



Minnesota Board of Water and Soil Resources.
Minutes.

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA
SEPTEMBER 27, 1995**

BOARD MEMBERS PRESENT:

Barbara Cobb, Dwain Otte, Ted Lovdahl, Tim Hvidsten, Ginny Imholte, Barbara Uppgaard, Marvell Tripp, Darrell Bruggman, Jim Rossman, LeRoy Stensgaard, Glenn Annexstad, and Kathleen Roer.

AGENCY MEMBERS PRESENT:

Bob Patten, Department of Agriculture
Wayne Anderson, Pollution Control Agency
Wayne Edgerton, Department of Natural Resources
Jim Anderson, Minnesota Extension Service

AGENCY MEMBERS ABSENT:

Kim Benson-Johnson, Department of Health

OTHERS PRESENT:

Don Wodek, Hennepin Conservation District
D'Wayne DeZiel and LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Carl Annalora, East Otter Tail SWCD
Roger Musetter, Natural Resources Conservation Service (NRCS)
Franklin Denn, Minnesota Association of Townships (MAT)
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Dan Larsen, consultant

STAFF PRESENT:

Ron Harnack, Greg Larson, Doug Thomas, Eric Mohring, Wayne Zellmer, Marybeth Block, Pete Waller, Keith Grow, Dan Steward, Al Kean, and Mary Jo Anderson.

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Page Two

Chair Cobb called the meeting to order at 9:00 a.m.

**** 95-52 Adopt Agenda** - Moved by LeRoy Stensgaard, seconded by Marv Tripp, to adopt the agenda as presented. Motion passed on voice vote.

**** 95-53 Minutes of August 23, 1995** - Moved by LeRoy Stensgaard, seconded by Darrell Bruggman, to approve the minutes of August 23, 1995, as circulated. Motion passed on voice vote.

Chair's Report - Barb attended two Environmental Quality Board (EQB) Reorganization Public Hearings as an EQB commissioner. She attended a BWSR wetlands team meeting in St. Cloud, and she attended portions of the Legislative mini-session in Bemidji and went on a wetlands tour - Susan Tsakakis and Greg Larson also attended. The House Environmental and Natural Resources Committee held a public forum after the tour. She reported that it was basically a balanced and respectful presentation of those for and against the Wetland Conservation Act (WCA).

Kathy Roer entered the meeting at 9:07 a.m.

Executive Director's Report - Ron Harnack attended the EQB reorganization meetings in St. Cloud, Fergus Falls, and Bemidji. The Senate Ag Committee will be meeting statewide to hear public testimony regarding WCA and property rights; Ron will distribute those meeting dates and locations when he receives more information about them. A Reinvest In Minnesota (RIM) 10th Anniversary Celebration is scheduled for October 12 in Yellow Medicine County. Ron will be scheduling BWSR field office visits in the southern part of the state to spend time with staff and will notify area board members to join him.

Dispute Resolution Committee (DRC) - Kathy Roer reported on the following appeals: the Trout Unlimited appeal in Shakopee will possibly be settled; Valley Branch Watershed District appeal pre-hearing is October 4; Kahm vs. Minnehaha Creek Watershed District appeal is part of the Ewing wetlands controversy which is scheduled for hearing in November. No hearings scheduled for October, but the DRC will use that time for a working session. Ron said that McLeod County has chosen to go to the appeals court.

Education Committee - Tim Hvidsten visited the state fair booth as part of the Education Committee overview of public relations activities. Ron said the location of the BWSR booth is good, we are seeing a variety of people. It was suggested that co-agency booths would demonstrate how agencies work well. Discussion followed.

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Feedlot Committee - Jim Rossman asked about feedlot rules update. D'Wayne DeZiel said that Minnesota Association of Soil and Water Conservation Districts (MASWCD) will propose legislation allowing SWCDs to administer the feedlot program.

Cost-Share/Soil Conservation Committee - Dwain Otte will update later in the meeting.

Wetlands Committee - Darrell Bruggman attended wetlands team meeting in St. Cloud and shed some light on staff concerns as to why and how decisions on wetlands are made at the county board level.

Old Business

East Otter Tail SWCD Update - Ted Lovdahl introduced Carl Annalora, who gave a brief update on the status of the situation in East Otter Tail SWCD. Mr. Annalora thanked BWSR for staff support in their. Sara Johnson helped reorganize the office; things are now under tight control. The East Otter Tail SWCD has established supervisor responsibilities so they can respond better to daily activities; they have reduced per diem and mileage rate for supervisors; staff gave up four hours per week to address budget constraints. A pre-trial hearing on the embezzlement situation is scheduled for September 25, trial date set for October 24. Pre-hearing date set rather than trial, restitution will be made, no plea agreement has been made yet as to guilty or not guilty. BWSR staff may be asked to testify on how the theft impacted programs and the constituency. The East Otter Tail SWCD and landowners appreciate BWSR assistance. Chair Cobb thanked Mr. Annalora for the update and their diligence in working to overcome the problem.

95-54 **Endorse Amendments to Revised Cost-Share Rule and Authorize Publication** - Marybeth Block reviewed comments received by Wright SWCD requesting that the definition of high priority water quality problems be revised. Moved by Dwain Otte, seconded by Marv Tripp, to retain the language in the August 1995, draft cost-share rule. Motion passed on voice vote.

95-55 Marybeth reviewed proposed amendments to the August 1995 draft. Moved by Dwain Otte, seconded by Ted Lovdahl, to endorse the August draft of cost-share rule as amended and adopt the resolution to publish the Board's intent to adopt amendments to the permanent rule governing the state cost-share program without a public hearing. Motion passed on voice vote.

95-56 **Snake River Watershed District Petition** - Doug Thomas gave a brief status report on the Snake River Watershed District Petition and the success of their present Joint Powers Organization. Moved by Rossman, seconded by Roer, to approve the dismissal of the Snake River Watershed District petition. Chair Cobb and Ron commended staff and the Snake River representatives for a job well done.

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Chair Cobb called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:20 a.m.

New Business

Chair Cobb introduced Dan Larson, the lobbyist representing the northern non-adopting counties. He invited board members and staff to meet with him and his constituents to discuss the wetland issues.

WCA Eligibility: Natural Resource Block Grant Issues - Greg Larson explained the Natural Resource Block Grant (NRBG) Program. He provided a number of alternatives that the BWSR Grants Team developed. Much discussion followed. Board members were concerned that linking water planning funds with the WCA funds would hurt those conservation programs and employees. However, some felt contempt with the premise of disobeying the law, stating WCA is not optional, the law is mandatory. Moved by Marv Tripp, seconded by Darrell Bruggman, to accept alternative #2 -- Continuation of the moratorium on projects that impact wetlands with DNR enforcement of violations. (This is the policy adopted at the July, 1995 BWSR meeting. Local governmental units (LGU's) that rescind will be required to return grant funds and will be ineligible to receive WCA funds until WCA is implemented. Acknowledgement by county of WCA adoption must occur by January 16, 1996 (NRBG application deadline) or the FY96 WCA portion of the NRBG is reallocated to other LGUs. (This is essentially the WCA fiscal policy of last year). If a county rescinds WCA after they have received an NRBG grant they will be required to return the WCA funding. Motion passed on voice vote.

95-57

BWSR strongly encourages counties to go through the WCA amendments with their staff and judge for themselves what will be acceptable. BWSR staff is available to meet with LGU's to discuss the changes proposed.

Ron said that SWCDs will receive \$5,000 regardless if the county rescinded WCA; as they are required by law to support enforcement actions under the WCA. Rossman asked Ron to demonstrate at the October meeting how the procedures work for SWCDs to administer the WCA program. BWSR acknowledged need for changes in WCA.

Natural Resources Block Grants (NRBG) - Wayne Zellmer explained the proposed 1996 NRBG. Staff requests that the BWSR approve the revised NRBG program and authorize staff to issue the allocations for the 1996 base grants according to Board policy. Ron thanked Department of Natural Resources (DNR) and Pollution Control Agency (PCA) for coordination among agencies for this grant program. Moved by Barbara Uppgaard, seconded by Marv Tripp, to authorize the 1996 NRBG allocation outlined and in accordance to the WCA grant eligibility motion previously passed. Motion passed on voice vote.

95-58

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September 27, 1995
Page Five

95-59** **Ramsey County Ground Water Plan** - Eric Mohring introduced Pat Twiss and Tom Peterson, Ramsey County SWCD staff.. Eric gave a brief overview of the Ramsey County Ground Water Plan. Staff recommends approval of the Ramsey County Ground Water Plan. Pat Twiss thanked BWSR for the seed money for the water plan. Moved by Dwain Otte, seconded by Ginny Imholte, to approve the Ramsey County Ground Water Plan. Motion passed on voice vote.

95-60** **MASWCD Initiative Regarding SWCD Supervisor Per Diem** - Ron Harnack reported that MASWCD proposes increasing the SWCD supervisor per diem from \$55 to \$70. Moved by Dwain Otte, seconded by Darrell Bruggman, to increase the SWCD supervisor per diem from \$55 to \$70. Failed on voice vote.

95-61** **Legislative Initiatives** - Ron Harnack explained BWSR's legislative initiatives. Chair Cobb asked that board members become involved in the legislative initiatives to assist staff and provide service to our clientele organizations. Technical and administrative initiatives are due on September 29; monetary initiatives due October 6. More detailed proposed initiatives will be sent to the board next week. Moved by Barbara Uppgaard, seconded by Marv Tripp, to accept legislative initiatives as placeholders by staff. Motion passed on voice vote.

95-62** **Dispute Resolution Committee Recommendations** - Kathy Roer explained the Landview Landscaping v. Minnehaha Creek Watershed District Appeal. Moved by Kathy Roer, seconded by Barbara Uppgaard, to approve the DRC recommendation as presented, Chair Cobb to sign order affirming the Minnehaha Creek Watershed District. Motion passed on voice vote.

95-63** **Levine v. Minnehaha Creek Watershed District Appeal** - Moved by Kathy Roer, seconded by Dwain Otte, to approve the DRC recommendation, Chair Cobb to sign order affirming the Minnehaha Creek Watershed District. Motion passed on voice vote.

95-64** **C.A.R.E. v. Wright County SWCD Appeal** - Moved by Kathy Roer, seconded by Marv Tripp, to approve the DRC recommendation, Chair Cobb to sign order affirming Wright County SWCD. Motion passed on voice vote.

Kathy Roer commended DRC members in these appeals. Chair Cobb commended Kathy Roer for her leadership in the DRC.

Update on Environmental Reorganization Meetings - Barbara Uppgaard attended the Duluth meeting; she encouraged members to respond to the questionnaire. Kathy Roer attended the metro meeting - overlapping can be addressed by better identification of roles; water resources should be managed at local level with state oversight. Discussion followed. Chair Cobb said that she's not sure what will happen now. The last environmental cluster

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meeting was cancelled; however the EQB meets on Friday.

RIM 10th Anniversary Celebration - October 12, board members encouraged to attend, LeRoy Stensgaard will attend.

Advisory Comments

Minnesota Extension Service (MES): Jim Anderson reported that MES is working with MASWCD supervisors and staff to put together a two-year leadership program with eight sessions devoted to building leadership capacity.

Department of Natural Resources (DNR): Wayne Edgerton stated that DNR legislative initiatives are: increase in license fees; watercraft increase fee; trespass law reforms.

Minnesota Pollution Control Agency (MPCA): Wayne Anderson announced that applications for Clean Water Partnership are being accepted. MPCA just finished the sewage treatment rule. Wayne distributed a fact sheet on the feedlot rule revision.

Department of Agriculture (MDA): Bob Patten stated that MDA is continuing work on feedlot issues, many publications on feedlot and manure management are now available.

Minnesota Association of Watershed Districts (MAWD): Ray Bohn commented on the reorganization meetings. The two over-riding themes that emerged were: if it's not broke don't fix it; and bigger is not better. The MAWD convention will be held December 1-2, in Alexandria.

Minnesota Association of Soil and Water Conservation Districts (MASWCD): D'Wayne DeZiel stated that the MASWCD convention is December 10-12, in St. Cloud. He attended the reorganization meetings.

Minnesota Association of Townships (MAT): Franklin Denn stated that 34 counties are not doing countywide land use planning and annexation continues to be a big issue that needs to be addressed.

Natural Resources Conservation Service (NRCS): Roger Musetter said that Bill Hunt is in Duluth today. Roger said NRCS is reorganizing. He stated that the 13th Conservation Reserve Program (CRP) sign-up was held and due to criteria, the number of applicants was low. Roger thanked Greg Larson and other staff for their efforts in wetland delineation training.

Chair Cobb introduced Pete Waller, Board Conservationist, from the BWSR Brainerd office.

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95-65 **BWSR Meeting Schedule Policy** - Moved by Dwain Otte, seconded by Ginny Imholte, to approve the following resolution: To maintain effectiveness in its role as a policy making entity and to assure continued participation, familiarity and credibility, the BWSR will, by this policy formally meet a minimum of ten months per year. One two-month combination meeting, based on such reasoning as unsubstantial activity, lack of timely decision making issues, vacation time period, etc., may be requested by the Executive Director at least sixty days in advance. The other two-month combination meeting historically embraces the November and December sessions. This policy will remain in effect until formally amended by Board majority vote. Motion passed on voice vote.

