs
- interaction with local govt's.
- annual Board retreat

WEAKNESSES

- member handbook
- member orientation
- ~~clear~~ delegation of authority to staff is unclear on some issues
- lack of By-laws
- adequacy of preparation for Board meetings
- Board prep. reduces effort to stabilize areas of emphasis

OPTIONS

1) STATUS QUO

Priority 3

2) Implement priority scmdtns
in informt; persnl mgmt
& interagency coopn will
free time to address most
pressing issues in this area.

Priority 1

3) Reduce number of Board meetings
and lengthen time of each
meeting to day & 1/2.
6-7 mths of 1-2 days would
permit better staff prep'n
& more time for member
review & assessment &
interaction.

Priority 2

ALTERNATIVES FOR BWSR COMMUNICATIONS/EDUCATION PROGRAM

1. Status quo with acknowledgement that communications staff person provides little direct support to LGUs and northern education staff person is NOT carrying out the Education Strategy as it is written.

Staffing: no changes

Legislative action: none

Implications: This will continue BWSR's movement away from providing direct service to LGUs in the communications arena and leave the southern and metro areas without any education support.

2. Attempt to better meet the communications/education efforts outlined in statute and the Strategic Plan. This could be done in the following ways:

Alternative one: Combine communications/education/training under one office. Hire additional staff specializing in these areas.

Implications: Combining these areas would require an overall communications (or marketing) plan, and would probably result in increased coordination between these areas. Increased staffing would allow us to provide both increased service to LGUs and increased service internally. The majority, if not all, of the additional staff would be located in the field offices.

Alternative two: Continue communications/education under separate auspices. Expand staff.

Implications: This would allow for separate tracts of these two areas to continue. It would be possible to expand one area (say, education) without expanding the other. Training would be an entirely separate function. There would probably be less coordination between these efforts (as they would be separate) but perhaps a greater focus on meeting regional needs. It would still be possible to have an overall "outreach" type of plan done, but individual communications, education and training plans would need to be done within that context.

Alternative three: Expand partnership with MES.

Implications: Politically, this would be a good idea; partnerships are trendy and MES gives us clout in the educational arena. The down side to this is that it limits us in terms of what directions we want to take our education/communications efforts. If, for example, we want staff people that fulfill a broader communications/education/training need, rather than just one of those needs, MES might well not be interested.

Alternative four: Eliminate partnership with MES.

Implications: Politically, this would be a bad idea; however, it would allow us the opportunity to implement our Education Strategy as it was written (i.e., with the water resources education coordinator filling more of a coordinative role of facilitating educational work by the BCs) and would give us more freedom in directing the positions. We would lose the educational clout we get from being associated with MES.

Alternative five: Expand education/communications role of BCs.

Implications: This would entail hiring additional BCs, with the idea that each BC would then have certain education/communications responsibilities inherent in their jobs. This would build upon BWSR's traditional path of having BCs be generalists and provide a direct link to LGUs. However, it should be noted that most people with the BC background and education might not be comfortable in this role; or might not consider education and communications a priority.

Alternative six: Increased contracting.

Implications: This would allow us to increase our efforts in whatever way we choose. In the long run, this would probably be more expensive but would definitely serve well for short-term needs. Might take quite a bit of time to get someone "up to speed" on BWSR and its programs.

Alternative seven: Increased internship program.

Implications: This could potentially work very well. Obviously, the down side of interns is that they don't provide long-term support, and they tend to leave just as they finally figure out the ropes.

My recommendation:

1. Contract out for development of a communications/marketing/education plan. This plan will investigate and interpret LGU needs in a wide variety of areas, especially:

- training
- communications
- education
- technical assistance

2. To implement the recommendations in the plan, hire two additional communications/education specialists: one serving the metro and one serving the south. These positions could be shared BWSR/MES positions if the two agencies can reach an agreement on a somewhat different function for the positions.

3. These positions will focus on providing service to LGUs through working with the field staff. They will facilitate and

coordinate field staff communications and education activities, as well as providing some direct service to LGUs. Central office communications position will focus on providing overall communications/education planning, program support, and coordination with other agencies.

Program Assessment: Dispute Resolution & Hearings

INTRODUCTION

The purpose of this assessment is to provide a comprehensive review of the various dispute resolution and hearing responsibilities of the BWSR. It is also the purpose of this assessment to provide recommendations to the Board on how should proceed in this area of the BWSR overall mission.

PROGRAM DESCRIPTION

The role of BWSR can be categorized into three main areas, dispute resolution, hearings, and policy intervention.

Dispute resolution is designed to give citizens and local units of government in the State a opportunity to appeal the actions of county water plans; watershed management organization plan implementation; watershed district projects, permits, rules and orders; RIM and cost-share decisions of soil and water conservation districts; and appeals of local unit of government decisions involving the administration of the wetland conservation act.

Board hearings are conducted to give the public the opportunity to comment on a number of administrative functions that the BWSR performs for it clientele local units of government. some of these functions include establishment of watershed districts, changing boundaries of SWCD's and WD's, and various plan approvals.

Policy intervention allows citizens of the State to petition the BWSR to intervene in the decision making process of other agencies if there is an important question of water law or policy.

In addition to the formal hearing and dispute resolution process the chair of the Board may also assign some disputes to members of the board and staff to informally resolve. The informal dispute resolution process is specifically identified for appeal of watershed district permits, rules, and orders, and parties aggrieved by the adoption of local water plans in greater Minnesota counties.

Listed below is a detailed summary of the dispute and hearing functions of the BWSR.

General Authority

1. Hearings on requests to resolve questions of water law and policy. M.S. 103A.301.-341. If a citizen of the state feels that an agency is misapplying the law or their administrative authority they can petition the BWSR to intervene. If the BWSR accepts the petition they would hear the matter and recommend how the question of water law or policy should be resolved. Proceedings of the agency involved are suspended until the Board makes a finding and or recommendation in the matter.

This petition process serves the citizens of the state by making it possible for them to bring what they believe to be conflicts in existing water law, the interpretations of those laws by state agencies, and how agencies are applying their administrative authority to water issues. The board provides a forum with expertise and knowledge in water issues, prior to the legal court system. Also in cases such as DNR permits for public waters appeal to the Board may be the only opportunity for review for special interest groups, which would not likely have standing in the proceeding.

Considerable staff time is likely to be required for each petition to intervene because of the necessity to investigate the laws and administrative procedures of the agency, identified in the petition. Upon completion of the investigation staff would be required to prepare findings and recommendations to the Board to assist them in determining whether an important question of water law or policy exists and if the Board should intervene. If the Board chooses to intervene, additional staff time will be necessary to assist in the hearing and preparation of findings of fact, conclusions, and order.

It is difficult to estimate the impact of this function on the Board since it has only been requested a few times since its inception in 1956. Also rules to guide the Board in this matter have never been adopted.

Watershed Districts

2. Hearings to establish watershed districts, change their boundaries, enlarge them or withdraw territory, consolidate them, and terminate them. M.S. 103D.203, .251, .255, .261, .265, and .271. Petitions to establish and terminate a district require a hearing to be conducted. Petitions to change boundaries, enlarge, or withdraw territory may or may not require a hearing, this is largely dependent on whether the proposed change is controversial and/or the public requests a hearing.

The customary role of this function has been the assignment of a committee of the Board to hear these matters. The Board may also assign these hearings to an administrative law judge (ALJ). If a committee or ALJ hears the matter they must hear evidence, make findings of fact, and report to the Board.

Activity under this section has been 2 hearings in 5 years for establishment, 10 boundary change petitions, 0 to consolidate or terminate. Potential for establishment hearings is low given the current status of local water planning and metro surface water management in the State.

3. Hearings to redistribute watershed district managers, and to increase their number. M.S. 103D.301 and .305. No requests for

a hearing under this authority has been requested in the past 5 years. It is likely that few if any of these types of petitions will be received by the BWSR in the next five years. It was customary for the predecessor of the BWSR the Water Resources Board, to assign these hearings to a committee of the full Board. A hearing is mandatory for petitions to increase the number of managers. A hearing is optional for petitions to redistribute managers.

4. Hearings to approve watershed district plans. M.S. 103D.401, .401, and .411. Prior to approval of a watershed plan the board must notice the plan in the official newspapers of the district and allow interested persons the opportunity to request a hearing on the plan.
5. Hearings on appeals from watershed district decisions under M.S. 103D.535 and .537. Under these sections citizens and interested parties may appeal watershed district projects, permit decisions, rules, and orders.

Appeals of watershed district projects under 103D.535 must be heard by the Board. Those hearings must conform to the administrative procedures act, M.S. 14.57-.62, and a record must be kept that meets the requirement of the record of the trial of a matter in district court. appeals under this section are seldom.

Appeals of watershed district permits, rules, and orders must be conducted in accordance with rules adopted by the Board. This appeal right was established in 1992, rules to guide the board in this matter are currently under development. The draft rule is proposing an option for informal dispute resolution. Since 1992 four appeals under this section have been received by the board, two were resolved informally, one was remanded back to the district for further proceeding, and one was rejected due to missing appeal deadlines.