Attendance at AMC, MAWD, and MASWCD Conventions - Board members interested in attending should let Ron know. (Board members attending AMC convention - Annexstad, Lovdahl, Cobb. MAWD convention - Imholte, Stensgaard, Otte. MASWCD convention - Uppgaard, Hvidsten, Roer).

95-66 Moved by Marv Tripp, seconded by LeRoy Stensgaard, to adjourn the meeting at 1:10 p.m. Motion passed on voice vote.

Respectfully Submitted,



Barbara Cobb
Chair

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NOT FOR PUBLIC DISTRIBUTION**

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AGENCY MEMBERS PRESENT:

Bob Patten, Department of Agriculture
Wayne Anderson, Pollution Control Agency
Wayne Edgerton, Department of Natural Resources
Jim Anderson, Minnesota Extension Service

AGENCY MEMBERS ABSENT:

Kim Benson-Johnson, Department of Health

OTHERS PRESENT:

Don Wodek, Hennepin Conservation District
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STAFF PRESENT:

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Marybeth Block, Pete Waller, Keith Grow, Dan Steward, Al Kean, and Mary Jo Anderson.

Chair Cobb called the meeting to order at 9:00 a.m.

Adopt Agenda - Moved by LeRoy Stensgaard, seconded by Marv Tripp, to adopt the agenda as presented. Motion passed on voice vote.

Minutes of August 23, 1995 - Moved by LeRoy Stensgaard, seconded by Darrell Bruggman, to approve the minutes of August 23, 1995, as circulated. Motion passed on voice vote.

Chair's Report - Barb attended two Environmental Quality Board (EQB) Reorganization Public Hearings as an EQB commissioner. She attended a BWSR wetlands team meeting in St. Cloud, and she attended portions of the Legislative mini-session in Bemidji and went on a wetlands tour - Susan Tsakakis and Greg Larson also attended. The House Environmental and Natural Resources Committee held a public forum after the tour. She reported that it was basically a balanced and respectful presentation of those for and against the Wetland Conservation Act (WCA)..

Kathy Roer entered the meeting at 9:07 a.m.

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Minnesota Association of Soil and Water Conservation Districts (MASWCD): D'Wayne DeZiel stated that the MASWCD convention is December 10-12, in St. Cloud. He attended the reorganization meetings; there is a duplication of efforts between federal and state agencies overlapping.

Minnesota Association of Townships (MAT): Franklin Denn stated that 34 counties are not doing countywide land use planning and annexation continues to be a big issue that needs to be addressed.

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Moved by Marv Tripp, seconded by LeRoy Stensgaard, to adjourn the meeting at 1:10 p.m. Motion passed on voice vote.

Respectfully Submitted,

Barbara Cobb
Chair

To: Mary Jo Anderson
BWSR
297-5615

From: Barb Cobb
436-2190

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SOURCES
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6 pages

9/29/95

Barbara Cobb, Dwain Otte, Ted Lovdahl, Tim Hvidsten, Ginny Imholte, Barbara Uppgaard, Marvell Tripp, Darrell Bruggman, Jim Rossman, LeRoy Stensgaard, Glenn Annexstad, and Kathleen Roer.

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Kim Benson-Johnson, Department of Health

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Ray Bohn, MAWD

add → Dan Larsen, *Consultant wetlands*

STAFF PRESENT:

Ron Harnack, Greg Larson, Doug Thomas, Eric Mohring, Wayne Zellmer,
Marybeth Block, Pete Waller, *Keith Green, Dan Green, & Alvin*

Mary Jo, - Thanks for your quick work! Send out whenever you're ready (+ to Bd members) along with written legislative initiatives & a blurb about how agencies submit amendments.

Thanks a lot
Barb

Bd. of Water/Soil Res. Fax: 612-297-5615

Sep 28 '95 10:17 P.02/07

Chair Cobb called the meeting to order at 9:00 a.m.

Adopt Agenda - Moved by LeRoy Stensgaard, seconded by Marv Tripp, to adopt the agenda as presented. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Minutes of August 23, 1995 - Moved by LeRoy Stensgaard, seconded by Darrell Bruggman, to approve the minutes of August 23, 1995, as circulated. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Chair's Report - Barb attended two Environmental Quality Board (EQB) meetings. She attended a wetlands team meeting in St. Cloud, and she attended portions of a mini-session in Bemidji and went on a wetlands tour - Susan Tsakakis and Greg Larson also attended. The House Environmental Natural Resources Committee met after the tour. She reported that it was basically a balanced & respectful presentation of those for & against WCA. Kathy Roer entered the meeting at 9:07 a.m.

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~~Discussion on the value of wetlands, is it worth it mitigation, time, and money spent.~~

Dispute Resolution Committee (DRC) - Kathy Roer briefly reported on the following appeals: the Trout Unlimited appeal in Shakopee will possibly be settled; Valley Branch Watershed District appeal pre-hearing is October 4; Cornish vs. Minnehaha Creek Watershed District appeal, part of Ewing wetlands controversy, scheduled for hearing in November. No hearings scheduled for October, but the DRC will use that time for a working session. Ron said that McLeod County has chosen to go the appeals court, awaiting final decision from the judge.

Education Committee - Tim Hvidsten visited state as part of the Education Committee. He stopped by the fair booth, it was a slow day at the booth when he was there. Ron said the location of the BWSR booth is good, we are seeing a variety of people. It was suggested that BWSR should demonstrate how other agencies work together, would be a good message to convey. Discussion followed.

Feedlot Committee - Jim Rossman asked about feedlot rules update. (M. Rossman) will propose legislation regarding feedlots.

allowing swedes to admin feedlot program.

Cost-Share/Soil Conservation Committee - Dwain Otte will update later in the meeting.

Wetlands Committee - Darrell Bruggman attended wetlands teams meeting in St. Cloud;

Motion
Passed on
voice vote

Reorganization
Public Hearings as an
EQB Commission

to hear
public
testimony
regarding
WCA.
Property right

overview
of Public
Relations
activities

D.D. said that
MASECO
I believe

Hd. of Water/Soil Res. Fax: 612-297-5615

Sep 28 '95 10:18 P.03/07

and shed some light on staff
concern ^{as to} ~~from staff~~ on why and how decisions on wetlands are made at the county board level.

Old Business

East Otter Tail SWCD Update - Ted Lovdahl introduced Carl Annalora, who gave a brief update on the status of the situation in East Otter Tail SWCD. Carl thanked BWSR for staff support ^{on} their situation of embezzlement. Sara Johnson helped in reorganizing the office, things are now under tight control. The East Otter Tail SWCD has established supervisor responsibilities so they can respond better to daily activities; they have reduced per diem and mileage rate for supervisors; staff gave up four hours per week ~~so savings can be made up~~. A pre-trial hearing on the embezzlement situation is scheduled for September 25, trial date set for October 24. Pre-hearing date set rather than trial, restitution will be made, no plea agreement has been made yet as to guilty or not guilty. BWSR staff may be asked to testify on how the programs that ~~would impact~~ ^{impacted and} the constituency. The East Otter Tail SWCD and landowners appreciate BWSR assistance. Chair Cobb thanked Carl for the update, and their diligence in ^{Mr. Annalora} working to overcome the problem.

Endorse Amendments to Revised Cost-Share Rule and Authorize Publication - Marybeth Block reviewed proposed amendments. Moved by Dwain Otte, seconded by Marv Tripp, to retain the language on the cost share rule. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried. ^{high priority water quality problems and documentation of high priority erosion problems as stated in the draft cost share rule.}

Moved by Dwain Otte, seconded by Ted Lovdahl, to endorse the cost-share rule with amendments and adopt the resolution to publish without a public hearing. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Snake River Watershed District Petition - Doug Thomas gave a brief status report on the Snake River Watershed District Petition. Staff recommends dismissal of the Snake River Watershed District. Moved by Rossman, seconded by Roer, to approve the dismissal of the Snake River Watershed District petition. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried. Chair Cobb and Ron commended staff and the Snake River representatives for all the time spent on this. a job well done.

Chair Cobb called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:20 a.m.

New Business

Chair Cobb introduced Dan Larson, ^{the lobbyist} representing wetlands, ^{the Northern} he invited board members and staff to meet with him and constituents to ^{Now adopting} come into agreement on the wetland issues. ~~we are to one level~~ discuss

WCA Eligibility: Natural Resource Block Grant Issues - Greg Larson explained the Natural Resource Block Grant (NRBG) program. He provided a number of alternatives that the BWSR Grants Team developed. Discussion followed. Board members were ^{much}

Mr. Annalora ^{last Names only - at least for requests. OK!}

to address budget constraints

from within
based on comments received.

And the success of their present Joint Powers Organization.

Bd. of Water/Soil Res. 612-297-5615

Sep 28 '95 10:19 P.04/07

However, some
felt contempt with the
premise of the
law, stating
that linking
concerned with the water planning funds linked with the WCA funds A- not a good idea to tie
these two together. WCA is not optional, the law is mandatory. Moved by Marv Tripp,

would hurt those
conservation
programs and
employees.

seconded by Darrell Bruggman, to accept alternative #2 -- Continuation of the moratorium on projects that impact wetlands with DNR enforcement of violations. (This is the policy adopted at the July, 1995 BWSR meeting. Although that policy did not include fiscal penalties) plus county to return unspent amount of previous WCA funds and the county is ineligible to receive WCA funds until WCA is implemented. Acknowledgement by county of WCA adoption must occur by January 16, 1996 (NRBG application deadline) or the FY96 WCA portion of the NRBG is reallocated to other LGUs. (This is essentially the WCA fiscal policy of last year). If a county rescinds WCA after they have submitted a NRBG application, they will be required to return the WCA funding. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: Otte. Carried.

LGUs that
rescind will
be required to
return
grant # f

Cobb (sorry - it's just that no one heard me & I decided that was OK :))

BWSR strongly encourages counties to go through the WCA amendments with their staff and judge for themselves what will be acceptable. BWSR staff is available to meet with LGUs to discuss the changes proposed.

Ron said that SWCDs will receive \$5,000 regardless of if the county rescinded WCA; as they are granted \$5,000 to administer the WCA activities in their county. Rossman asked Ron to demonstrate at the October meeting how the procedures work for SWCDs to administer the WCA program. Discussion followed. Ron said that BWSR acknowledges that when a new law comes into place, it's difficult to make it perfect. LGUs are faced with losing state/federal funds, we're advocating change in the legislature. BWSR acknowledged and that need for WCA changes in WCA.

Natural Resources Block Grants (NRBG) - Wayne Zellmer explained the proposed 1996 NRBG. Staff requests that the BWSR authorize the revised NRBG program and authorize staff to issue the allocations for the 1996 base grants according to Board policy. Ron thanked DNR and PCA for coordination among agencies for this grant program. Moved by Barbara Uppgaard, seconded by Marv Tripp, to authorize the 1996 NRBG allocation. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Ramsey County Ground Water Plan - Eric Mohring introduced Pat Twist and Tom Peterson. Eric gave a brief overview of the Ramsey County Ground Water Plan. Staff recommends approval of the Ramsey County Ground Water Plan. Pat Twist thanked BWSR for the seed money for the water plan. Moved by Dwain Otte, seconded by Ginny Imholte, to approve the Ramsey County Ground Water Plan. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

MASWCD Initiative Regarding SWCD Supervisor Per Diem - Ron Harnaack reported that MASWCD proposes increasing the SWCD supervisor per diem from \$55 to \$70. Moved by Dwain Otte, seconded by Darrell Bruggman, to increase the SWCD supervisor per diem from \$55 to \$70. Affirmative: None. Opposed: Annexstad, Bruggman, Cobb,

Failed on voice vote.

required,
by
to support
enforcement
actions
under
the WCA.

Ramsey
City SWCD
staff

Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard.
Defeated.

Legislative Initiatives - Ron Harnack explained the initiatives. Chair Cobb asked that board members become involved in the legislative initiatives to assist staff and *service to help serve our organizations*. Technical and administrative initiatives are due on September 29; monetary initiatives due October 6. More detailed proposed initiatives will be sent to the board next week. Moved by Barbara Uppgaard, seconded by Marv Tripp, to accept legislative initiatives as placeholders by staff. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried. *(send w/ minutes draft)*

Dispute Resolution Committee Recommendations - Kathy Roer explained the Landview Landscaping v. Minnehaha Creek Watershed District. *appeal* Moved by Kathy Roer, seconded by Barbara Uppgaard, to approve the DRC recommendation as presented, Chair Cobb to sign order affirming the Minnehaha Creek Watershed District. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Levine v. Minnehaha Creek Watershed District - *appeal* Moved by Kathy Roer, seconded by Dwain Otte, to approve the DRC recommendation, Chair Cobb to sign order affirming the Minnehaha Creek Watershed District. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, and Uppgaard. Opposed: Tripp. Carried.

C.A.R.E. v. Wright County SWCD - *appeal* Moved by Kathy Roer, seconded by Marv Tripp, to approve the DRC recommendation, Chair Cobb to sign order affirming Wright County SWCD. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Kathy Roer commended DRC members in these appeals. Chair Cobb commended Kathy Roer for her leadership in the DRC.

by better identification of roles **Update on Environmental Reorganization Meetings** - Barbara Uppgaard attended the Duluth meeting, ~~as her responsibility in agency reorganization~~, she encouraged members to respond to the questionnaire. Kathy Roer attended the metro meeting, ~~overlapping should be addressed~~ *can* water resources should be managed at local level with state oversight. Discussion followed. ~~Consensus was consistent at all meetings~~. Chair Cobb said that she's not sure what will happen now. The last environmental cluster meeting was cancelled; however the EQB meets on Friday.

RIM 10th Anniversary Celebration - October 12, board members encouraged to attend, LeRoy Stensgaard will attend.

Advisory Comments

Minnesota Extension Service (MES): Jim Anderson reported that MES is working with MASWCD supervisors and staff to put together a two-year leadership educational program, eight sessions devoted to building leadership capacity.

Bd. of Water/Soil Res. Fax: 612-297-5615

Sep 28 '95 10:20 P.06/07

Department of Natural Resources (DNR): Wayne Edgerton stated that DNR legislative initiatives are: increase in license fees; watercraft increase fee; trespass law. *initiatives reforms.*

Minnesota Pollution Control Agency (MPCA): Wayne Anderson announced that applications for clean water partnership are being accepted. MPCA just finished sewage treatment rule. Wayne distributed a fact sheet on feedlot rule revision, *asked for public comment.*

Department of Agriculture (MDA): Bob Patten stated that MDA is continuing work on feedlots, many publications on feedlots are now available. *ISSUES + MANURE management*

Minnesota Association of Watershed Districts (MAWD): Ray Bohn commented on the reorganization meetings, two over-riding themes -- if it's not broke don't fix it; and bigger is not better. The MAWD convention will be held December 1-2, in Alexandria.

Minnesota Association of Soil and Water Conservation Districts (MASWCD): D'Wayne DeZiel stated that the MASWCD convention is December 10-12, in St. Cloud. He attended the reorganization meetings; there is a duplication of efforts between federal and state agencies overlapping.

Minnesota Association of Townships (MAT): Franklin Denn stated that 34 counties are not doing land use planning. *? what really?* *annexation bill that will address this issue* He attended a conference in Washington, D.C., and met with the U.S. Department of Agriculture Secretary. *Countywide*

Natural Resources Conservation Service (NRCS): Roger Musetter said that Bill Hunt is in Duluth today.. Roger said NRCS is reorganizing. He stated that the 13th CRP sign-up was held and due to criteria, *low eligibility for applicants*. Roger thanked Greg Larson and other staff for the wetland delineation training. *the number of applicants was low.*

Chair Cobb introduced Pete Waller, Board Conservationist, in BWSR Brainerd office.

BWSR Meeting Schedule Policy - Moved by Dwain Otte, seconded by Ginny Imholte, to approve the following resolution: To maintain effectiveness in its role as a policy making entity and to assure continued participation, familiarity and credibility, the BWSR will, by this policy formally meet a minimum of ten months per year. One two-month combination meeting, based on such reasonings as unsubstantial activity, lack of timely decision making issues, vacation time period, etc., may be requested by the Executive Director at least sixty days in advance. The other two-month combination meeting historically embraces the November and December sessions. This policy will remain in effect until formally amended by Board majority vote. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried

Attendance at AMC, MAWD, and MASWCD Conventions - Board members interested in attending should let Ron know. *list attendees*

Moved by Marv Tripp, seconded by LeRoy Stensgaard, to adjourn the meeting at 1:10 p.m. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, *voice vote.*

annexation continues to be a big issue that needs to be addressed!

Septrevis

Wetlands Committee - Darrell Bruggman attended wetlands teams meeting in St. Cloud; concern from staff on why and how decisions on wetlands are made at the county board level.

Old Business

East Otter Tail SWCD Update - Ted Lovdahl introduced Carl Annalora, who gave a brief update on the status of the situation in East Otter Tail SWCD. Carl thanked BWSR for staff support on their situation of embezzlement.. Sara Johnson helped in reorganizing the office, things are now under tight control. The East Otter Tail SWCD has established supervisor responsibilities so they can respond better to daily activities; they have reduced per diem and mileage rate for supervisors; staff gave up four hours per week so savings can be made up. A pre-trial hearing on the embezzlement situation is scheduled for September 25, trial date set for October 24. Pre-hearing date set rather than trial, restitution will be made, no plea agreement has been made yet as to guilty or not guilty. BWSR staff may be asked to testify on programs that would impact the constituency. The East Otter Tail SWCD and landowners appreciate BWSR assistance. Chair Cobb thanked Carl for the update.

Endorse Amendments to Revised Cost-Share Rule and Authorize Publication - Marybeth Block reviewed comments received by Wright SWCD requesting that the definition of *high priority water quality problems* be revised. Moved by Dwain Otte, seconded by Marv Tripp, to retain the language ^{in the August 1995 draft} on the cost-share rule. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Marybeth reviewed proposed amendments to the August 1995 draft. Moved by Dwain Otte, seconded by Ted Lovdahl, to endorse the August draft of cost-share rule as amended and adopt the resolution to publish the Board's intent to adopt amendments to the permanent rule governing the state cost-share program without a public hearing. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Snake River Watershed District Petition - Doug Thomas gave a brief status report on the Snake River Watershed District Petition. Staff recommends dismissal of the Snake River Watershed District. Moved by Rossman, seconded by Roer, to approve the dismissal of the Snake River Watershed District petition. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried. Chair Cobb and Ron commended staff and the Snake River representatives for all the time spent on this.

Chair Cobb called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:20 a.m.

New Business

Chair Cobb introduced Dan Larson, representing wetlands, he invited board members and staff to meet with -- and constituents to come into agreement on the wetland issues.

5: september

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
NOT FOR PUBLIC DISTRIBUTION

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA
SEPTEMBER 27, 1995

BOARD MEMBERS PRESENT:

Barbara Cobb, Dwain Otte, Ted Lovdahl, Tim Hvidsten, Ginny Imholte, Barbara Uppgaard, Marvell Tripp, Darrell Bruggman, Jim Rossman, LeRoy Stensgaard, Glenn Annexstad, and Kathleen Roer.

AGENCY MEMBERS PRESENT:

Bob Patten, Department of Agriculture
Wayne Anderson, Pollution Control Agency
Wayne Edgerton, Department of Natural Resources
Jim Anderson, Minnesota Extension Service

AGENCY MEMBERS ABSENT:

Kim Benson-Johnson, Department of Health

Done
SA

OTHERS PRESENT:

Don Wodek, Hennepin Conservation District
D'Wayne DeZiel and LeAnn Buck, MASWCD
Carl Annalora, East Otter Tail SWCD
Roger Musetter, NRCS
Franklin Denn, MAT
Ray Bohn, MAWD

Dan Larson

STAFF PRESENT:

Ron Harnack, Greg Larson, Doug Thomas, Eric Mohring, Wayne Zellmer, Marybeth Block, Pete Waller, Keith Grow, Dan Steward, Al Kean, and Mary Jo Anderson.

Chair Cobb called the meeting to order at 9:00 a.m.

Adopt Agenda - Moved by LeRoy Stensgaard, seconded by Marv Tripp, to adopt the agenda as presented. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Minutes of August 23, 1995 - Moved by LeRoy Stensgaard, seconded by Darrell Bruggman, to approve the minutes of August 23, 1995, as circulated. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Chair's Report - Barb attended two Environmental Quality Board (EQB) meetings. She attended a wetlands team meeting in St. Cloud, and she attended portions of a mini-session in Bemidji and went on a wetlands tour - Susan Tsakakis and Greg Larson also attended. The House Environmental ~~Natural~~ ^{and} Resources Committee met after the tour.

Kathy Roer entered the meeting at 9:07 a.m.

Executive Director's Report - Ron Harnack attended the EQB reorganization meetings in St. Cloud, Fergus Falls, and Bemidji. The Senate Ag Committee will be meeting statewide; Ron will distribute those meeting dates and locations when he receives more information about them. A Reinvest In Minnesota (RIM) 10th Anniversary Celebration is scheduled for October 12 in Yellow Medicine County. Ron will be scheduling BWSR field office visits in the southern part of the state to spend time with staff.

~~Discussion on the value of wetlands, is it worth it -- mitigation, time, and money spent.~~

Dispute Resolution Committee (DRC) - Kathy Roer briefly reported on the following appeals: the Trout Unlimited appeal in Shakopee will possibly be settled; Valley Branch Watershed District appeal pre-hearing is October 4; Comm vs. Minnehaha Creek Watershed District appeal ^{is} part of Ewing wetlands controversy, ^{which} scheduled for hearing in November. No hearings scheduled for October, but the DRC will use that time for a working session. Ron said that McLeod County has chosen to go the appeals court, ^{we are} awaiting final decision from the judge. *u*

Education Committee - Tim Hvidsten stopped ^{by} the fair booth, it was a slow day at the booth when he was there. Ron said the location of the BWSR booth is good, we are seeing a variety of people. ~~It was suggested that BWSR should demonstrate how other agencies work together, would be a good message to convey.~~ ^{may want to use the booth to} Discussion followed.

Feedlot Committee - Jim Rossman asked about feedlot rules update. ^{spell out first} MASWCD will propose legislation regarding feedlots.

Cost-Share/Soil Conservation Committee - Dwain Otte will update later in the meeting.

Wetlands Committee - Darrell Bruggman attended wetlands teams meeting in St. Cloud; *u*

concern from staff on why and how decisions on wetlands are made at the county board level.

Old Business

as the district has sorted out its embezzlement situation

East Otter Tail SWCD Update - Ted Lovdahl introduced Carl Annalora, who gave a brief update on the status of the situation in East Otter Tail SWCD. Carl thanked BWSR for staff support ~~on their situation of embezzlement~~. Sara Johnson helped in reorganizing the office, things are now under tight control. The East Otter Tail SWCD has established supervisor responsibilities so they can respond better to daily activities; they have reduced per diem and mileage rate for supervisors; staff gave up four hours per week so savings can be made up. A pre-trial hearing on the embezzlement ~~situation~~ is scheduled for September 25; trial date set for October 24. Pre-hearing date set rather than trial, restitution will be made, no plea agreement has been made yet as to guilty or not guilty. BWSR staff may be asked to testify on programs that would impact the ~~constituency~~. The East Otter Tail SWCD and landowners appreciate BWSR assistance. Chair Cobb thanked Carl for the update.

the SWCDs recognized

this sounds like they're not adopting the amendments

Endorse Amendments to Revised Cost-Share Rule and Authorize Publication - Marybeth Block reviewed proposed amendments. Moved by Dwain Otte, seconded by Marv Tripp, to retain the language on the cost-share rule. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Moved by Dwain Otte, seconded by Ted Lovdahl, to endorse the cost-share rule with amendments and adopt the resolution to publish without a public hearing. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

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representing what?

?? who?

???

WCA Eligibility: Natural Resource Block Grant Issues - Greg Larson explained the Natural Resource Block Grant (NRBG) program. He provided a number of alternatives that the BWSR Grants Team developed. Discussion followed. Board members were

linking in the non-adopting countries. - but what about rescinding counties? Does this policy apply to them?

concerned with the water planning funds linked with the WCA funds -- not a good idea to tie these two together. WCA is not optional, the law is mandatory. Moved by Marv Tripp, seconded by Darrell Bruggman, to accept alternative #2 -- Continuation of the moratorium on projects that impact wetlands with DNR enforcement of violations. (This is the policy adopted at the July, 1995 BWSR meeting, Although that policy did not include fiscal penalties) ^{non-adopting or rescinding} plus county to return unspent amount of previous WCA funds, ^{more extreme} and the county is ineligible to receive WCA funds until WCA is implemented. Acknowledgement by county of WCA adoption must occur by January 16, 1996 (NRBG application deadline) or the FY96 WCA portion of the NRBG is reallocated to other LGUs. (This is essentially the WCA fiscal policy of last year). If a county rescinds WCA after they have submitted a NRBG application, they will be required to return the WCA funding. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: Otte. Carried.

to other local govt through challenge grants.

BWSR strongly encourages counties to go through the WCA amendments with their staff. After the deadline date of 1/16/96 ^{the} balance funds ^{would} be freed up into the challenge grants for future allocation, they would not be able to reapply for those funds for wetlands base grant. BWSR staff wants to sit down with non-adopting counties, ^{to work out agreements} so agreements can be made.

Ron said that SWCDs will receive \$5,000 ^{regardless of} if the county rescinded WCA; ^{as this money is} they are granted \$5,000 to administer the WCA activities in their county. Rossman asked Ron to demonstrate at the October meeting how the procedures work for SWCDs to administer the WCA program. Discussion followed. Ron said that BWSR acknowledges that when a new law comes into place, it's difficult it to make it perfect, LGUs are faced with losing state/federal funds; we're advocating change in the legislature.

spell out 1st time

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Boards legislative
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Minnesota Association of Soil and Water Conservation Districts (MASWCD): D'Wayne DeZiel stated that the MASWCD convention is December 10-12, in St. Cloud. He attended the reorganization meetings; ~~there is a duplication of efforts between federal and state agencies overlapping.~~ ^{they are proposing this bill?}

Minnesota Association of Townships (MAT): Franklin Denn stated that 34 counties are not doing land use planning; annexation bill that will address this issue. He attended a conference in Washington, D.C., and met with the U.S. Department of Agriculture Secretary.