Time commitments for both staff and Board members assigned to resolve and/or hear these disputes can be extensive. Recent experiences suggest that up to 80 hours of staff time and 20 hours per Board member per appeal is not unrealistic.

Metropolitan Surface Water Management

6. Hearing to change boundaries and terminate watershed districts wholly within the metropolitan area. M.S. 103B.215 and .221.

A hearing must be held for terminate petitions. Hearings may or may not be required for boundary changes depending on whether the proposed change is controversial.

No customary roles have been established for these hearings.

7. Hearings for the approval of metro surface water, and ground

water plans. M.S. 103B.231 subd. 9. and .255 subd. 10.

Prior to approval of a plan the Board must publish notice that a plan has been received and the board is proposing to act on it. If a request for hearing is received the board must hold a hearing on the plan. If no requests for hearing are received and the board determines that the matter is noncontroversial it may proceed to approve the plan without a hearing.

It has been customary for these matters to be handled by staff of the metro region and members of the board as assigned by the Chair. Workload is difficult to assess because of the timing of when plans are prepared and updated. However we can anticipate a greater volume of plans in the next two years as WMO's update their plans pursuant to recently adopted rules. Recent experiences with groups like National Audubon also suggest that more plans are likely to become controversial in the future.

8. Hearings on WMO plan implementation failure. M.S. 103B.231 subd. 13.

No petition for hearings under this section have been received by the Board since initiation of the metropolitan surface water management act.

Comprehensive Local Water Planning

9. Hearings on disputes over implementation of non-metro water plans. M.S. 103B.345. Local units of government that feel they would be aggrieved by the adoption and implementation of a local water plan may appeal to the board.

Assignment of appeals to staff and interested members of the board to attempt an informal resolution of the dispute is at the discretion of the Chair of the Board. Since inception of local water planning program in 1985 the Board has received no appeals under this section.

Wetland Conservation Act

10. Hearings on appeals from local governmental units wetland decisions. M.S. section 103G.2242 subd. 9.

Provides landowners the right to petition the Board to hear matters relating to a local governmental units decision on exemptions and no-loss determinations. Hearings granted under this section must be heard by the dispute resolution committee of the Board. The dispute resolution committee is only advisory in these matters.

The scope of review in these matters is limited to determining whether the local governmental units findings of fact are not clearly erroneous, if the local unit of government correctly

applied the law to the facts, and if the local government unit made no procedural errors prejudicial to a party. The board has the authority to reverse the decision, amend it, or remand it with instructions for further proceedings.

These hearings are relatively new for the Board. To date three requests have been received. the potential workload is tremendous considering the volume of local governmental decisions on wetlands that are occurring in the State. The metro region is expected to have by far the greatest number of hearings requested. Rules have been adopted for this section, however clear administrative procedures and guidelines are lacking, which has created confusion over who is responsible.

11. Hearings on request for compensation for wetlands when a replacement plan has been rejected. M.S. 103G.237.

No appeals have been received to date. This is most likely a result of the program being new. We anticipate that as more decisions on replacement plans occur appeals will increase. Hearings under this section are assigned by rule to the dispute resolution committee.

12. Hearings on local governmental units failure to implement the wetlands act. M.S. 103G.2242 subd. 1(c).

Soil and Water Conservation Districts

Hearings under this chapter 103C are intended to provide a method for landowners to appeal the decision of a SWCD to a body which has expertise and knowledge in the area of soil and water conservation.

13. Hearings to establish soil and water conservation districts, and to expand, consolidate, divide, and discontinue them. Sections 103C.201, .205, .211, and .225.

Very seldom used if ever.

14. Hearings on appeals by land occupiers on SWCD decisions on cost-share applications. M.R. part 8400.1800.

Very seldom used.

15. Hearings on requests by soil and water conservation districts for variances from board cost-share rules. M.R. part 8400.1950.

Very seldom used.

16. Hearings on appeals from SWCD denials of RIM applications. M.R. part 8400.3930.

Very seldom used.

PROGRAM STRENGTHS

- Provides a alternative to the court system for citizens and local government within the State of Minnesota.
- Investigations, proceedings, recommendations, and decisions are made by staff and a board knowledgeable in the area of water resources and soil and water conservation. This provides for decisions based more on reasonableness than on strict adherence to procedural protocol.
- Can be more timely and efficient than court proceedings.
- Maintains visibility of the Board with citizens and local governments.

PROGRAM WEAKNESSES

- The current method of assigning and handling appeals and hearings is very time consuming. Confusion exists over who gets assigned to appeals, and the cyclic nature of appeals and request for hearings.
- Lack of rules for petitions for intervention, and watershed district permits, rules and orders.
- Lack of good internal guidelines and procedures to assist the executive director, section administrators, program managers, and regional supervisors in determining how, when, and who participates and to what degree do they participate in the various appeals and associated hearings.
- Lack of guidance for local governmental units on record keeping ,i.e. establishing a record.
- Lack of bylaws or operating procedures of the Board. There is considerable confusion at times over the role of the dispute resolution committee versus the role of the board.

ALTERNATIVES

The range of alternatives looked at went from a do nothing, status quo, alternative to a full staffing alternative which looked at a hearing coordinator, and specialists in each of the regional offices.

The preferred alternative is as follows:

- Clearly define the role of the DRC versus the full board. The DRC should be limited to appeals that involve disputes over the implementation of local programs and or functions. Based on this the DRC should be limited to appeals under the wetland conservation act, watershed district permits, rules, orders, and projects, and local water planning disputes involving

local units of government. All other request for hearings should be heard by the full Board or by a committee of the Board appointed by the Chair.

- Maximum use of informal dispute resolution should be used, and incorporated in Board rules applying to this matter. In order provide timely and expert assistance in this area one staff specialist should be hired to provide this assistance to other staff, the DRC, and appointed committees of the Board.
- Contract for the development of an administrative procedures manual to assist staff and board members in handling appeals and request for hearings. This recognizes that much of the appeal and hearing process is boiler plate and that the workload can be cyclic.

Staffing: Would require one additional staff specialist to assist the DRC and BWSR staff on their functions in appeals and hearings. This position would be the lead for BWSR participation in informal dispute resolution. This position would also be the Boards primary liaison with the Attorney Generals Office on legal matters surrounding appeals and hearings.

Legislative Action: None, however as BWSR develops and amends its rules related to the various appeal and hearing processes, great care needs to be taken to wisely limit the use of these processes to avoid frivolous use.

EXECUTIVE SUMMARY

BWSR PROGRAM ASSESSMENT--SUPPORT SERVICES TO SOIL AND WATER CONSERVATION DISTRICTS AND WATERSHED DISTRICTS

INTRODUCTION AND PURPOSE

Statutes require BWSR to provide many direct services to SWCDs and WDs. In addition, BWSR has provided certain discretionary services to assist its clientele. Taken together these services work toward accomplishing the BWSR mission as stated in its strategic plan of "enable(ing) local governments to properly manage water and soil resources". A BWSR "distinctive" is that the agency actively seeks to assist local governments to accomplish their resource management objectives with an active customer service approach.

SERVICES PROVIDED TO SOIL AND WATER CONSERVATION DISTRICTS

Background: SWCDs fill a unique niche in resource management in Minnesota. They are the key vehicle by which government can reach out to all land occupiers who need assistance to properly manage their resources. BWSR provides two services to SWCDs: timely assistance through its staff and funding (grants). Funding is provided because SWCDs do not have taxing authority. Currently BWSR provides 37% of SWCD revenues. BWSR provides staff and administrative and technical assistance for SWCDs to implement BWSR programs as well as purely local initiatives. BWSR helps connect individual SWCDs into a statewide delivery mechanism which works with many different agencies and organizations which need to reach out to individual landowners. Primary assistance is offered to SWCDs via 15 Board Conservationists located in BWSR field offices and various program staff located in BWSR St. Paul office.

M.S. 103C Responsibilities assigned to BWSR

- Assist district boards to implement their programs
- Keep districts informed
- coordinate district activities with other agencies
- Approve plans or programs which involve use of state funds
- Secure cooperation from other agencies in the work of districts
- Ensure compliance with grant requirements by advice, consultation and approval
- Provide operating funds to districts as provided by the legislature
- Audit SWCD books.

Discretionary services provided to SWCDs

- Respond to any requests for assistance
- Advocate for strong, capable districts
- Work closely with MASWCD on legislative and SWCD capacity building
- Providing evaluations of SWCD programs
- Conducting Supervisor and employee training in leadership, management, administration and technical subjects
- Accessing the executive branch of state government on SWCDs behalf including the governor's office, attorney general and other agencies
- Actively working to resolve disputes
- Representing district perspectives to other agencies
- Daily contact with BWSR field staff
- Bookkeeping assistance
- Technical and engineering support services to implement their programs
- Provide a statewide forum to advance the cause of soil and water conservation.