Natural Resources Conservation Service (NRCS): Roger Musetter said that Bill Hunt is in Duluth today. Roger said NRCS is reorganizing. He stated that the 13th ~~CRP~~ ^{sign-up} was held and due to criteria, ~~low eligibility~~ ^{many} for applicants. Roger thanked Greg Larson and other staff for the wetland delineation training. ^{reports in} ~~were not eligible~~

Chair Cobb introduced Pete Waller, ^{from MTH} Board Conservationist, in BWSR Brainerd office.

BWSR Meeting Schedule Policy - Moved by Dwain Otte, seconded by Ginny Imholte, to approve the following resolution: To maintain effectiveness in its role as a policy making entity and to assure continued participation, familiarity and credibility, the BWSR will, by this policy, formally meet a minimum of ten months per year. One two-month combination meeting, based on such reasonings as unsubstantial activity, lack of timely decision making issues, vacation time period, etc., may be requested by the Executive Director at least sixty days in advance. The other two-month combination meeting historically embraces the November and December sessions. This policy will remain in effect until formally amended by Board majority vote. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman, Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Attendance at AMC, MAWD, and MASWCD Conventions - Board members interested in attending should let Ron know.

Moved by Marv Tripp, seconded by LeRoy Stensgaard, to adjourn the meeting at 1:10 p.m. Affirmative: Annexstad, Bruggman, Cobb, Hvidsten, Imholte, Lovdahl, Otte, Roer, Rossman,

Stensgaard, Tripp, and Uppgaard. Opposed: None. Carried.

Respectfully Submitted,

Barbara Cobb
Chair

September 14, 1995

To: Water and Soil Resources Board Members

Prepared by: Marybeth Block, Cost-Share Retooling Work Team
612-297-7965



Subject: Cost-Share Rule Revisions



This month staff is asking that the board pass a resolution to **give notice of the board's intent to adopt rules without a public hearing** governing the state cost share program.

Prior to taking that action, the board should endorse the draft rule (August 1995) they have reviewed, along with the amendments outlined on the attached pages. The changes were suggested by Al Kean and Ron Harnack, and I reviewed and incorporated them. They basically clarify text and correct terms (e.g., protected waters v. public). The change of most consequence administratively can be found in 8400.1300 - it removes restrictions regarding cost-sharing practices constructed with funds not derived from the state cost-share program. The August 1995 draft was mailed in the August board packet. If you have misplaced your copy give me a call and I'll forward another to you.

Also attached are comments that Wright SWCD has asked the board consider prior to endorsing the rule. Please review the comments (sent to me via e-mail) and my response that basically conveys the staff's recommendation regarding the comments.

Staff is proposing that discussions regarding the percent of the regular statewide appropriation that may be retained for special projects be tabled until January or February. By doing so, we can focus on the rule process.

Changes made to the August 1995 draft:

8400.0100 DEFINITIONS

Subp. 10 "or other designee" moved from the middle of line 41 to the end - immediately following *conservation district board*.

Subp. 11 "United States" struck from line 54.

Subp. 13 "technical" has been inserted on line 15 between *providing* and *standards* and "technical requirements of" on line 16 has been struck.

Subp. 16 "public" removed and "protected" retained in line 39

Subp. 19 "United States" struck from line 21.

Subp. 20 "Program Plan" deleted - the reference in the rule was changed to "Administrative guidelines of the State Cost-Share program".

Subp. 21 "Protected" retained and "public" struck and definition reworded to read *Protected waters means waters of the state identified as public waters or wetlands under Minnesota Statutes, section 103G.005, subdivision 15 and inventoried under Minnesota Statutes, section 103G.201, and identified on a protected waters inventory map available in a county auditor's office.*

Subp. 23 "Sensitive groundwater" deleted because the reference (in the definition of high priority water quality problems) was struck.

8400.0300 APPROVED PRACTICES

Subp. 1 Added "along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost-share funds" to the end of line 23.

Subp. 2 Added "that impairs water quality" to the end of line 34.

Subp. 3 Item 2 added "erosion" after critical on line 51.
Item 8 inserted the word "runoff" after *storm water* on line 3.
Item 9 added "or improve" after protect on line 4.
Replace numbers (1-9) with letters (A-H).

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS

Subp. 2 Deleted "required" on line 15.

8400.0700 PROGRAM REPORTING AND MONITORING

Delete "by a date deemed reasonable" on line 8 and replaced it with "in accordance with the guidelines and requirements established"

8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS

Subp. 2 Item F. deleted "recommendations located in the" and made board possessive.

8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW

Item E deleted lines 3 and 4 on page 12.

Item F deleted "if the practice was originally installed with or without state cost-share dollars." (middle of line 7 and line 8)

8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT

Subp. 2 Item C line 19 deleted "concurs with the payment decision" and replaced with "defined the total percent of construction that is complete.

8400.1600 EXECUTING THE COST-SHARE CONTRACT

Subp. 2 added the word "appropriate" to the end of line 23. Inserted "for partial completion" between *exceptions* and *must*.

8400.1700 MAINTENANCE

Subp. 3 added "and the purpose of the original practice has been achieved" to the end of line 49.

Date: Tue, 05 Sep 1995 21:04:56 +0000
From: buffa!kjs@mn4ao.attmail.com
Subject: State Cost-Share Rules
To: marybeth.block@bwsr.state.mn.us

>From kjs Tue Sep 5 15:38 CDT 1995
>From kjs Tue Sep 5 15:38 CDT 1995 forwarded by kjs

***** UNDELIVERABLE MAIL sent to marybeth.block@bwsr.state.mn.us, being returned
send-mail: Error # 8 'Invalid recipient' encountered on system buffa

To: marybeth.block@bwsr.state.mn.us
Subject: State Cost-Share Rules

Dear Mary,

A few comments about the proposed State Cost-Share rules I would like the BWSR Board and Staff to consider before the Rule is finalized.

On Page 4 subp. 17; High priority water quality Problems. Language has been added stating that, "the pollutant delivery rate to the water source is in amounts that will impair the quality of the water resource." This requirement could be very difficult to meet if someone wanted to press the issue. Usually the source of pollution is a problem in combination with other sources not solely by itself. Further it would be almost impossible to show what impact a particular area, that was slated for funding, has on a waterbody. I would suggest that this language be removed or at the least modified in the proposed rule.

On page 14, 8400.1500 Conservation District Records; It states that the Conservation District shall also document their efforts to identify and contact land occupiers with high priority erosion problems. This appears to be a new suggested requirement. On the face of it this seems to be a reasonable request, but if a district is using its funds wisely why should they be required to document their outreach effort.

Provided projects installed meet the requirements of the rules a District should not be required to document its efforts or even to undertake them. For instance if a District has funded good projects why should they be required to reach other clients when they would not have the funds to offer anyway. A District Board should be able to decide how best to use its staff, not a requirement of the cost-share rules. This language should be removed from the proposed rule.

We appreciate the opportunity to comment on the new rules and thank you for considering our comments.

From: Self <BWSR-MN/MARYBETH>
To: buffa!kjs@mn4ao.attmail.com
Subject: Re: State Cost-Share Rules
Date: Tue, 12 Sep 1995 13:46:47

Dear Kerry,

Thank you for taking the time to comment on the proposed changes to the cost-share rule. As my correspondence of August 14 stated, the board has the August draft of the rules and any comments will need to be reviewed by them and adopted as an amendment to the draft.

Your comment regarding the definition of high priority water quality problems will be considered by the board. While I understand your concern regarding how a district documents that a water body is being "impaired", it was the belief of the retooling committee that pollutant discharge to a water body be tied to degradation. Again, I will put your suggestion to strike the language before the board at their Sept. 27 meeting.

As for your comment regarding 8400.1500 District Records and the language stating districts will document their efforts to identify and contact landowners with high priority erosion problems, I will not ask the board to consider removing this language because the governing statutes required it to be in rule. M.S. 103C.501 Subd. 6, Rules, item 6 "requirements for districts to document their efforts to identify and contact land occupiers with high priority erosion problems."

Feel free to give me a call to discuss any or all of this. Thanks again for your interest!

CERTIFICATE OF THE
BOARD OF WATER AND SOIL RESOURCES
AUTHORIZING RESOLUTION

I, **Barbara Cobb**, do hereby certify that I am a member and the Chair of the Board of Water and Soil Resources, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Water and Soil Resources, duly and properly called and held on the 27th day of September, 1995, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Ronald Harnack, the Executive Director of the Board of Water and Soil Resources, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt (rules without a public hearing) governing the State Cost-Share Program to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of September, 1995.

Barbara Cobb, Chair
Board of Water and Soil Resources

Attest by one other Board Member:

Signature of Attesting Board Member

Printed Name of Attesting Board Member

Snake River Watershed District Petition - Dismissal - For Action

In 1990 residents from the Pokegama lake area of Pine county presented a petition to the BWSR for the formation of a watershed district. After the hearing process it became apparent that the counties and the petitioners were still at odds and that continued litigation of the issue was likely. In 1991 with the assistance of BWSR all parties entered into a stipulated agreement which laid out a process by which the counties would plan for and create a local mechanism for the protection and enhancement of the Snake River watershed and its lakes. In 1993 the counties that comprised the majority of the Snake River watershed entered in a joint powers agreement that laid out how they would provide for the cooperative management of land and water resources within the watershed. After this point the counties, soil and water conservation districts, and a citizen advisory committee put elements of the joint powers agreement into effect including preparation and adoption of an operating budget, hiring of a local coordinator, and the securing of a number of implementation grants. By July of 1995 all parties that had standing in the establishment petition had signed a dismissal petition agreeing to end the proceedings for establishment of the Snake River Watershed District. At this time staff will be presenting an Order to the Board dismissing the Snake River Watershed District Petition.

- 4) Same as #3 except require a county to return the unspent amount of previous WCA funds and county is ineligible to receive WCA funds this year and water planning and wetland funds beginning next year (fiscal year 1997) until acknowledgement of WCA adoption is received.
- 5) Seek court ordered adoption of WCA program in combination with one of more of the options listed above.

Considerations

- After considerable discussion, the BWSR staff Grants Team endorsed option #4 at their 9/7/95 meeting.
- All options under the moratorium require active enforcement to be effective. A meeting was held with the DNR Deputy Commissioner and DNR Enforcement personnel on 9/1/95 to develop a plan for ensuring that active enforcement does occur.
- Court action against non-adopters will take considerable time, incur much expense, and will do little to salvage whatever chance remains for an amicable settlement.
- All options that require a return or withholding of all or part of NRBG funds may have an impact on the ability of counties and SWCD's to retain employees funded by the NRBG. NOTE: In counties that are not implementing WCA, the SWCD must still play a significant role in providing landowner contact, enforcement assistance and interagency coordination. SWCDs would receive the current \$5000 base grant (directly from BWSR rather than through the county) as long as they continue to carry out their required duties.
- If a county does not receive WCA funding, a mechanism is needed to grant money to other LGU's such as cities. Staff suggest that the SWCD be used as the pass-through agent.
- The vast majority of counties and LGUs are implementing the WCA despite the need for changes. At last count, there are about 460 local units of government implementing the WCA, and 13 counties that have declined participation.

Natural Resources Block Grant: Alternatives for Dealing with Local Governments not Implementing the Wetland Conservation Act (WCA)

Background: The Natural Resources Block Grant (NRBG) is a multi-program grant provided to counties for implementing local water plans, the wetland conservation act, shoreland management and feedlot management. Last year (fiscal year 1995), five counties--Koochiching, Marshall, Pennington, Beltrami and Lake--declined to implement the wetland conservation act (WCA). At the request of the BWSR, all but Lake County returned all or part of the block grant associated with the wetland program. Lake County did not apply for WCA funds. The county is the NRBG pass-through agent for other units of government implementing the WCA, such as cities. A number of cities in the five counties are implementing the wetland conservation act. Consequently, not all WCA funds were returned. The "unused" WCA funds were reallocated later for WCA challenge grants.

Eight additional counties--Clearwater, Roseau, Kittson, Itasca, Pope, Stevens, Lake of the Woods and Big Stone--have recently rescinded their earlier acknowledgement to implement the WCA. The policy to be addressed at the September board meeting concerns the block grant policy in light of an increasing number of recalcitrant counties. I must point out that implementation of the WCA is not optional; the law is mandatory. And staff are receiving an increasing number of comments from implementing counties wondering why they must follow state law when other counties do not. To guide the discussion, I have provided a number of alternatives.

1) Continuation of the moratorium on projects that impact wetlands with DNR enforcement of violations. (This is the policy adopted at the July, 1995 BWSR meeting. Although that policy did not include fiscal penalties, I have listed the policy for information.)

2) Alternative 1) plus county to return unspent amount of previous WCA funds and the county is ineligible to receive WCA funds until WCA is implemented. Acknowledgement by county of WCA adoption must occur by 1/16/96 (NRBG application deadline) or the FY96 WCA portion of the NRBG is reallocated to other LGUs. (This is essentially the WCA fiscal policy of last year.)

→ If a county rescinds WCA after they have submitted a NRBG application, they will be required to return the WCA funding.

3) Alternative 1) plus county to return unspent amount of previous WCA funds and county is ineligible to receive fiscal year 1996 WCA and local water planning funds until the WCA is implemented. Acknowledgement by county of WCA adoption must occur by 1/16/96 or the WCA and water planning funds will be reallocated to other LGU's.