Examples of state policy implemented through SWCDs

1. Cost sharing for erosion control and water management (MS103C.501)
2. Activities to implement comprehensive local water plans(103B.3369)
3. Soil loss ordinances (103F.401-460)
4. Reinvest In Minnesota Program (103F.501-531)
5. Permanent Wetlands Preserves (103F.516)
6. Wetland Preservation Areas (103F.612)
7. Wetland Conservation Act(103G.221-103G.2373)
8. Well Sealing Cost Share Program (103I.331)
9. Sensitive groundwater area plan approvals (103H.111)
10. Statewide rainfall and groundwater observation networks
11. Preparation of metropolitan groundwater management plans (103B.255)
12. Administration of State Revolving Fund low interest loan funds for nonpoint source pollution control.

History (see separate summary)

WEAKNESSES:

1. BWSR staff time has shifted away from providing direct service to SWCDs for local priorities. Instead, more BWSR staff time is spent on BWSR program implementation. This shift implies a mover from a service orientation to one in which SWCDs are seen primarily as a vehicle to implement an increasing array of state programs. Local initiative and flexibility are diminished.
2. No one person on BWSR's staff is assigned to be the SWCD "answer person" to support field staff by doing research and follow up. Timeliness and accuracy of response to districts suffers as a result.
3. SWCD Operational handbook is out of date.
4. SWCD support needs in the areas of technical and engineering support, leadership skills and training are growing faster than BWSR can support them.

STRENGTHS

1. Board Conservation work areas are small enough (3 to 8 counties) so there is regular contact and good, trustful working relationships exist between BWSR and SWCDs.
2. Response time to SWCD requests for information and assistance are still relatively fast.
3. BWSR program staff can gain rapid feedback from all SWCDs via field staff network. This helps BWSR to be responsive.
4. BWSR still operates as a decentralized agency which empowers field staff to set many priorities to match the needs of SWCDs. This is slipping away each year however.

SERVICES PROVIDED TO WATERSHED DISTRICTS

Background:

Watershed districts also fill a unique niche in resource management. Because water is difficult to manage on the basis of political boundaries, watershed districts are authorized to be formed to allow for more practical management on a hydrologic basis. BWSR creates watershed districts by responding to petitions of local origin. There are currently 43 watershed districts which cover about 25% of the state. Statutes assign only limited responsibilities to BWSR regarding watershed districts. Watershed districts have limited taxing authority and do not rely on BWSR for funding. Watershed districts typically retain consultant engineers and legal counsel in lieu of staff although more districts are hiring their own staff in recent years. The reliance of WDs on consultants sometimes limits their requests from BWSR for services since there is not a good understanding of where BWSR can assist watershed districts.

M.S. 103D Responsibilities assigned to BWSR

- Conduct hearings to establish districts, define boundaries and appoint the first managers
- Hear and decide on petitions for boundary changes, withdrawal of territory, enlargement of districts, consolidation of districts, terminations of districts, and increasing numbers of managers.
- maintain files and records on WDs
- establish audit schedule for WDs
- approve watershed management plans
- hear appeals of WD orders
- hear appeals of rules, permit decisions and orders not involving projects
- prepare advisory report on all WD projects

Non statutory (discretionary) assistance to WDs

1. Publish and maintain WD Managers Handbook
2. Notify WDs of upcoming manager appointments
3. Provide information and respond to requests for assistance such as providing legal interpretations via the attorney general, researching and advising on proper administrative procedures, provide information on forming watershed districts, etc.

STRENGTHS:

1. Statutory responsibilities continue to be met.

WEAKNESSES:

1. Overall staff assistance provided to watershed districts has diminished from 3 FTEs in 1987 to approximately 1.5 FTEs in 1994.
2. Services provided to WDs are reactive not proactive. Refinements to WD statute and assistance to help WDs manage their growing programs are dragging.
3. BWSR has no statutory authority to carry out watershed district oversight functions which the public and legislature perceive they have.

PROGRAM ALTERNATIVES (SERVICES TO SWCDs AND WDs)

Context:

1. There is a growing expectation that BWSR can be "all things to all LGUs". In reality BWSR is only

staffed and funded to provide services to SWCDs, WDs and Counties for items related to local water plans. BWSR is not staffed to provide assistance to cities, townships or other local governments. There is also a measurable shift in BWSR field staff time away from service to local governments to fulfill their priorities toward more time being spent to administer BWSR programs through local governments.

2. BWSR field staff time is increasingly shifting away from service to local governments for **THEIR** priorities and towards BWSR program administration for state programs which SWCDs in particular implement. In 1986 60% of field staff time was spent on SWCD services and 25% on BWSR programs and administration. In 1994 those figures have flip-flopped with approximately 66% of field staff time spent on BWSR programs and administration and 25% assisting all local governments with THEIR priorities.

3. Changing expectations of BWSR by clientele and the public and shifts in use of BWSR staff time have happened incrementally in reaction to an eight year window of constantly taking on new program responsibilities which in reality are underfunded mandates (RIM, CLWP, METRO WP, Groundwater Act, WCA, SRF). BWSR has not "padded" staffing requests to Finance and the legislature and has generally received about 60% of their requested staff. 1994 represents a good time to either ratify the gradual shift of staff resources or realign staff time in the context of the agency strategic plan.

4. Providing a BWSR program mandate to local government gives them tools to carry out resource management activities but this alone does not constitute "service". For example, no SWCD will say no to taking on RIM, Cost Sharing, CLWP, SRF etc., even though they are discretionary. Real or perceived, these programs become mandates. Pushing these mandates on SWCDs in particular tends to override their mission which is to tailor a conservation program which meets the particular needs of their district.

1. Status quo--maintain current levels of service. Probably not possible. Appeals under the Wetland Conservation Act and BWSR technical support responsibilities under the new State Revolving Fund for nonpoint pollution control outstrip staffing provided by the legislature. BWSR already has the mandate to implement these responsibilities. Reallocation of BWSR staff time away from serving local priorities is the only tool available within existing budget and staffing resources.

2. Retrench by avoiding non-statutory or non-mandated services and inform SWCDs and WDs of this. Ask local governments to find other sources for non BWSR program related training, question answering, consultation, troubleshooting, and personnel management assistance. Staff participation at many meetings and functions could be curtailed.

3. Provide more funding through grants so that SWCDs and WDs can staff up or otherwise meet their local program needs without relying on BWSR. Models which exist have been the Pilot SWCD manager program and funding assistance to joint powers efforts such as BERBI.

4. Comprehensively address staffing needs related to providing services to SWCDs and WDs.

***Keep Board Conservationist work areas similar in size to what they are now.** The present work areas allow a close personal working relationship to exist with the exception of the Metro Region where there are so many local governments. Maintaining this working relationship is a BWSR "distinctive". If not maintained, a large reason for BWSR's existence as a separate agency would be lost. In order to maintain close BC contact with clientele, the following specialist staff are needed to avoid encroaching on BC time:

***Training Coordinator.** To organize and oversee BWSR's comprehensive training programs for SWCDs and WDs. This job has become too large for the chair of the T Team.

***Handbook/guidance materials Coordinator.** BWSR does a good job developing handbooks and a lousy job maintaining them. This person would work with all staff to keep materials up to date, including: SWCD Operational Handbook, RIM Handbook, WCA Handbook, various rules, BWSR administrative manual, SWCD Accounting Manual, BWSR technical materials....

***Communications officers in field offices** to keep all Igus, the public, other agencies and the legislature better informed on progress and success stories.

***Designate a SWCD answer person** to track down answers and do research beyond field staff's capacity.

***Designate a full time WD answer person** who could focus on customer service to them.

***Auditor is needed to implement a comprehensive audit process** for all BWSR grant programs including progress reporting which meets the agency's budgeting and management needs. Data base management could also be included. While existing staff appears to have the expertise to do this, time is not available.

***Complete teams of engineers and technicians** are needed to provide the most efficient and effective engineering assistance to SWCDs. Each design engineer needs at least one technician to assist with para-professional roles such as surveying and drafting to be the most productive and efficient. General funds are needed to permit the flexibility for technicians to work with various programs and projects that include inadequate or no technical and administrative funding to the BWSR. The current need for technicians is in the Lakeshore Engineering and Cost-Share program support areas.

5. **Provide more financial and staffing support for Joint Powers Agreements** which create cooperative approaches for watershed based resource management.

6. **Develop agreements with educational institutions to provide trained staff persons** for local government and BWSR to hire, establish certification programs for professional competency, and accelerate training for upward mobility.

7. **Leadership development.** Fund an aggressive campaign to inform potential candidates of leadership opportunities on SWCD and WD boards. Second, provide leadership training opportunities to those persons who aspire to excellence in their capacities as board or staff leaders.

Next: Upon selection of strategy, specific law changes, rule and guideline changes, staffing needs and budget will be identified.