→ If a county rescinds WCA after they have submitted a NRBG application, they will be required to return both the water planning and wetland grant.



TO : Board Members

FROM : Wayne Zellmer, Grants Coordinator *WAZ*

RE : FY 1996 Natural Resources Block Grant (NRBG)

During the past few years the NRBG has evolved from four separate programs. These programs are: local water plan implementation, WCA, DNR shoreland, and the MPCA county feedlot program. Last year, except for the DNR shoreland portion, each program area had a competitive grant in addition to the base grant. This large composite grant proved difficult for many LGUs to manage and state agency staff observed an abnormal amount of errors, confusion, and an overall decrease in the quality of applications.

For the 1996 NRBG, the Grants Team along with MPCA and DNR staff, are proposing a "retooled" grant. Beginning now, an annual base grant application period would be held each fall. The competitive portion of the grant would occur once during the second half of each biennium. Staff believe that separately timed and tailored grant applications will:

- * Reduce the quantity of errors and omissions in applications
- * Simplify and focus the application process
- * Increase the overall quality of applications, especially the competitive portion
- * Reduce and/or spread out state agency and LGU workloads

Proposed county base grants for the 1996 NRBG are listed on the enclosed spreadsheets. The 1996 Natural Resources Block Grant will consist of the following base grant components:

Comprehensive Local Water Plan Implementation Base Grant

This component is for implementation of comprehensive water plans. A local levy match is required. The grant amount is derived from the formula of \$37,500 - local levy, but all counties are eligible for a minimum of \$18,750 (1995 legislative change).

WCA Implementation

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of WCA activity. Grant amounts are the same as last year plus any demonstrated need for an increase, via the 1995 category 1 WCA challenge grant. SWCDs are eligible to receive at least \$5,000 of this grant.

DNR Shoreland

This component is for the administration of state approved shoreland management programs. A local 1:1 cash and/or in-kind match is required. Grant amounts are the same as last year.

MPCA County Feedlot Program

This component is for county administration of the feedlot program. A local 1:1 cash and/or in-kind match is required. This grant is calculated by a formula revised in 1995 legislation.

(Grant amounts are calculated by MPCA and have not been provided to BWSR at this printing.) These funds are not appropriated to BWSR but are transferred from MPCA.

Grant Agreement Addition

In FY 96 SWCDs received a legislative appropriation increase in their service grants. The appropriation language also states that the BWSR will reduce a county's NRBG by an equal amount that a county reduces a SWCD services grant. This language is to provide that SWCDs will maintain their county funding levels. This language will be included in the county NRBG agreements.

Proposed 1996 NRBG Schedule

Base Grants

September 1995	BWSR requested to approve revised NRBG
October 1995	1996 NRBG published in State Register
	1996 NRBG application sent to counties
	BWSR staff host area NRBG training sessions
January 16, 1996	1996 NRBG applications due in Central Office
February 1996	Grant agreements sent to counties

Competitive Grants

March 1996	1996 NRBG published in State Register
	1996 NRBG application sent to counties
July 1, 1996	1996 NRBG applications due in Central Office
August 28, 1996	BWSR requested to approve grants
September 1996	Grant agreements sent to counties

Staff Recommendation

Staff requests that the Board authorize the revised NRBG Program and authorize staff to issue the allocations for the 1996 base grants according to Board policy.

**PROPOSED 1996
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE**

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
AITKIN	\$4,876	\$32,624	\$19,200	\$14,217	THESE	\$66,041
ANOKA	\$74,475	\$18,750	\$40,500	\$3,000	AMOUNTS	\$62,250
BECKER	\$7,041	\$30,459	\$24,200	\$14,153		\$68,812
BELTRAMI	\$6,356	\$31,144	\$36,000	\$6,969		\$74,113
BENTON	\$6,959	\$30,541	\$36,000	\$3,922	ARE	\$70,463
BIG STONE	\$1,571	\$35,929	\$10,000	\$3,105		\$49,034
BLUE EARTH	\$15,470	\$22,030	\$19,200	\$3,864	NOT	\$45,094
BROWN	\$6,530	\$30,970	\$10,000	\$3,084		\$44,054
CARLTON	\$6,922	\$30,578	\$19,200	\$4,802	YET	\$54,580
CARVER	\$18,240	\$19,260	\$36,000	\$3,000		\$58,260
CASS	\$11,820	\$25,680	\$51,000	\$14,098	AVAILABLE	\$90,778
CHIPPEWA	\$3,878	\$33,622	\$10,000	\$3,015		\$46,637
CHISAGO	\$8,232	\$29,268	\$26,700	\$6,196		\$62,164
CLAY	\$10,811	\$26,689	\$16,700	\$3,453		\$46,842
CLEARWATER	\$2,718	\$34,782	\$19,200	\$3,754		\$57,736
COOK	\$3,056	\$34,444	\$12,200	\$5,171		\$51,815
COTTONWOOD	\$4,543	\$32,957	\$10,000	\$3,216		\$46,173
CROW WING	\$19,763	\$18,750	\$36,000	\$25,669		\$80,419
DAKOTA	\$115,117	\$18,750	\$41,000	\$3,000		\$62,750
DODGE	\$3,945	\$33,724	\$16,700	\$3,083		\$53,507
DOUGLAS	\$8,672	\$28,828	\$19,200	\$11,140		\$59,168
FARIBAULT	\$5,291	\$32,209	\$10,000	\$3,165		\$45,374
FILLMORE	\$4,242	\$33,258	\$10,000	\$3,106		\$46,364
FREEBORN	\$8,368	\$29,859	\$10,000	\$3,721		\$43,580
GOODHUE	\$21,129	\$18,750	\$16,700	\$3,216		\$38,666
GRANT	\$2,126	\$35,374	\$13,980	\$3,607		\$52,961
HENNEPIN	\$453,988	\$18,750	\$36,000	\$0		\$54,750
HOUSTON	\$3,523	\$33,977	\$12,200	\$3,152		\$49,329
HUBBARD	\$5,931	\$31,569	\$26,700	\$10,988		\$69,257
ISANTI	\$5,635	\$31,865	\$26,700	\$4,909		\$63,474
ITASCA	\$17,245	\$20,255	\$36,010	\$13,286		\$69,551
JACKSON	\$4,832	\$32,668	\$10,000	\$3,545		\$46,213
KANABEC	\$2,142	\$35,358	\$26,700	\$5,026		\$67,084
KANDIYOHI	\$10,382	\$27,118	\$19,200	\$8,682		\$55,000
KITTSO	\$3,118	\$34,382	\$16,700	\$3,046		\$54,128
KOOCHICHING	\$3,111	\$34,389	\$19,200	\$3,147		\$56,736
LAC QUI PARLE	\$2,565	\$34,935	\$10,000	\$3,020		\$47,955
LAKE	\$2,614	\$34,886	\$16,700	\$5,746		\$57,332
LAKE OF THE WOODS	\$1,048	\$36,452	\$26,700	\$4,205		\$67,357
LE SUEUR	\$5,808	\$31,692	\$16,700	\$6,163		\$54,555
LINCOLN	\$1,863	\$35,637	\$10,000	\$3,211		\$48,848

**PROPOSED 1996
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE**

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
LYON	\$7,197	\$30,303	\$10,000	\$3,169		\$43,472
MCLEOD	\$7,632	\$29,868	\$16,700	\$3,513		\$50,081
MAHNOMEN	\$1,237	\$36,263	\$12,200	\$4,032		\$52,495
MARSHALL	\$4,188	\$33,312	\$19,200	\$3,000		\$55,512
MARTIN	\$6,955	\$30,545	\$10,000	\$3,563		\$44,108
MEEKER	\$4,829	\$32,671	\$19,200	\$5,912		\$57,783
MILLE LACS	\$3,578	\$33,922	\$19,200	\$6,012		\$59,134
MORRISON	\$5,837	\$31,663	\$26,700	\$4,826		\$63,189
MOWER	\$7,378	\$30,122	\$12,200	\$3,893		\$46,215
MURRAY	\$3,462	\$34,038	\$10,000	\$3,832		\$47,870
NICOLLET	\$6,826	\$30,674	\$16,700	\$3,092		\$50,466
NOBLES	\$5,890	\$31,610	\$10,000	\$3,064		\$44,674
NORMAN	\$2,735	\$34,765	\$12,200	\$3,013		\$49,978
OLMSTED	\$35,569	\$18,750	\$26,700	\$3,735		\$49,185
OTTER TAIL (2 SWCD'S)	\$13,637	\$23,863	\$33,200	\$23,775		\$80,838
PENNINGTON	\$2,307	\$35,193	\$16,700	\$3,301		\$55,194
PINE	\$5,407	\$32,093	\$36,700	\$7,508		\$76,301
PIPESTONE	\$2,423	\$35,077	\$10,000	\$3,000		\$48,077
POLK (2 SWCD'S)	\$9,119	\$28,381	\$16,700	\$4,157		\$49,238
POPE	\$2,564	\$34,936	\$15,200	\$5,246		\$55,382
RAMSEY	\$156,848	\$18,750	\$26,700	\$0		\$45,450
RED LAKE	\$928	\$36,572	\$12,200	\$3,356		\$52,128
REDWOOD	\$5,591	\$31,909	\$10,000	\$3,000		\$44,909
RENVILLE	\$6,344	\$31,156	\$10,000	\$3,066		\$44,222
RICE	\$11,314	\$26,186	\$19,200	\$5,162		\$50,548
ROCK	\$3,079	\$34,421	\$10,000	\$3,000		\$47,421
ROSEAU	\$3,651	\$33,849	\$26,700	\$3,114		\$63,663
ST. LOUIS (2 SWCD'S)	\$42,293	\$18,750	\$36,700	\$26,780		\$82,230
SCOTT	\$22,476	\$18,750	\$36,000	\$3,000		\$57,750
SHERBURNE	\$25,481	\$18,750	\$36,000	\$6,100		\$60,850
SIBLEY	\$3,608	\$33,892	\$12,200	\$3,117		\$49,209
STEARNS	\$28,154	\$18,750	\$15,500	\$11,771		\$82,021
STEELE	\$8,147	\$29,353	\$12,200	\$3,347		\$44,900
STEVENS	\$2,435	\$35,065	\$10,000	\$3,156		\$48,221
SWIFT	\$2,846	\$34,654	\$12,200	\$3,178		\$50,032
TODD	\$3,382	\$34,118	\$19,200	\$6,183		\$59,501
TRAVERSE	\$1,952	\$35,548	\$10,000	\$3,260		\$48,808
WABASHA	\$4,331	\$33,169	\$12,200	\$4,241		\$49,610
WADENA	\$1,840	\$35,660	\$21,700	\$3,645		\$61,005
WASECA	\$4,705	\$32,795	\$12,200	\$3,539		\$48,534
WASHINGTON	\$60,447	\$18,750	\$36,000	\$3,000		\$57,750

**PROPOSED 1996
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE**

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
WATONWAN	\$3,186	\$34,314	\$10,000	\$3,163		\$47,477
WILKIN	\$2,484	\$35,016	\$10,000	\$3,026		\$48,042
WINONA	\$9,631	\$27,869	\$12,200	\$3,051		\$43,120
WRIGHT	\$24,470	\$18,750	\$36,000	\$12,233		\$66,983
YELLOW MEDICINE	\$3,149	\$34,351	\$10,000	\$3,020		\$47,371
MARSHALL-BELTRAMI SWCD			\$5,000			\$5,000
NORTH SHORE MGMT. BD.				\$50,000		\$50,000
TOTALS		\$2,612,358	\$1,744,790	\$518,001	\$0	\$4,875,149

A:NRBGBAS9

OVERVIEW OF RAMSEY COUNTY GROUND WATER PLAN

September 1995

DRAFT

Background

In 1990, the Ramsey County Board of Commissioners delegated responsibility for preparation of a county ground water plan to the Ramsey Soil and Water Conservation District (RSWCD). In 1990 the county entered into a contract with the Minnesota Geological Survey for production of a Ramsey County Geologic Atlas. The Geologic Atlas was published in 1992. The county applied for and received a \$15,600 plan development grant from BWSR. In the fall of 1992, RSWCD convened a ground water planning advisory committee and officially began the planning process for the development of the Ramsey County Ground Water Quality Protection Plan.

County Description

Ramsey County, home of the state capital of St. Paul, is located in east-central Minnesota. It is the smallest county in the state with an area of 170 square miles. The county is bordered by Anoka, Dakota, Hennepin, and Washington counties. Nearly 1/2-million people reside in the 18 cities and one township which comprise the county's local jurisdictions. Increasing population and land development in the last few decades have resulted in almost complete urbanization of the county. The county contains an inner core, an inner ring of developed cities, and an outer ring of developing suburbs.

Ground water provides the water supply for 11 cities and 28% of the county's residents. It also contributes up to 20% of the water distributed by the St. Paul Water Utility. There are over 4000 active water wells in the county.

Plan Goal, Objective, and Strategies

The stated goal of the plan is to protect and maintain the quality of ground water resources through the prevention of contamination. The objective is to develop protection programs that cities and other local units of government can use to protect ground water resources within their jurisdictions.