PROGRAM HISTORY **MINNESOTA BOARD OF WATER AND SOIL RESOURCES** **SUPPORT SERVICES PROVIDED TO** **SOIL AND WATER CONSERVATION DISTRICTS** **WATERSHED DISTRICTS**

- 1937-87 ●Primary focus of the Soil and Water Conservation Board (SWCB) is creating and providing support to Soil and Water Conservation Districts (SWCD)

- 1955-87 ●Primary focus of the Water Resources Board (WRB) is creating Watershed Districts (WD), hearing appeals, reviewing proposed projects, and providing support to WDs. WRB staff consists of an executive secretary and a secretary

- 1971-87 ●Primary focus of the Southern Minnesota Rivers Basin Board (SMRBB) (later it became a commission) was to coordinate water resource planning in the basin

- 1963 ●First "general service grants" for SWCDs appropriated by legislature (\$199,300). Funds are disbursed on a reimbursement basis by SWCB

- 1972 ●SWCB staff consists of three persons: executive director, secretary, one statewide field staff

- 1973 ●One additional statewide field staff added to meet growing needs of SWCDs

- 1975 ●SWCB begins disbursing grants directly to SWCDs rather than reimbursing expenses

- 1976 ●Legislature approves significant new funding for SWCB which is currently a somewhat autonomous attachment to DNR. New staff include:
 - 4 field staff positions (board representatives) bringing the total to 6 which allowed the establishment of one person regional offices in the six DNR regional headquarters,
 - One central office position which eventually becomes assistant director to supervise field staff and assist in overall program administration,
 - One secretary in central office.

- 1977 ●State cost share program funded at \$1,500,000 per year funds granted to SWCDs. One position added as program administrator (see Cost Share assessment)
 - Board representative hired to write Board program plan required by statute

- General service grants increased to \$425,000 annually statewide
- SMRBB issued Minnesota River Basin report recommending the federal 639 study
- 1978 ●Engineer hired to assist Study Area II flood control project in SW MN
- 1976-80 ●SWCD handbooks established and training sessions conducted:
 - SWCD Supervisor Handbook
 - SWCD Operational Handbook
 - SWCD Technical Handbook (short-lived)
- 1981 ●One additional field staff position funded to give the SWCB seven field staff; regions realigned to correspond to MASWCD areas
- 1982 ●SWCB transferred by Governor's Executive order to the Minnesota Department of Agriculture as an operating division under the commissioner. Secretarial support services to field staff and other support such as office space formerly provided by DNR was lost. SWCB field staff reestablished in separate offices.

 ●Legislature assigns the WRB to be the lead approval agency for the new Metropolitan Surface Water Management Act. No new staff or funds were provided.
- 1984 ●Soil loss limits specialist added to administer provisions of recently passed model legislation

 ●Information officer position funded for the first time
- 1985 ●SWCB initiates a major project under the Governor's "Strive Toward Excellence in Performance" program to improve the administration of state and local conservation programs. The goals of the STEP project were to achieve:
 - Better informed SWCD supervisors and employees
 - Stronger local conservation programs
 - More responsive state assistance to SWCDs.

Some results of the project were: most SWCDs appointed staff managers to achieve day-to-day direction of programs, orientation and ongoing training in leadership, personnel management, management and related skills was formalized and offered on a regular basis, SWCD programs were formally evaluated by SWCB staff with recommendations for improvements and feedback for improvements to SWCB services. The STEP project helped SWCDs to strengthen their local programs enough to take on several major new responsibilities in the coming years.

●Legislature assigns WRB to be the lead agency for statewide Comprehensive Local Water Planning. No new staff or budget is provided.

1986

●Training offered to SWCDs by the SWCB includes:

- New SWCD Supervisor Orientation
- New SWCD employee orientation
- SWCD Chairman/Manager workshop
- SWCD Supervisor Leadership workshops (7)

●\$10 million RIM Reserve program passes legislature with responsibility to implement locally assigned to SWCDs. One program coordinator added to SWCB staff. \$600,000 granted to SWCDs to offset costs of implementation.

1987

●Merger legislation passes which combines the SWCB, WRB and SMRBC into the newly created BWSR. No new staff or budget is allocated by legislature as part of the merger. Comprehensive local water planning is a new responsibility of the BWSR although staff was never funded to support this effort. LCMR funds grants to counties as an incentive to begin local water plans (covered in local water planning assessment).

●At the time of the merger the SWCB had 16 staff, 15 of whom worked exclusively with SWCDs. The WRB had 3 staff who worked exclusively with WDs. No staff came with the responsibilities of the SMRBC.

●\$9 million RIM allocation passes legislature with \$750,000 general fund base grants to SWCDs to implement and \$150,000 to BWSR to fund three RIM staff: wetland restoration engineer, real estate specialist, and a secretary.

1988

●BWSR pursues supplemental budget request to address financial issues ignored during the merger. Request is for five positions. Three positions authorized primarily to deal with comprehensive local water planning. Additional allocation allows BWSR to purchase computer network and erase deficits related to expanded responsibilities.

1989

●SWCD General Services grants increased to \$989,000.

●Two field staff specialists added to assist soil and water conservation districts in areas of high priority need. An accounting specialist was added to provide day-to-day support and training to SWCDs on the statewide accounting system and a forester was added to assist SWCDs to develop their private forest management programs in response to increasing needs for forest products. Both positions were funded by a shift from the general services grant account with the agreement of MASWCD.

- Two Regional Supervisor positions created out of existing staff to shift day-to-day supervision of field staff to the field. Responsiveness and improved customer service are the goals.

1991-92

- Wetland Conservation Act passes which results in additional field staff for BWSR. Staffing plan is revised to reclassify three existing field hydrologists devoted to local water planning and seven board representatives into Board Conservationist positions. Upon full implementation of the staffing plan, 15 board conservationists cover the state with work areas varying in size from 3 to 8 counties. The board conservationists deal with all BWSR programs and services and all local government clientele within their work area. The intent is to accomplish "one stop shopping" for BWSR clientele.

- BWSR Metro Regional Office established with Metro regional supervisor and two board conservationists from existing staff complement.

- Metro Regional Supervisor position created through reallocation of existing central office staff and Metro Regional office established to provide better customized service to seven county metro area local governments and focus on the Metro Water planning acts.

- SWCD Supervisor Handbook undergoes major revision and update.

1993

- Legislature appropriates general funds for BWSR to hire Lakeshore Engineer as a permanent position.

1994

- Legislature allocates \$865,000 to SWCDs to provide technical staff assistance to landowners for additional conservation practices installed under new State Revolving Fund loan program for nonpoint source pollution reduction. BWSR receives \$140,000 for technical staff support for SWCD technicians.

CONSERVATION PARTNERSHIP TECHNICAL ADVISORY COMMITTEE

CONCEPT RECOMMENDATION FOR TECHNICAL STAFFING

BACKGROUND

The 1994 legislature appropriated \$865,000 to the BWSR for FY 95 as pass through funding to SWCDs for technical staffing. The purpose of this staffing is to implement nonpoint source BMPs, including practices funded by the State Revolving Loan Fund (SRF). The legislature also appropriated \$140,000 for BWSR staffing to administer and support the SWCD funding. These appropriations reflect an expected start up lag period in FY 95. The associated annualized base numbers discussed by the legislature were \$1.1M - \$1.25M and \$180,000 - \$250,000 for SWCD pass through and BWSR funding, respectively. This state funding for technical assistance responds to the growing need for local and state governments to create a new backbone of technical assistance for nonpoint source BMP implementation.

In order to cooperatively identify the most effective way to utilize these staffing funds and to address other technical assistance cooperation needs, the Conservation Partnership Technical Advisory Committee was formed. The membership of the committee includes representatives of the MASWCD, MACDE, SCS and BWSR. The first charge of the committee was to make recommendations to the BWSR for allocation of the funding to SWCDs for technical staffing and for BWSR staffing to administer and support this funding, as well as recommendations to the SCS for staffing and services to compliment local and state technical assistance.

RECOMMENDATION

The Technical Advisory Committee began meeting in July to address its first charge. After identifying the attributes of an effective technical assistance delivery system and the current impediments, a list of critical needs and considerations was developed (Attachment 1). Several alternative concepts for implementing the state funding for technical staffing and for increasing SCS technical assistance were then identified and discussed. Definitions of the alternative staffing concepts considered, and the pros and cons identified for each, are presented as Attachments 2 - 6.

The recommended concept (Alternative E, or Attachment 6) is a hybrid of the other alternatives. This plan for providing a new backbone of technical assistance would involve the following:

- Establishment of 10 - 11 clusters of SWCDs covering the entire state. Cluster boundaries would follow SWCD boundaries that generally approximate major river basin or watershed boundaries, with consideration of regional differences in the types of technical expertise needed. Large river basin areas would be subdivided into smaller cluster areas.
- This concept envisions the creation of joint powers to administer funding for engineers and technicians at the local level, in conjunction with a host staffing district within each cluster. Memorandums of agreement might be utilized as an interim means to establish clusters that could begin the hiring process.
- Different levels of technical staffing and focusses of expertise could be provided in different clusters, based on existing and expected workloads.
- The BWSR would support this staffing structure through training, technical consulting and oversight,

as well as overall funding administration.

- The SCS would support this staffing structure through technical guides and standards, additional technical assistance and the sharing of expertise and equipment to the extent possible.

The Technical Advisory Committee recommends that the MASWCD prepare a formal request to the SCS to restructure its staffing to provide as much technical assistance as possible to the SWCDs and, thereby, compliment the SWCD/state technical structure. The committee recognizes that restructuring of staffing could take significant time to implement. The committee also recognizes that SCS technical guides and standards will be a foundation for much of the BMP design for the foreseeable future and, therefore, recommends to the SCS that it continue to maintain this important technical resource, in cooperation with the other conservation partners.

ESTIMATED IMPLEMENTATION SCHEDULE

Sep./Oct. 1994

- MASWCD takes the lead to identify SWCD cluster boundaries, in cooperation with the Technical Advisory Committee (TAC).
- MASWCD identifies a host district within each cluster and makes recommendation to the BWSR at October board meeting. If a host district cannot be identified by the October board meeting, BWSR staff recommend options for board action.
- BWSR staff develop job descriptions for BWSR engineers and, in cooperation with MACDE staff on the TAC, draft job descriptions for cluster engineers and technicians.
- MASWCD assembles example joint powers agreements and associated information to assist clusters to organize.

Nov. 1994

- Job descriptions are finalized and general procedures for hiring of cluster engineers and technicians are developed by work group of TAC.
- Joint powers agreements (and/or MOAs?) are being drafted for/by clusters.
- Equipment needs and procurement methods are identified by work group of TAC.
- Model agreements between BWSR and joint powers or host districts are developed.

Dec. 1994

- Joint powers agreements and agreements with BWSR begin to be finalized.
- Hiring process for cluster and BWSR technical staff begins.
- Equipment procurement is started.

Jan. 1995

- The majority of agreements within clusters and with the BWSR are finalized.
- BWSR and cluster staff hiring process continues.

Feb. 1995

- Any problem clusters or agreements are worked out and cluster staff hiring is completed.

CRITICAL TECHNICAL STAFFING NEEDS AND CONSIDERATIONS

Attachment 1

- Engineering sign-off (Registered Engineers).
- Regional differences in technical expertise needed.
- Training; start-up and long term.
- Increased technical staffing (technicians and engineers).
- Maximizing use of technical equipment.
- Provide technical assistance wherever needed (flexible statewide coverage).
- Role of consulting engineers - need to define (e.g. for feedlots define common guidelines for what projects should go to consultants)
- Clear definition of roles and responsibilities.
- Stability of funding for technical assistance.
- Staffing location stability.
- Keep this state funding separate from district capacity building initiative which has 50/50 state/local funding proposed.

CLUSTERS OF TECHNICIANS
ALTERNATIVE A
Attachment 2

STAFFING

BWSR: 3 engineers - North, South, Metro and 1 training coordinator
SWCDs: Clusters of districts within existing areas hire technicians only
SCS: Provide more engineers (1 per each existing area = 7)

PROS

- Flexible/focused placement of technicians.
- Refocus SCS to providing more technical assistance.
- BWSR engineers focus on non-SCS practices.
- Rewards local initiative.
- Could better tie technical assistance to BMP implementation dollars.

CONS

- No assurance of statewide coverage of additional technicians.
- Does not address closeness to work for engineers.
- Not enough support to western MN.
- SCS may not be able to provide additional engineers.
- Separates Metro as equal in need.
- Does not adequately address non-SCS engineering needs (efficiency/effectiveness/location), or volume of SCS-type practices.
- Does not address statewide uniformity of engineering sign-off/assistance.
- Districts need engineers also.
- Could jeopardize district capacity building initiative and/or continuation of 100% state funding for engineering/technician assistance to implement nonpoint BMPs.

EXISTING AREA BASIS

Alternative B

Attachment 3

SCS areas = MASWCD areas

STAFFING

SWCDs: 7 joint powers hire 1 engineer/area and 1 or more technicians (heavy workload districts also get funding for technicians?)
SCS: add 7 engineers (1/area)
BWSR: 3 engineers (N. S. Metro) and 1 training coordinator

PROS

- Mutual effective/best use of existing equipment and facilities.
- Statewide coverage - some assistance to all areas.
- Area basis for partnering (admin., communication, etc.)
- Wider/easier acceptance expected.
- Base level capability to meet workload wherever occurs.
- Stability of locations for staff.
- Training similarities.
- Better distribution of human resources statewide.

CONS

- Travel time to far districts.
- SCS may not be able to provide additional engineers.
- Diversity of needs within SCS areas (doesn't group technical staff based on expertise needs).
- Could add another layer of administration.
- Could reduce potential dollars to go to individual districts.
- Could aggravate competition between districts/regions.
- If some technician positions put directly in heavy workload districts, could jeopardize district capacity building initiative.

COMPETITIVE CLUSTER BASIS

Alternative C

Attachment 4

STAFFING

SWCDs: Competitive cluster proposals to hire engineers and technicians.
BWSR: 2 to 3 engineers (N. S. Metro?), 1 training coordinator.
SCS: 7 additional engineers (1/area)

PROS

- Addresses different regional technical needs.
- Focus on critical local problems (better ability to).
- Would reduce travel distances.
- Easier to match technical experts to locational needs.
- Could focus technical assistance to more efficient use of technicians?

CONS

- MACDE supports statewide coverage. (via existing area basis?)
- SCS may not be able to provide additional engineers.
- 3 entities hiring engineers - consistency problems?
- Overlapping coverage?
- Less flexible to meet different BMP funding sources and workload.
- Some counties/districts not active and, therefore, left out.
- Less stable technical assistance structure, because competitive proposals on annual or biannual basis.
- All loan or other BMP applicants may not be able to get technical assistance (i.e. statewide coverage of technical assistance not assured).
- If JP's hire engineers, can hire less total staff for fixed dollars, but more engineering assistance needed.

ENHANCE EXISTING STRUCTURE

Alternative D

Attachment 5

STAFFING

SCS: Rehire staff lost (engineers and technicians).
SWCDs: Provide more clerical support and engineers/technicians after SRF funding allocated to applicants.
BWSR: Hire some engineers to do work SCS can't.

PROS

- Keeps traditional roles.
- Could focus technical assistance to match workload.
- Better use of DC capacity (if clerical support added by SWCDs frees DC time for technical assistance).

CONS

- Would not hire staff until some time after need is defined.
- May not address state/local priorities or critical needs well.
- Not expansive in thinking.
- Would be somewhat dependent on uncertain future of SCS.
- Needs new MOU between districts and SCS.
- May not get enough technical assistance from DC's at critical times.
- Potentially unstable for staffing, if SWCDs apply for staffing funds on annual or biannual basis.
- Legislature may view clerical assistance as non-technical.
- Long time in training and capacity development.
- Timing and use of state funding could jeopardize future state funding for technical assistance, including both the SRF/nonpoint BMP implementation funding and the district capacity building initiative.

WATERSHED BASED CLUSTERS

Alternative E

Attachment 6

Description: This alternative would provide statewide coverage of technical support (engineers and technicians) for nonpoint BMP implementation primarily on a watershed basis. Cluster areas would be smaller than the existing SCS/MASWCD areas, but would utilize existing SWCD boundaries to approximate major watershed/river basin boundaries (land use, BMP needs and technical expertise needs would also be considered). Approximately 10 -11 clusters of SWCDs are envisioned, along with joint powers groups of SWCDs and a host district in each cluster for new engineers and technicians. Part of the initial appropriation would be used to equip these technical staff. The SCS and BWSR would provide supplemental technical assistance, including training, technical expert assistance, design standards development and maintenance support, and oversight, as appropriate.

STAFFING

SWCDs: 1 engineer and 1 (or more?) lead technician within 10 - 11 watershed/river basin clusters

BWSR: 3 engineers (N. S. Metro), 1 training coordinator/specialist (and support person?)

SCS: More engineers and/or technicians in critical offices?

PROS

- Would keep this 100% state funding for technical support separate from proposed 50/50 district capacity building funding and, thereby, help minimize potential for losing momentum of these initiatives and combining them.
- Provides statewide coverage of technical support.
- Provides a backbone of technical support that is not dependent on SCS's uncertain future.
- Provides technical support for BMP funding from any source.
- Watershed based approaches are supported by BWSR and other agencies/organizations (including legislature?)
- Would reduce size of geographical areas for which separate technical staff are provided (i.e. reduce work area size, travel distances and response time, as compared to existing areas).
- Would address need to provide different types of technical expertise in different areas of the state.
- Provides for statewide consistency of technical standards (which are envisioned to utilize SCS standards as the base, to the extent possible, and a partnership approach to development and maintenance of design standards).
- Reflects limited funding available to BWSR to hire staff.
- Stable framework for providing technical assistance.
- Provides for stability of employment and location for staff hired.