Strategies include:

- Perform a comprehensive inventory of ground water resources.
- Inventory existing and potential ground water contamination sources.
- Review the current ground water management system.
- Design programs and activities for local governments to protect ground water resources.
- Create a framework for coordinating ground water protection activities among local governments.

Plan contents

The plan contains sections on recommendations for local governments, rationale for protecting ground water, ground water planning overview, ground water resource assessment, ground water contamination sources, existing ground water protection framework, local ground water resource protection programs and activities, roles of local governments in ground water protection, financing ground water protection, and plan review, adoption and amendment.

Plan Review

A draft plan was submitted for preliminary local review in August, 1994. A revised draft was submitted for local review and preliminary state agency review in February, 1995. The official state agency review period began in May, 1995. The county has addressed the agency comments, and hopes to receive BWSR approval of the plan in September, 1995.

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

DRAFT

In the Matter of Reviewing the Ground Water Protection Plan
for Ramsey County
(Minnesota Statutes Section 103B.255)

ORDER APPROVING
GROUND-WATER
PLAN

Whereas, the Ramsey County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on May 5, 1995 pursuant to Minn. Stat. 1990, 103B.255, and

Whereas, the Board has completed its review of the Plan,

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

FINDINGS OF FACT

1. In May, 1990 Ramsey County passed resolution 90-294 delegating responsibility for preparation of a county ground water plan to the Ramsey Soil and Water Conservation District (RSWCD).
2. In May, 1990 Ramsey County passed resolution 90-295 accepting \$15,600 in state grant funds to develop a Ground Water Plan.
4. Chapter 103B.255 authorizes and encourages counties in the 7-county metropolitan area to develop and implement ground-water plans.
5. RSWCD completed a draft Plan in August of 1994, and submitted it to affected local units of government for preliminary review and comment.
6. A revised draft was submitted for local review and preliminary state agency review on February 6, 1995 pursuant to Section 103B.255.
7. On May 5, 1995, RSWCD submitted the Plan to the Board, the Departments of Health, Natural Resources and Agriculture, the Pollution Control Agency, the Minnesota Geological Survey, and the Metropolitan Council for review and comment.
8. **Minnesota Pollution Control Agency Review:** On April 4, 1995 the Minnesota Pollution Control Agency (MPCA) provided written comments on the Plan.

On August 14, 1995, RSWCD responded in writing to the MPCA on its Plan review comments. RSWCD stated that recommended changes were incorporated into the Plan.

9. **Minnesota Department of Natural Resources Review:** On March 28, 1995 the DNR Waters Division provided written comments on the Plan.

On August 9, 1995, RSWCD provided written comments to DNR on its Plan review comments, stating that recommended changes were made to the Plan.

10. **Minnesota Department of Agriculture Review:** On March 22, 1995 the Minnesota Department of Agriculture (MDA) provided written comments on the Plan.

On August 9, 1995, RSWCD responded in writing to the MDA on its Plan review comments. The County stated that recommended changes were incorporated into the Plan.

11. **Minnesota Geological Survey Review:** On April 6, 1995, the Minnesota Geological Survey (MGS) provided written comments on the Plan. MGS reviewed the Plan for accuracy of the text on geology and ground water described in the Plan. MGS identified a number of suggested additions, changes, and corrections.

On August 14, 1995, RSWCD provided written comments to MGS on its Plan review comments, stating that recommended changes were made to the Plan.

12. **Metropolitan Council Review:** On June 23, 1995, the Metropolitan Council provided written comments on the Plan. In its comments, the Council expressed concern that the Plan needed to provide more specific guidelines and implementation schedules to local governments, and outline estimated costs to local units of government for each objective. The Council recommended Board approval of the Plan.

On August 14, 1995, RSWCD provided written comments to the Metropolitan Council on its Plan review comments.

13. **Minnesota Board of Water & Soil Resources Review:** On July 31, 1995, the Minnesota Board of Water & Soil Resources (Board) provided written comments to the County on its preliminary Plan. The comments suggested changes or additions to the Plan including the Plan implementation program and technical and editorial comments.

14. **County Response to Agency Comments:** RSWCD, in its final Plan submitted to the Board on September __, 1995 made all the changes deemed necessary by the Board staff review of July 31, 1995. Ramsey County also made numerous changes to the Plan as a result of Agency and local comments.

15. The Board reviewed the Plan for conformance with the requirements of the Metropolitan Water Management Act at its September 27, 1995 regular meeting.

DRAFT

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Ground Water Protection Plan of Ramsey County, Minnesota, pursuant to Minn. Stat. 103B.255.
2. The Ramsey County Ground Water Protection Plan attached to this Order:
 - (a) covers the entire county area;
 - (b) describes existing and expected changes to the physical environment, land use, and development in the county;
 - (c) summarizes available information about ground water and related resources in the county;
 - (d) states the goals, objectives, scope, and priorities of groundwater protection in the county;
 - (e) contains standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, and previously contaminated areas;
 - (f) describes relationships and possible conflicts between the ground water plan and the plans of other counties, local units of government, and WMO's in the affected ground water system;
 - (g) sets forth standards and guidelines for the implementation of the plan by WMO's and local units of government;
 - (h) includes a procedure for amending the plan,

as provided in Minnesota Statutes Chapter 103B.255.

ORDER

The Board hereby approves the attached Plan as the Ground Water Protection Plan of Ramsey County. Dated at St. Paul, Minnesota, this 27th day of September, 1995.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Barbara Cobb
Chair

WATERSHED DISTRICT
M.S. 103D
PROPOSED 1996 LEGISLATIVE INITIATIVES

Stormwater Utility Fees - Incorporate into 103D the same basic authority that counties and cities have to establish a utility fees. A financing mechanism based on a fee, that would be directly related to the amount a parcel contributes to a situation or an amount of service provided is a more equitable means of assessing costs. This type of financing mechanism gets away from the traditional WD approach of assessing benefits and damages which has proven to be a difficult mechanism to employ when implementing water quality projects. One issue that has not been resolved, at this time, is can an collection mechanism which would involve the use of property tax statements be found.

Buffer Strip Establishment - Some desire exists on the part of watershed districts to have a mechanism to order the establishment of buffer strips on ditch systems, after a petition, without having to go through a costly redetermination of benefits.

Sub Watershed Areas - Expand the authority of Watershed districts o allow for the establishment of sub watershed taxing areas. This authority is needed in the metro area to allow for the broader use of ad valorem levies that WMO's have in the metro area. Current law limits this authority to cities and counties. This would also be necessary for the efficient operation of utility fees.

WCA/DRC committee membership

SUPERVISOR PER DIEM

WHEREAS, in this day and age, time is valuable, time is money; and

WHEREAS, we as Soil and Water Conservation Districts (SWCD) Supervisors hold county elected positions of our own choice, we must recognize that this is time dedicated by our willingness to serve as conservationists, and environmentalist, and local policy makers; and

WHEREAS, all employees, whether SWCD, state or federal, receive their daily wages while attending meetings. Supervisors should also be fully compensated for their knowledge and experience.

THEREFORE BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) seek to establish per diem rate of up to \$70.

Submitted By:
Swift SWCD

Area Association: Area V
Date Adopted: June 22, 1995

Reviewed By:
MASWCD Board of Directors
Date: August 22, 1995

MASWCD Annual Convention:
Action:
Date:

For Further Information Contact:
Orvin Gronseth, Supervisor, Swift SWCD (612) 366-3754



Facts about the

FEEDLOT RULE REVISION

Minnesota's Feedlot Rules were first adopted in 1971, more than two decades ago, and were amended in 1974 and 1978. Since then, agriculture has undergone major changes.

Animal housing and production techniques have changed dramatically, there are greater concentrations of animals on farms than ever before, and the potential impacts of animal feedlots on water quality are better understood. These factors and others have contributed to the need for a re-examination of the animal feedlot rule.

Why does the MPCA regulate feedlots?

Since 1968, the Minnesota Pollution Control Agency (MPCA) has had the responsibility of developing standards and regulations that will protect our state's surface and ground waters. These regulations are developed to ensure that our waters can be used for drinking water, recreation, navigation and industrial uses, and also allow for the propagation of healthy populations of fish and wildlife. This means that the MPCA must

regulate a wide variety of pollutants, including those that result from agricultural operations such as the raising of livestock and poultry.

There are approximately 40,000 livestock and poultry operations in Minnesota. An inevitable byproduct of these farms is animal manure. Though animal manure is beneficial as a soil additive and as fertilizer if properly used, manure that is improperly stored, transported or disposed of can create serious pollution hazards.

By developing rules for managing animal manure, the MPCA can create safeguards to ensure that animal manure is stored, transported, used, or otherwise disposed of in a manner that will protect water resources.

Why is animal manure potentially so harmful to water quality?

Animal manure and feedlot runoff contain a much higher concentration of pollutants than domestic sewage. If not managed properly, manure and

its runoff can cause serious degradation of surface and ground waters.

Animal manure contains high levels of organic matter, bacteria, and nutrients like phosphorus and nitrogen. Nitrogen and phosphorus can create an imbalance in water chemistry and in plant and animal life. For example, phosphorus can greatly accelerate the growth of microscopic algae in surface waters. When this algae dies, the decomposition process begins and dissolved oxygen levels drop. Low levels of dissolved oxygen can seriously harm fish and invertebrate populations. Nitrogen in the form of ammonia can also be toxic to fish.

Likewise, the organic matter found in animal manure can find its way into surface waters and decompose. Like dead algae, decomposing organic matter robs oxygen from the water, harming fish and other aquatic life. If sufficient quantities of manure are discharged into rivers, lakes and wetlands, decomposing organic matter can also smother important fish-breeding grounds.



Large numbers of bacteria and other microorganisms are also typically found in animal manure, and infectious diseases can be associated with these bacteria. Once animal manure reaches surface waters, recreational activities such as swimming and canoeing are significantly diminished due to human health and aesthetic concerns.

What kinds of rule changes is the MPCA considering?

The MPCA is only beginning the rule-revising process. No specific changes have been developed. However, the issues listed below have been raised over the last several years and will be among those the agency will consider as staff revise the rule:

Program administration

- environmental impacts of abandoned feedlots
- unpermitted earthen basins
- changes in the permitting process (for example, raising the minimum number of animal units which require a permit)
- financial assurance for large animal-confinement facilities
- Odor control

Technical Clarifications

- define how much seepage can occur from earthen manure basins without harming ground-water quality
- clarify land application requirements
- possible requirements for manure stockpiling to prevent leaching and runoff of pollutants
- new requirements for the proper disposal of milkhouse waste

What is the schedule for revising the feedlot rule?

The MPCA will begin the rulemaking process during 1995, with public hearings anticipated during the fall of 1996. The agency estimates that the revised rule will be adopted by May 1997.

How will the public be involved in the rule revision process?

The MPCA will make every effort to create a number of opportunities for public involvement in the feedlot rule revision process. MPCA staff plan to seek advice from the Feedlot and Manure Management Advisory Committee as they research and develop draft language for the new rule. In addition, the agency will hold a number of informational meetings for concerned feedlot organizations and owners. The public will also have an opportunity to comment on the draft rule as part of the administrative procedures process that is required by law.

For more information about the feedlot rule revision, contact DAVE NELSON of the MPCA's Water Quality Division at (612) 296- 9274 or toll-free at (800) 657-3864. TTY users call (612) 282-5332 or (800) 657-3864. The mailing address is 520 Lafayette Road North, St. Paul, MN 55155-4194.

THE BOARD OF WATER & SOIL RESOURCES
MEETING SCHEDULE POLICY
SEPTEMBER 27, 1995

To maintain effectiveness in its role as a policy making entity and to assure continued participation, familiarity and credibility, The Board of Water & Soil Resources will, by this policy formally meet a MINIMUM of ten (10) months per year.

One two-month combination meeting, based on such reasonings as unsubstantial activity, lack of timely decision making issues, vacation time period, etc., MAY be requested by the Executive Director at least sixty (60) days in advance. The other two month combination meeting historically embraces the November and December sessions.

This policy will remain in effect until formally amended by Board majority vote.



News Release

For immediate release:
Wednesday, September 20, 1995
For further information contact:
Susan Tsakakis (612) 297-1893
Marcy Dowse (612) 296-0907

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

CARLSON SUPPORTS WCA CHANGES

Governor Arne H. Carlson has unveiled draft legislation that would modify Minnesota's Wetland Conservation Act (WCA) to meet the reasonable concerns of landowners, while preserving the state's commitment to no-net-loss of wetlands.

"The Wetland Conservation Act is one of the best in the country and we're proud of it. Because it broke new ground, we anticipated that we would need to fine-tune it based on the comments of landowners and local governments. Our draft legislation maintains our commitment to comprehensive wetlands protection but makes sure the law is implemented fairly and reasonably," Carlson said.

Carlson supports a draft bill developed by the Minnesota Board of Water and Soil Resources (BWSR) that addresses many of the concerns citizens and local governments have expressed about the WCA, he said.

"I certainly agree that some changes are necessary to make the Wetland Conservation Act more workable, particularly in certain parts of the state," Carlson said. "I think this draft bill makes those changes, yet still maintains a high level of protection for our wetlands. It is a reasonable compromise." Carlson has repeatedly said that he would not sign any bill that drastically reduces wetland protection.

(more)

Carlson added that he hopes that legislators who will be holding meetings to discuss wetlands policy in the next months will find the draft bill helpful.