CONS

- Requires area/cluster basis different from existing SCS/MASWCD areas.
- Creates another administrative layer.
-

Blueprint of BWSR Biennial Budget Request:

Staff Recommendations from Program Assessments

Topic	Funding Request (\$/yr, thousands)	Additional Staff Capacity (full-time equivalent)	Agency Priority	Comments
Metropolitan Region			A-1	
* Local Water Mgt.	50	1.0; regional		* change to voluntary program
* Wetland Conserv. Act	50	1.0; regional		* address disproportionate workload
Agency Administration			A-2	
* Information mgt.	150	3.0; 1=central, 2=regional		* database management
* Office Services	200	4.0; 1=central, 3=regional		* existing clerical staff to FTE
* Fiscal mgt.	50	1.0; central		* internal auditor
* Dispute resolution	75	1.5; central		* address increasing activity
Service to Local Governments			A-3	
* Education/training	150	3.0; 1=central, 2=regional		* add southern & metro regions
* Certification	50	1.0; central		* certify technical LGU staff
* Land Use Specialist	50	1.0; central		* model ordinance development
* Base capability	1,000	0.0		* 50-50 funding of new SWCD staff
Soil Conservation			A-4	
* Cost-share adjustment (inflation recovery)	1,000	0.0		* No acceleration
* Ordinance adoption/revision (grants to LGUs & staff asst.)	1,000	4.0; 1=central, 3=regional		* 2nd year of biennium * expiring CRP lands

(1) Agency Priority: "A" represents critical agency need; # represents internal staff priority.

(2) Funding/staffing recommendations are interrelated; any change may necessitate other revisions.



September 19, 1994

TO : Board Members
FROM : *Wayne* Wayne Zellmer, Grants Coordinator
RE : FY 95 Challenge Grant Allocations

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

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

1200 S. Broadway
Room 135
Rochester, MN 55904
(507) 285-7458
Fax (507) 280-2875

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

Metro Region:

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 282-5116
Fax (612) 297-5615

The BWSR received 61 applications for Challenge Grant funds, requesting \$2,105,251 of an available \$892,607.

The BWSR Grants Team has reviewed and scored all applications. Appropriate agencies/associations were invited to review applications as well. Application reviews were received from MDA, MDH, AMC, and Met Council.

The Grants Team convened on September 15, 1994 to select applications for a funding recommendation. All Application scores were reviewed according to established "Evaluation Profile" criteria (enclosed) and the following priorities developed by the G-Team:

High funding priority would be given to:

- * New/innovative projects
- * Application/implementation projects

Medium funding priority would be given to:

- * Inventory/assessment projects
- * Education projects

Low funding priority would be given to:

- * Projects potentially funded elsewhere (example - well sealing and septic system upgrades can be funded via SRF)

The accompanying spreadsheet provides a brief synopsis, score (10-min., 40-max.), amount requested, and funding recommendation, for each application.

If approved, allocations will be made in October, 1994.

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FY 95 CHALLENGE GRANTS

Applicant	Score	Amt. Requested	Recommended
Anoka—Six Cities WMO To further implementation of the WD plan. Some of the areas targeted are: groundwater, recreation, and wildlife habitat.	23	\$100,000.00	no
Anoka—Lower Rum River WMO To enhance water quality of the Mississippi River by reducing nutrient and sediment loads originating in streams within the WMO.	27	\$5,200.00	yes
Beltrami #1 Construction of a Lake Bemidji Watershed Model to educate citizens and encourage water quality protection.	28	\$4,500.00	yes
Beltrami #2 Develop a County Wetland Management Plan and provide documentation of the process so that other counties learn from and follow it.	28	\$28,000.00	no
Beltrami #3 A study based on the use of wood ash in crop production as opposed to lime. Also, placement of wood ash using GIS.	22	\$16,000.00	yes
Big Stone—(MRHJPB) A five county grant which would be used for environmental education activities like, an education specialist, PSAs and feedlot info.	31	\$26,750.00	yes
Blue Earth Acceleration of the CLWP by digitizing the soil surveys, obtaining '89 Landuse maps, and acquiring aerial photographs.	34	\$147,920.00	no
Clearwater An assessment of the quantity and quality of urban runoff in order to implement mitigative strategies.	36	\$48,000.00	yes
Cook An attempt to develop a better database of water resource information coupled with a public outreach for citizen stewardship.	24	\$2,000.00	yes
Cook Providing informational workshops, literature, and other media to handlers of hazardous wastes.	25	\$13,500.00	yes
Crow Wing A five county voluntary program for protection of water quality. The goal is to develop BMP's for sedimentation due to feedlots.	34	\$50,000.00	yes
Dakota An educational grant to be used for a "field trip fund", a semi portable wetland platform, video tapes, and interactive displays.	34	\$30,000.00	yes

DRAFT

Applicant	Score	Amnt. Requested	Recommended
Douglas	31	\$27,647.00	yes
A comparative study of two lakes which will educate the public, improve or maintain the quality of the lakes, and be applied to others.			
Fairbault #1	31	\$6,700.00	yes
A proposal designed to improve manure management throughout the Blue Earth River, using education and public service ads.			
Fairbault #2	21	\$200,000.00	no
A grant designed for sealing of high priority abandoned wells. It is a \$300 or 50% cost share of already prioritized wells.			
Fairbault	26	\$207,500.00	no
An offer to landowners to upgrade their septic systems so they meet set guidelines. Priority is given to those in watersheds.			
Fillmore	23	\$17,654.00	no
A request to fund an additional four hours of staff time per week dedicated to investigating options for purchasing a GIS system. Also, some data entry of septic systems, feedlots, and storage tank locations.			
Houston	17	\$90,000.00	no
A grant designed to inform citizens and encourage them to upgrade septic systems. It includes a \$1500/50% cost share program.			
Houston	24	\$15,500.00	no
A request for partial funding of a Forestry Technician position. It will include work with WCA projects, forestry, public education, and other related programs.			
Houston	24	\$6,802.00	no
A request to fund an Inventory Technician position. Duties of this individual are to include: well numbering/tagging, digitizing information to GIS, and analyzing the data collected.			
Houston	22	\$15,000.00	no
A project that specifically targets the sealing of wells 175 feet or deeper. It is a cost share program where 50% up to \$1500 of the cost is covered by the county.			
Hubbard	29	\$2,375.00	yes
The purpose of this project is increased water quality protection through proper shoreline design. This is to be performed by educating the public on sound management practices.			

Applicant	Score	Amnt. Requested	Recommended
Itasca	34	\$29,132.00	yes
An inventory of land uses and water nutrients on several lakes to develop management plans for lakes and rivers. It will also serve as a model for lakes and rivers in the county.			
Jackson	34	\$45,000.00	yes
A four county application for a Watershed Ecologist to coordinate the resotration of Heron Lake and advise the Middle Des Moines Watershed District in relation to the project.			
Jackson	20	\$21,000.00	yes
A request for funding to obtain an unsteady flow model. This will allow Jackson County to evaluate the effects of future projects, identify long term strategies, and develop projects to improve water quality on Heron Lake.			
Kittson	33	\$8,000.00	yes
A grant is requested to provide an area where students and adults in Kittson County can go to learn about environmental issues, like water quality, soil erosion, and ecosystems.			
Lake	33	\$25,600.00	yes
Lake County in conjunction with The Minn. Arrowhead Water Quality Team would like to produce a series of four videos. A grant is requested to fund the first two of those four. The videos contain information on BMP's for shoreland and water conservation.			
Lake of the Woods	21	\$2,500.00	yes
A grant is requested for the sampling, data analysis, and preparation of reports and recommendations for several streams and Zippel Bay in Lake of the Woods County.			
Le Sueur	31	\$6,774.26	yes
Le Sueur County has identified three feedlots which create 50% of the nutrients in the Jefferson-German Watershed. They are requesting funds for the establishment of manure management programs, vegetative buffers, and restoration of wetlands in the areas affected by these feedlots.			
Lincoln	30	\$10,000.00	no
The Lincoln Challenge Grant request contains three components: digitizing the soil survey, converting the survey to EPPL7 and having 1989 land use maps created. Lincoln County feels that these additions will enhance their planning capabilities.			

Applicant	Score	Amnt. Requested	Recommended
Lyon The purpose of this project is to provide household hazardous waste collection. By providing proper disposal methods, water quality should be improved.	30	\$92,100.00	no
Lyon The objective of this project is to construct seven flood control structures. One-half of these structures are to be funded through the challenge grant.	20	\$100,000.00	yes partial funding \$79,450.00 <i>71,268.00</i>
Marshall Marshall County is applying for a grant for the sealing of high priority abandoned wells. By sealing these wells, groundwater quality should be preserved.	25	\$10,000.00	no
Marshall Marshall County is requesting funds to assist them in their effort to remove trees killed by Dutch Elm disease from their rivers. This should stop log jams which cause flooding in the county.	22	\$20,000.00	no
Martin Funding is requested for the purchase of two educational models. One is of an On Site Sewage Treatment System and the other is the Non Point Source Pollution Model.	21	\$5,500.00	yes
Mille Lacs To preserve groundwater quality, Mille Lacs County has submitted a grant application for a high priority well sealing cost share program.	21	\$10,850.00	no
Mille Lacs The goal of this project is to establish baseline data on surface water quality in Mille Lacs County and promote education in the field of BMP's for water quality.	30/27	\$12,300.00	yes
The International Coalition TIC is requesting a grant to continue their coordination of the NW MN CLWP Joint Powers Board. The board provides a unified voice for the northwest region of the state.	21	\$23,680.00	no
Olmsted Olmsted County is requesting a grant to assist in education of homeowners regarding septic systems. Included in this program is developing fact sheets and community education programs.	31	\$10,000.00	no

Applicant	Score	Amt. Requested	Recommended
Ottertail	32	\$55,400.00	yes
This application is for the evaluation of sediment entering Big and Little Pine Lakes from rivers, land use and feedlots. When these are determined, BMP's will be implemented in problem areas.			
Pennington	26	\$15,000.00	no
This request concerns a severe erosion site in the county. The affects of this erosion is effecting the water quality of five other counties. Improvements include riprap, slope stabilization and seeding.			
Pennington	17	\$24,564.00	yes
Promoting land use near recreational areas is the purpose of this grant request. There is a 300' segment along the Red Lake River that is used for recreation purposes, it is also undergoing severe erosion. The goal of the county is to construct a ramp, pier and landing to enhance the area.			
Pine	18	\$62,300.00	no
A goal of the Pine County LWP is high quality surface water. In an attempt to further this they want to implement a plan to improve Pokegama Lake. This would include: hiring a technician for monitoring, analyze the data, and record methods so they can be copied in other water bodies in Pine County.			
Pipestone	25	\$14,728.00	no
A cost share program to provide 75% reimbursement for the sealing of high priority abandoned wells.			
Pipestone	33	\$10,000.00	yes
Pipestone is requesting funding for an Environmental Fair which educates sixth graders in a hands on method. Last year's attendance was over 1,800 individuals.			
Polk	21	\$2,150.00	yes
The purpose of this request is to implement an educational campaign to the homeowners along Ditch 73(JD73). JD73 flows into Maple Lake, and it has been identified as a major pollution source. The education program will promote BMP's, provide newsletters, and meetings.			
Polk	34	\$32,169.00	yes
A project designed to involve local high school students in the monitoring of the Sand Hill River. The data will be used to determine a water quality baseline.			

Applicant	Score	Amnt. Requested	Recommended
Polk Polk County is requesting funds to complete a water quality study of Turtle and Cross Lakes and their tributaries. It will include: geographic data (GIS), hydrology, as well as other components.	17	\$33,318.50	no
Ramsey Ramsey County is requesting funds to prepare a wetland management plan. Components of it include: a wetland inventory, a function value assessment, and identifying wetlands that require permanent protection.	28	\$20,550.00	yes
Ramsey A proposal for the cost sharing of well sealing. The county portion will equal 50% of the cost to seal the well.	33/29	\$25,000.00	no
Ramsey Ramsey County is requesting funds for a pilot wellhead protection program. Included in this program is delineation of protection areas, contaminant source inventories, vulnerability assessments, and a wellhead ordinance.	30	\$16,500.00	yes
Redwood The goal of this project is the reduction of flood damage with the construction of road retention structures. This is an eight county grant sponsored by Redwood County.	32	\$13,677.00	no 8,182.00
Rice Rice County is requesting a grant to obtain a GIS system. It will make it easier for the county to monitor lakes, feedlot sites, dump sites, as well as other areas of concern.	28	\$50,000.00	no
St. Louis A request for funding for implementation of educational activities. Included are: lake water monitoring, shoreland regulations video and a MN water information line.	30	\$33,500.00	yes
SE MN Water Resources Board A program designed to educate the public on sewage treatment systems. It includes hiring technicians to hold meetings in their regions, purchasing models of systems, and training of existing staff in the program.	35/28	\$67,120.00	yes
SE MN Water Resources Board A grant to provide an information center for the ten counties included in the board. The information would assist counties in the completion of their upcoming water plans.	28	\$4,160.00	no

Applicant	Score	Amt. Requested	Recommended
Sherburne	33	\$28,480.00	yes
Sherburne is requesting funds for educating residents along Elk River as well as prioritizing feedlots and cost sharing management systems to reduce run off from feedlots.			
Snake River JPA	22	\$60,000.00	yes
The main goal of the JPA is the implementation of conservation practices. Also included are development of a GIS system, and development of a plan for Snake River.			
Wadena	22	\$29,480.00	yes
The purpose of Wadena's proposal is to collect land use, nutrient, and pesticide data as well as promoting agricultural BMP's for the protection of groundwater quality.			
Whitewater Joint Powers Board	31	\$34,700.00	yes
A three county proposal to: identify sixty high priority feedlots, work one-on-one with those feedlots to develop management plans, and take manure and soil samples.			
Winona	29	\$8,970.00	yes
The grant proposal for Winona deals with groundwater quality. It includes: gathering and evaluating samples, mapping current nitrate pollution, determine if denitrification may occur, and educate the public regarding the problem of groundwater contamination.			
TOTALS		\$2,135,250.76	\$891,511.26

EVALUATION PROFILE
LWRPMP CHALLENGE GRANT PROGRAM
JANUARY 1991

CRITERIA	4. Very Good	3. Good	2. Satisfactory	1. Unsatisfactory
1. Overall strength of the proposal. Based on the clarity of the proposal, the start up or acceleration of the implementation of the CLWP(s) activities, and the tie-in to local priorities.	Extremely clear proposal, which clearly accelerates implementation of the priority actions of the CLWP(s) or provides start-up funding for new projects or programs.	A clear proposal which implements priority actions of the county CLWP(s).	A somewhat clear proposal which implements priority actions of county CLWP(s).	An unclear proposal which has no direct tie-in to priority actions of a CLWP(s).
2. Ability of the applicant(s) to successfully administer and implement the LWRPMP funded Challenge Grant.	County will have no problems administering and implementing the program.	County will have few if any problems administering and implementing the program satisfactorily.	County should be able to administer and implement the program satisfactorily.	Program could not be successfully implemented and administered.
3. Overall strength of the Proposal's Work Plan. Based on the review of whether or not the action/activities, timeframes and lead agency(s) are realistic.	The proposal is extremely realistic, focused and shows well defined activities, timeframes and lead agency(s).	The proposal is strong, realistic, and gives good definition of activities, timeframes and lead agency(s).	Identifies activities, timeframes and lead agency(s).	An inadequate proposal, not realistic, does not include adequate information concerning activities, timeframes or the lead agency(s).
4. Overall strength of the Proposal's Budget. Based on the feasibility of the proposed budget cost detail.	Excellent fit between the work to be accomplished and dollars budgeted. The budget is well defined and demonstrates extensive planning. All costs are directly related to project.	All significant expenditures are itemized and well matched to the work to be done.	The budget is reasonable. Some significant entries should have been itemized. Unforeseen contingencies might arise that are not covered by the budget.	The fit between tasks and expenditures is unreasonable. Some costs are not directly related to the proposal.
5a. Participation of local units of government. Does the proposal clearly describe strong local support and inter-agency cooperation.	The proposal clearly identifies a high degree of both local support and inter-agency cooperation.	The proposal identifies local support and inter-agency cooperation.	The proposal identifies local support. Inter-agency cooperation is not applicable to the success of the proposal and its activities.	The proposal does not identify local support or inter-agency cooperation that is necessary to successfully complete the projects or activities identified in the proposal.
5b. Multi-county cooperation and regional priorities. Based on whether the proposal demonstrates multi-county efforts, and/or addresses regional water resource priorities.	The proposal includes both multi-county efforts and addresses a regional water resources priority.	The proposal includes a multi-county effort, but does not address a regional priority.	The proposal is not for a multi-county project or activity, but addresses a regional priority.	The proposal is not multi-county and does not address a regional priority.

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6. Long term commitment. Does the proposal indicate a commitment to programs or activities that are long term in scope and nature or will result in future programs or activities.	The proposal clearly indicates how the program or activities will result in a high degree of long term commitment to effective water protection and management.	The proposal indicates how the program or activities will result in some degree of long term commitment to water protection and management.	The proposal indicates some degree of long term commitment, but does not indicate how it will be achieved.	No long term commitment to water protection and management.
7. Use of local programs and methods. Does the proposal make effective use of local programs and methods to protect and manage water and related land resources.	The proposal makes full use of and builds on the capabilities of existing local programs.	The proposal makes full use of existing local programs.	The proposal makes limited use of existing local programs.	The proposal indicates no use or recognition of existing local programs or methods.
8. Federal, state, local efforts. Does the proposal identify and complement the efforts of existing federal, state or local resource management programs in the county (or region).	The proposal identifies and complements all appropriate federal state and local programs related to the proposed programs and activities.	The proposal identifies and complements some federal, state and local programs related to the proposed programs and activities.	The program or activity contained in the proposal has no federal, state or local counterpart program in existence.	Complementary federal, state or local program exists, but the proposal does not identify it.
9. Official Controls. Does the proposal result in acceleration of local efforts to adopt, administer and enforce official controls to protect and manage water and related land resources.	The proposal will result in accelerated efforts to adopt, administer and enforce official local controls.	The proposal will result in some acceleration of local efforts to adopt, administer and enforce local official controls.	Proposal may accelerate the adoption, administration or enforcement of local official controls	The proposal does not indicate an initiative to accelerate efforts to adopt, administer and enforce official controls.