The WCA requires landowners wishing to drain or fill a wetland to consider and to document alternatives. If a project cannot be reasonably redesigned, then lost wetland area must be replaced through restoring drained wetlands or creating new ones.

BWSR, the state agency that administers the WCA, developed the draft bill based on comments from local governments, interest groups, and private citizens. The BWSR found that many of the problems with the WCA occur in northern counties that have a high percentage of wetlands remaining. The bill remedies those problems by doing the following:

- exempting more wetlands from the WCA in counties with more than 80 percent of their presettlement wetlands remaining;
- providing more flexibility for local governments to determine the amount of wetland replacement; and
- reducing the replacement ratio and subsidizing replacement for road projects in counties with more than 80 percent of their presettlement wetlands remaining.

In addition, the proposal also requires the state to pay any claims against a local government sued for carrying out the WCA, as long as the government is implementing the law properly.

Governor Carlson said that he supports the draft legislation and hopes that it or something comparable is passed early in the 1996 session.

###

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF McLEOD

FIRST JUDICIAL DISTRICT
Case Type: Other Civil

McLeod County Board of Commissioners
as the Drainage Authority for McLeod
County Ditch No. 8,

Plaintiffs

File No. CX-94-196

vs.

The State of Minnesota,
Department of Natural Resources

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

Defendants.

The above-entitled matter came on for hearing before the Honorable L. W. Yost on February 21, 1995, at the McLeod County Courthouse in Glencoe, Minnesota, upon Plaintiffs motion for a declaratory judgement. Specifically, Plaintiffs requested that the Court declare Sections 103G.2241 and 103G.2242 of the Minnesota Statutes to be unconstitutional.

Michael Junge, McLeod County Attorney, appeared on behalf of the Plaintiffs. Defendant was represented by Matthew B. Seltzer, Assistant Attorney General for the State of Minnesota.

Based on all the files, records, and exhibits herein, as well as the arguments of counsel, the Court makes the following:

FINDINGS OF FACT

1. In 1993, the McLeod County Board of Commissioners (the County), acting as the Drainage Authority for Ditch No. 8 in McLeod County began to clear Lateral No. 3 of that ditch in an attempt to restore it to the depth of its original construction.

2. Upon notification that this clearing project could cause the water level of Bullhead Lake to drain below the 20 year level, the Department of Natural Resources (DNR) issued a Cease and Desist Order, preventing the County from continuing its clearing project.

3. Through the use of aerial photos and interviews with local residents, the McLeod County Technical Advisory Panel determined that the level of Bullhead Lake in 1973 was 96.7 feet.

4. In order to determine whether or not the completion of the clearing project in Lateral 3 will actually lower the level of the lake below the 20 year mark, additional surveys of the lake area will need to be completed.

5. Pursuant to the requirements of the Wetlands Conservation Act, the County has three options if it wishes to continue its work in clearing Lateral 3 to the depth of its original construction. These options consist of: 1) establishing, through additional surveys, that the clearing project will not lower the level of Bullhead Lake below the 20 year mark; 2) purchasing additional wetlands to replace any wetlands lost by draining Bullhead Lake below the 20 year mark; or 3) installing a control structure in Lateral 3 to hold the water level in Bullhead Lake at 96.7 feet.

6. In addition to these findings, the Court also adopts as its findings those facts to which the parties have previously stipulated. (See Part. Stip. of Facts, filed February 21, 1995)

CONCLUSIONS OF LAW

1. Minnesota Statute §§ 103G.2241 and 103G.2242 do not affect a taking of property rights in violation of the Constitution.

ORDER

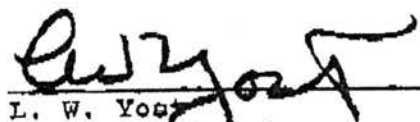
1. Plaintiffs' motion for a declaratory judgment in this matter is hereby denied.

2. The attached memorandum is made part of this order.

IT IS SO ORDERED.

BY THE COURT:

Dated: August 4, 1995


L. W. Yost
Judge of District Court

FILED

AUG 9 1995

JUDY PROEM
COURT ADMINISTRATOR
WALDO COUNTY MN

MEMORANDUM

The County challenges the constitutionality of Minn.Stat. §§ 103G.2241 and 103G.2242 insofar as they prevent the County from completing repairs on Lateral 3 of Drainage Ditch No. 8 in McLeod County. The State asserts that the County does not have standing to assert the property rights of the landowners who will benefit from the clearing of Lateral 3, and that the issue is not ripe because the County has not exhausted all of its administrative remedies. The State also defends the challenged sections of the Wetlands Conservation Act by arguing that the Act has not resulted in any unconstitutional taking of property.

The Court notes the States challenge to the County's standing in this issue but accepts, *arguendo*, that the County, as the only party entitled to conduct ditch clearing activities, is in an appropriate position to assert the property owners rights in having the ditches maintained.¹ In addition, in light of the Court's resolution of this matter as described herein, and because the County's challenge to Minn.Stat. §§ 103G.2241 and 103G.2242 includes a challenge of the costs associated with the available administrative remedies, the Court accepts the County's argument that it is futile to pursue administrative remedies.

¹To the extent that the County argues a taking of property by the encroachment of water on the property owners' land, the Court rejects this argument as beyond the scope of the County's standing in this matter. That is, if the Court accepts that the County has standing pursuant to Minn.Stat. § 103E.705 as the drainage authority, that standing only extends to the drainage rights of the property owners, and not to their individual rights in the property they own around Bullhead Lake.

The crux of the County's argument is that by restricting the amount of water that can flow through Lateral 3, (or by requiring the purchase of replacement wetlands for any outflow which lowers Bullhead Lake below the 20 year mark of 96.7 feet), the State is interfering with the drainage rights of the landowners benefitted by Lateral 3. This right, the County claims, cannot be taken without due process or adequate compensation.

The case which originally recognized a landowner's property right in drainage ditch maintenance was Lupkes v. Town of Clifton, 157 Minn. 493, 196 N.W. 666 (1924). In that case, a ditch was built and Lupkes was assessed a substantial tax for the resulting benefit to his land. Id. at 495, 196 N.W. at 667. Later, the town determined that due to the extensive erosion which had resulted from a ravine emptying into the ditch, the ditch should be opened at the point where the ravine and the ditch converged, and the water from the ravine should be allowed to flow across Lupkes property as it had before the ditch was built. Id. at 496, 196 N.W. at 667. In rejecting the Town's argument that Lupkes had no right in having the ditch remain as constructed, the court stated:

[I]t would be a shocking result indeed if in any manner, however subtle, a way could be found to take away from the landowner the distinct and affirmative benefit forced upon him by his government, and for which his government has compelled him to pay, without making the adequate compensation required by the Constitution By the ditch proceedings he acquired the right to have the new water course intercept the ravine on his south boundary To hold now that any authority has the right to cut away the embankment or any part of it, or to fill the ditch so as to restore in whole or in part the old drainage onto plaintiff's land, would be to deprive him of a property right.

Id. at 499, 196 N.W. at 669.

From this passage it is apparent that the court in Lupkes found it very significant that Lupkes had been made to pay for the benefit the ditch provided him. Having been assessed such a benefit when the ditch was constructed, the court found that it was not possible for the town to take that benefit away without compensating Lupkes for his loss.

Unlike the landowner in Lupkes, however, there is no indication in this case that the landowners around Bullhead Lake were ever assessed benefits for the drainage provided by Lateral 3. (Part. Stip. of Facts ¶ 1) Moreover, unlike the officials in Lupkes, the State does not intend to change the current operation of the ditch; it merely intends to maintain the ditch in status quo. Therefore, while Lupkes definitely indicates that landowners do, under some circumstances, have property rights in the maintenance of their drainage ditches, the Court is skeptical as to whether the landowners around Bullhead Lake have actually acquired such drainage rights. Nevertheless, the Court accepts that the right to drainage through a cleared drainage ditch was present at one time, and may have been passed along to the current property owners. See Jacobsen v. Kandiyohi County, 234 Minn. 296, 48 N.W.2d 441 (1951) (landowners in 1930's had right in the maintenance of a ditch constructed in the 1900's). As a result, the Court must address whether the State's enactment of the Wetlands Conservation Act is a legitimate exercise of the police power, or whether it unconstitutionally deprives the landowners of their drainage rights without notice or compensation.

The County's argument that the Wetland Conservation Act has taken property without notice to the landowners asserts the landowners' right to procedural due process. In this case, however, the Wetlands Conservation Act is an enactment of general application. That is, it affects all drainage authorities similarly and does not place a special burden on the Plaintiff or the landowners benefitted by Lateral 3. As such, the Wetlands Conservation Act is not subject to the notice and hearing requirements generally associated with procedural due process. See Hylan v. Owens, 312 Minn. 309, 312-13, 251 N.W.2d 858, 861 (Minn. 1977) (taking of property by legislative action does not require notice and hearing).

Nevertheless, even if the statute is enacted appropriately, it will fail under a due process review unless the Court finds that the law is a reasonable means of accomplishing a permissible objective. Id. The legislature of Minnesota has determined that it is in the public interest to "achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands" Minn.Stat. § 103A.201 subd. 2(b)(1). Attendant to this policy, Minn.Stat. § 103G.222 states that "wetlands must not be drained or filled, wholly or partially, unless replaced . . . under a replacement plan approved as provided in section 103G.2242."

It is obvious that the legislature has dedicated itself to a policy of preserving the wetlands of the state for the benefit of the public. The Minnesota Supreme Court has already accepted this

policy as legitimate and determined that such enactments by the legislature deserve the protection of the courts. See e.g., Application of Christenson, 417 N.W.2d 607, 615 (Minn. 1988) (state's environmental legislation imposes a duty on courts to support the goal of protecting the state's environmental resources).

Given that the courts and the legislature have determined that the preservation of the state's wetlands are in the public's best interest, this Court cannot say that the restrictions placed on the drainage rights of the landowners is an unreasonable means of accomplishing that goal. "It is not for the courts to question the wisdom or expediency of a police regulation . . . [but] merely to determine . . . [if the] purpose of a purported police regulation relates to the public welfare and . . . if the remedy adopted is designed to accomplish that purpose" Lee v. Delmont, 228 Minn. 101, 108, 36 N.W.2d 530, 536 (1949). In this case, the Court finds that the restrictions placed on the drainage rights of the landowners by the Wetlands Conservation Act are reasonably related to the legislature's goal of preserving the state's wetlands.

Nonetheless, even if the legislature's regulations are reasonable, when they operate to take the property of individuals without just compensation, they are unconstitutional. See U.S. Const. amend. V, Minn. Const. art. I, § 13.

Originally, only physical appropriations of property could be considered unconstitutional takings; however, courts now recognize that a state's excessive regulatory requirements can likewise

constitute a taking of property. Woodbury Place Partners v. Woodbury, 492 N.W.2d 258, 260 (Minn.App. 1992) cert. denied, ___ U.S. ___, 113 S.Ct. 2929.

As previously indicated, the landowners' rights regarding the encroachment of water on their land is beyond the scope of the County's standing in this matter. See supra note 1. Therefore, it is not for this Court to decide whether the encroachment of water is a compensable taking of the landowners' property. Still, because the Court has accepted the County's standing to assert the drainage rights of the landowner's, the Court may consider whether the regulation of those drainage rights constitutes a taking of the landowners' property.

The Supreme Court has stated that the application of a governmental land-use regulation to a particular piece of property is a taking only if the regulation does not substantially advance the states legitimate interests or, if the regulation denies an owner all economically viable use of his land. U.S. v. Riverside Bayview Homes, Inc., 474 U.S. 121, 126, 106 S.Ct. 455, 459 (1985).

Given the Minnesota Supreme Court's acceptance of the State's interest in protecting its wetlands, see generally County of Freeborn v. Bryson, 309 Minn. 178, 189, 243 N.W.2d 316, 322 (1976); Christenson, 417 N.W.2d at 615, it is clear that Wetlands Conservation Act substantially advances a legitimate governmental interest. Therefore, to constitute a taking, the regulation must be shown to deny the landowners all economically viable use of their property. Riverside, 474 U.S. at 126, 106 S.Ct. at 459.

Under the Wetlands Conservation Act, the County can complete the clearing of the ditch so long as it either; 1) verifies that the project will not drain the land below its 1973 level; 2) provides a control structure that will hold the water at its 1973 level; or, 3) purchases replacement wetlands for any wetlands reclaimed below the 1973 level.

The costs associated with these options are legitimate project costs of the ditch clearing activity in Lateral 3. See Minn.Stat. § 103E.701 subd. 6 (repair of drainage system may include wetland restoration costs); cf. Coon Creek Watershed Dist. v. State Env'tl. Qual. Bd., 315 N.W.2d 604, 606 (Minn. 1982) (costs of environmental impact statement may be assessed to benefited landowners of ditch project). As such, they will be distributed among all the landowners benefitted by Drainage Ditch No. 8. See Minn.Stat. § 103E.728 subd. 1. Therefore, while the actual cost of compliance is unknown, the Court finds it unlikely that the relative costs to be born by the individual landowners would be so great as to deny them "all economically viable use" of their property.