Answers to Key Questions About the Agriculture Best Management Practices Loan Program

1. What is the Agriculture Best Management Practices Loan Program (Ag BMP Program)?

The Ag BMP Program is a state program created by the 1994 legislature to provide low interest financing to farmers, agriculture supply businesses, and rural landowners for the implementation of agriculture best management practices. The program will be administered by the Minnesota Department of Agriculture (MDA).

2. How is the loan program funded?

The program is funded by the State Revolving Fund (SRF). State Revolving Funds were set up under the 1987 Federal Clean Water Act to provide funding for municipal waste water treatment facilities. SRF's are federally funded and administered according to EPA guidelines. The EPA is now encouraging states to use the SRF funds to mitigate or prevent nonpoint source pollution.

3. How will the loan funds be distributed?

The MDA will allocate loan funds to local lenders based on requests by counties or their designees. The loans will be made to individual borrowers through local lenders, which may be counties, districts, Joint Powers Boards (JPB's), or private financial institutions. The MDA may make loans directly to a borrower if there is no designated local lender in the borrower's area.

4. How much money is available for the Ag BMP Program?

There is currently \$20 million allocated for the program with \$10 million available for loans each year for **Fiscal Year 1995 and Fiscal Year 1996**. As the loans are repaid, the repaid principal will be available for new loans. It is anticipated that additional funds will be available beyond the \$20 million, starting in 1997.

5. How can the low interest loans be used?

The loans may be used for prevention and mitigation of nonpoint source pollution. It is anticipated that eligible projects will include construction of animal waste control facilities, abandoned well sealing, practices that reduce erosion from run-off, and purchase of conservation tillage equipment.

6. Who is eligible for the low interest loans?

Farmers, rural land owners, and agri-businesses may apply for loans for measures that eliminate or reduce nonpoint source pollution. Livestock operations with more than 1,000 animal units that have pollution problems are considered to be point sources of pollution and are not eligible for the Ag BMP Program. There may be other loans available for point source pollution. For more information, call the MPCA at (612) 296-6300.

7. Who should potential borrowers contact?

Potential borrowers should contact their county or local Soil and Water Conservation District (SWCD) office. Loan application forms should be available by late summer or early fall. At that time the local media will carry announcements providing information to potential borrowers.

8. Who will decide if a borrower is eligible?

The proposed uses must meet two qualifications. The local SWCD will evaluate and certify the proposed projects in light of priorities described in the local water plan and for compliance with accepted standards. The local lender will determine the ability of the potential borrower to repay the loan.

9. How much time may the borrower take to pay back the loan?

The life of the loan will reflect accepted lending practices for the life of the project involved. Depending on the project or use, the borrower may take between 5 and 20 years to pay back the loan.

10. How much interest will the borrower have to pay?

The origination fee may not exceed 1/2%. The highest interest rate, or service fee, that private local lenders may charge is 3%. Public local lenders may charge 2% or less.

11. Is there a limit to the amount of loan funds available to one operation?

There is no limit defined in statute by the Ag BMP Program.

12. Is there a limit to the loan funds available in each county?

Allocation amounts for individual counties will be determined by number and amount of county requests. Generally speaking, the total amount available will limit the amount allocated.

13. How will priority for allocation of loan funds be set?

In general, the legislation sets forth the criteria to review and rank requests. Priority for allocation of loan funds will be assigned to those practices that are identified as priorities in the comprehensive local water plan and those improvements that will best protect water quality.

14. Can the loans dove-tail with state and federal cost-share?

Yes. Proposed improvements that combine the low interest loans with public and private sources of funding, such as state and federal cost share, will receive high priority.

15. What are local revolving loan program?

The law provides that local lenders may set up revolving loan programs and stipulates that the first 50% of funds available for the Ag BMP Program must be allocated to local lenders with revolving loan programs. Funds allocated to these local revolving funds can be used for new loans as old loans are paid back. After ten years, the principal of the revolving loan fund must be repaid to the MDA as it becomes available.

16. What should SWCD's be doing now?

District staff should examine their local water plans. The loans and the technical funding are intended for activities prioritized in local water plans. Areas indicating that requested funding will be used for these activities will get strong consideration in the program.

Districts should consider joining together with other area districts to carry out multi-jurisdictional activities to protect water quality. Since the loan program will have a large focus on watershed protection, it is anticipated that multi-jurisdictional activities that protect watersheds will have a high priority.

17. How will funding for technical assistance be allocated?

There is \$1,005,000 available for technical assistance to support the loan program by hiring technical staff. \$865,000 will be allocated to SWCD's and \$140,000 to the Board of Water and Soil Resources (BWSR). This technical assistance funding will increase in Fiscal Years 1996 and 1997 to \$1,280,000 per year. The servicing fee of 2% and origination fee of 1/2% that public lenders charge to borrowers will provide income that may be used to defray local costs and support the Ag BMP Program.

The information presented is a working guideline for the Ag BMP Program and is subject to change.

**Prepared by the Minnesota Department of Agriculture.
90 West Plato Blvd.
St. Paul, MN 55110**

For more information contact Tim McGuire at (612) 690-9028 or Paul Burns at (612) 296-1488.

July, 1994

Agriculture Best Management Practices Loan Program: A Summary

Purpose: The purpose of the Agriculture Best Management Practices Loan Program (Ag BMP Program) is to provide low interest financing to farmers, agriculture supply businesses and rural landowners to make improvements or implement practices that will mitigate or prevent nonpoint source pollution.

Authority: The Minnesota Department of Agriculture (MDA) will administer the Ag BMP Program and will establish administrative guidelines for the program.

Appropriations: Up to \$20,000,000 for Fiscal Years 1995 and 1996 of the State Revolving Fund (SRF), administered by the Minnesota Public Facilities Authority, is authorized to be made available through the Ag BMP Program.

Application: The law establishes counties or their designees as "applicants" to the MDA for the loan funds. A group of counties may apply jointly or may designate another local unit of government, such as another county, a local Soil and Water Conservation District (SWCD) or a joint powers organization to act on their behalf. The application requesting loan funds must contain but will not be limited to the geographic area served, the type and estimated cost of projects for which loan funds are being requested and a ranking of proposed activities. The applicant will also designate a "local lender," which may be the county itself, an SWCD, a joint powers board or a private financial institution, to make and service loans directly to individual borrowers. In an area of the state where a county allocation request has not been made or has been rejected, individual borrowers may apply directly to the Department of Agriculture. If a county allocation request is rejected, the applicant must be notified in writing of the reasons and be given 30 days to submit a revised application.

Authority of Applicants: Applicants are authorized to enter into agreements with borrowers to finance eligible projects. Moreover, applicants may establish revolving loan programs to finance projects. The initial fifty percent of the funds allocated under the Ag BMP Program must be allocated to revolving loan programs. After ten years, the applicant must begin to repay these allocations.

Review and Ranking: The MDA is responsible for establishing the application procedure, reviewing loan fund requests, and making allocations. In doing so, the MDA will have the assistance of a subcommittee representative of state, local, federal, and other natural resource agencies to review and rank requests. Priority will be given to those practices that are identified in local water plans as best protecting water quality. Other criteria used to rank requests include:

- Whether the applicant intends to establish a revolving loan fund.
- Whether the proposed practices reflect a multijurisdictional approach to protecting a watershed.
- The extent to which the loans will be used in coordination with other programs.
- Whether the proposed practices are needed for compliance with existing water related rules or laws.

Fees: Local lenders may charge an origination fee that may not exceed 1/2%. Private lenders may charge a service fee that may not exceed 3% and public lenders may charge a service fee that may not exceed 2%.

Borrower Eligibility: Local lenders shall base borrower eligibility on the following criteria:

- Whether the activity is certified by a local unit of government as meeting priority needs identified in comprehensive local water plans and is in compliance with accepted standards.
- Whether the activity is certified as eligible under Environmental Protection Agency or other applicable guidelines.
- Whether the repayment is assured from the borrower.

Terms and Repayment: The local lender shall set the terms of the loans and is responsible for repaying the principal of the loan to the MDA. If defaults occur, it is the responsibility of the local lender to obtain repayment from the borrower. The loan may be assessed against the borrower's property.