A statute carries with it a presumption of constitutionality, Mid-City Hotel v. Hennepin Co. Comm'rs, 516 N.W.2d 574 (Minn.App. 1994), and should be construed so as to uphold its constitutionality whenever possible. Christenson 417 N.W.2d at 610. Attendant to this principle, the Court finds that the Wetlands Conservation Act, as it relates to the regulation of the ditch clearing activities of Lateral 3, is not unconstitutional.

L.W.Y.

FILED

AUG 9 1995

JOAN PERCINI
COURT ADMINISTRATOR
WILEY COUNTY, MN

SUMMARY OF DOLLARS BROUGHT INTO BENTON COUNTY IN 1995
AS A RESULT OF WATER PLANNING

*COUNTY LOCAL LEVY	\$ 7500
*BWSR BASE GRANT	\$ 30000
*ELK RIVER WATERSHED PROJECT GRANT FROM BWSR	\$ 30000
*ELK RIVER WATERSHED CO. CONTRIBUTIONS	\$ 2500
*USF&WS GRANT - ELK RIVER WATERSHED PROJECT	\$ 10000
*BWSR SPECIAL SERVICES GRANT	\$ 5000
*MDA SRL PROGRAM	\$250000
*SRL ENGINEER	\$ 8000
*USF&WS SWCD GRANT	\$ 10000
*ABANDONED WELL SEALING GRANT	\$ 10000
TOTAL	\$355500

SUMMARY OF DOLLARS APPLIED FOR IN BENTON COUNTY IN 1995
AWAITING APPROVAL/DENIAL

*WQIP GRANT APPLICATION NPS POLLUTION	\$103170
*DTED LOW INTEREST LOAN SEPTIC SYSTEMS	\$250000
TOTAL	\$353170
	+ \$355500
COMBINED TOTAL	= \$708670

SUMMARY OF BENTON COUNTY'S RETURN FROM ITS INVESTMENT

*COUNTY COST	DOLLARS BROUGHT IN
(LOCAL LEVY) = \$7500	\$708670
 COUNTY'S RETURN = \$94.50 FOR EA. \$1.00	

DATE: July 26, 1995

FILE REF:

TO: All DNR Employees

FROM: George Meyer

George

SUBJECT: Reorganization and Budget Implementation Update

With Natural Resources Board approval of the reorganization plan last Wednesday, we now launch into the second major phase of the restructuring process, planning for implementation. Many people have asked me about the pace and scope of change we are facing and how they will be affected, so I'd like to take this opportunity to bring you up to date.

One step closer to our goals

Throughout the study phase, employees asked me, "If we are such a nationally respected and successful environmental and resource management agency, why are we changing? What are we doing wrong to cause this review?" The answer to that question is this: We are doing nothing wrong. We are changing to remain the best. This is a vision-driven reorganization. The reason we are reorganizing is to anticipate and prepare for changing needs of the resource, environment and people. If we didn't change now, we would lose our edge - we'd be able to do a good job but not a GREAT job in the next century.

When we announced the organizational study late in 1994, we set out a vision and six goals for the reorganization. Our newly approved organizational plan has poised us to move a step closer to those goals:

VISION: To develop a customer-driven organization for the 21st Century that optimizes agency staff and financial resources to manage Wisconsin's natural resources on a natural geographic basis in a highly program integrated manner and in full partnership with others in the public and private sectors.

GOAL: Optimize agency efficiency and effectiveness

Approved reorganization plan will:

- Flatten the agency supervisory structure
- Reduce the number of supervisory positions by 20%
- Provide greater staff decentralization (up to 350 positions)
- Combine water programs into one division
- Align the new division organization with the new regional organization
- Implement 1995-97 budget position reductions
- Reduce the number of districts from six to five

- Provide greater management flexibility through the use of team management
- Revise the agency's management systems
- Increase the use of technology in agency management

GOAL: Increase focus of environmental management on a natural geographic basis
Approved reorganization plan will:

- Establish water basins as the basic management unit for water programs
- Establish terrestrial ecoregions as the basic management unit for land programs
- Establish "media" based Divisions of Water and Land Management to support the field ecosystem-based management system
- Align the Northern Region with northern Wisconsin's forest and lake resources
- Align the Northeastern Region to largely encompass the Fox and Wolf river basins

GOAL: Increase integration of programs to better serve customers
Approved reorganization plan will:

- Create locally based service centers with more programs represented and greater number of staff
- Create the Division of Customer Assistance and External Relations
- Integrate water and land program staff, respectively, into basin and ecoregion teams
- Create integrated divisions, respectively for Land and Water Management
- Create one internal service division and one external service division

GOAL: Bring public and private partnerships into the organization structure
Approved reorganization plan will:

- Include local governments, federal agencies, businesses, sports groups, environmental organizations, individuals and other key stakeholders on basin and ecoregion management teams
- Charge the new Division of Customer Assistance and External Relations with developing new partnerships with our customers
- Include external partners on other agency/management teams

GOAL: Meet increasing demands on the department's "front line" services
Approved reorganization plan will:

- Create locally based service centers
- Reassign centrally based personnel to better staff service centers
- Align central office staff functions to better support "front line" service centers and ecosystem teams
- Provide greater decision making, budgeting, etc., authority to "front line" service centers and ecosystem management teams
- Increase external partners in accomplishing environmental work

GOAL: Better empower the talented and dedicated staff to "get the job done"

Approved reorganization plan will:

- Use a team management approach for a substantial portion of natural resource management decision making
- Increase the number of employees in decentralized decision making
- Have more employees move from supervisory work to "front line" customer and natural resource service
- Implement ecosystem management on a statewide basis and, thereby, continue Wisconsin's nation-leading role in natural resource and environmental management

Recent progress

At the Secretary's Staff meeting last week, we worked on developing a new management vision that will help our team begin operating under our new structure and team philosophy. One visible sign of our vision and commitment to move ahead is we agreed to change the name of our group from Secretary's Staff to Senior Management Team. The operational management vision we adopted – a copy of which is attached – has four major elements:

First, program implementation will be a field responsibility with few exceptions; central office will perform the traditional staff functions of policy development, budget, planning, evaluation and facilitating consistency.

Second, customer service delivery will take place at local DNR service centers; we will strive toward centers delivering at least 80% of decisions and services.

Third, regional directors will concentrate on external relations and partnerships; air and solid waste, land, water, enforcement, external relations and services heads will constitute the regional management team and will guide day-to-day regional operations. (And, yes, we are open to ideas for renaming the "heads" position.) Natural resource management in regions will be coordinated through geographically based teams.

Fourth, the Secretary's Office retains responsibility for overall agency management, but an Integrated Management Team comprised of the six division administrators and one district director will be formed to develop and set agency priorities for budget management, work planning, technology, program evaluation, training and other critical management systems.

Implementation teams

Also last week at our Senior Management Team meeting, we approved creation of the first critical reorganization implementation teams and selected team leaders. I know information about those teams and an appeal for volunteers has already appeared in the E-Digest, but I believe there is value in laying those teams out in this memo:

STEERING TEAM: This team will oversee and approve the implementation process, including setting policy and direction, defining and authorizing task teams, reviewing and approving work group products. It will establish a reorganization implementation vision and will oversee the Implementation Work Team. Darrell Bazzell will chair the team. Other members are Ron Semmann, Jim Addis, Franc Fennessy, Gloria McCutcheon, Susan Sylvester, Debra Martnelli and I.

IMPLEMENTATION WORK TEAM: This team will provide on-going coordination and day-to-day management of the implementation process. It will define the parameters of task teams, provide quality control, support and planning for implementation activities. It will operate under continuous quality improvement guidelines. It will also provide staff assistance to the Steering Team. Members of this team will be assigned to reorganization implementation tasks full time from now until the end of the calendar year. Darrell Bazzell will chair. Other members include Stan Druckenmiller (Property Management), Mark Stokstad (North Central District), Bob Krill (Water Supply), Barb Zellmer (Solid Waste), Lynda Wiese (Southern District), Marty Henert (Program Services), Tom Thoresen (Enforcement), and Anne Forbes (Resource Management.)

Staff will be assigned to assist these two teams.

In order to free Darrell Bazzell's time for these important tasks, I have asked Joe Polasek to act in Darrell's place as Administrator of the Office of Planning and Analysis, and I have asked Susan Felker-Donsing to act for Joe as Director of the Bureau of Management and Budget.

A number of task teams have been formed to get implementation planning underway. They include:

INCORPORATING TEAM CONCEPTS: Will help structure how teams will be used in the field and central office. Bill Selbig will act as team leader, working on field operational systems. John Fryatt will lead a sub-team on central office policy and planning.

MANAGEMENT SYSTEMS: Will recommend changes to our management systems for budgeting and allocating funds, planning and implementing work priorities, procuring materials and so on to conform with the agency vision and new organizational structure. Team leader is Darrell Bazzell. This team is already operating.

IMPLEMENTATION RESOURCES: Will identify specific financial and personnel resources to implement the reorganization and improve our infrastructure. This team will help answer questions I know many of you have about implementing the reorganization in tough budget times. Joe Polasek will serve as team leader.

TRAINING NEEDS: Will identify the types, costs, and timetable of needed training. Maryann Sumi will lead this team.

WASTE REMEDIATION AND CLEAN-UP: Will plan and develop a community-service oriented hazardous waste, sediment remediation and landfill clean-up function that protects the environment, saves money and helps promote redevelopment of "brown fields." The team is already formed and Susan Sylvester has been serving as leader. Jay Hochmuth will eventually assume team leadership.

SERVICE CENTERS: Will develop a template for the department's service center concept and provide initial recommendations for siting the centers. Don Winter will lead this team.

NEW STAFF ASSIGNMENTS: Will work with employees to answer questions on how the reorganization will affect employee jobs. Grant Thornton's approved reorganization plan sets a maximum of 350 positions to be reallocated to more direct "front line" work. I know many employees have questions and concerns about this. It is important to remember the 350 number is a ceiling, not a floor. We will try to implement the recommendations with minimum discomfort for employees, using volunteers, reallocation of vacancies through attrition, use of technology, so on. Because of the intense interest in this subject, I have given this team 60 days to complete its initial research and recommendations. Gloria McCutcheon will lead this team.

CHANGE MANAGEMENT: Will provide information on how employees can comfortably move into new systems. Will help develop a support system for employees to cope with change. This team was formed during the reorganization study phase. Dale Urso is team leader.

REORGANIZATION COMMUNICATIONS: Will keep employees and external audiences aware of developments and progress in achieving reorganization goals. This team was also formed during the study phase and is operating under Franc Fennessy's leadership.

VISION TEAMS: Will develop visions and "service statements" for each of the six divisions. They will practice CQI principles and will include team members from within and outside the division in a clear movement toward program integration and cooperation. Ron Semmann will provide overall guidance. I have asked the following division administrators to help move us forward by leading teams developing the following visions:

Enforcement -- John Fryatt

Customer Assistance and External Relations -- Paulette Harder

Air and Waste Management -- Jay Hochmuth

Land Management – Jim Addis
Water Management – Susan Sylvester
Administration and Technology – Franc Fennessy

At its meeting last week, the Natural Resources Board very strongly confirmed its belief that DNR employees, themselves, are in the BEST position to plan and implement the reorganization. I, too, believe that the best ideas, the most improved systems, the most innovative solutions will come from staff working on implementation teams. If you see the popular movie, "Apollo 13," you will be struck by the extraordinary staff ideas and teamwork that saved that mission. To capitalize on valuable staff experience, ideas and knowledge of systems, the Senior Management Team is actively recruiting reorganization implementation team participants. Please talk to your district director or division administrator this week if you are interested.

Reorganization implementation schedule

The schedule we have adopted for the reorganization is clearly ambitious. Why? Moving swiftly into our new structure will minimize confusion to our publics and will minimize the stress on employees that would result from dragging out the process. Reorganization implementation will be a lot of work whether done slow or fast. We sense many employees are ready to get on with it.

Our proposed schedule is achievable:

- 12/31/95 Detailed reorganization plan complete
(All team recommendations complete and approved)
Management system improvements begin
Division administrator and district director appointments/reappointments finalized
- 1/1/96 Central office reorganization begins
Regional pilot reorganization begins
- 6/30/96 Central office reorganization largely complete
Regional pilot complete
Implementation in remaining regions begins
- 12/31/96 Department reorganization largely complete

State Budget implementation

Governor Thompson is expected to sign the 1995-97 State Budget into law by the end of this month. On signing, the Department of Natural Resources will become a cabinet agency with the Governor appointing the Secretary. We will retain the policy guidance of our citizen Natural Resources Board. Our cabinet status will provide the accountability

the Executive Branch needs; the citizen board will provide the long term resource and environment-oriented stability and citizen input on which our agency was built. We can function and succeed in our new status, and I am committed to making it work. I ask for your help in that task.

The Department will be reduced by approximately 232 positions by the end of the coming Biennium. This number includes positions eliminated or transferred to the new departments of Commerce and Tourism.

As you are aware, we have been anticipating the cuts and holding vacancies in the agency for some time now. At the present, we can place all current employees affected by position eliminations. It is close. We have very few more vacancies than affected staff, but we can place our employees to avoid layoffs. I am committed to doing everything possible to retain our valuable staff.

There is a price. DNR will fall substantially short on funding for salaries in the next Biennium, perhaps \$3.8 million or more short. We will have to tighten our belts in the agency, once again, to make finances work. We will also need to continue our present freeze on vacancies for the foreseeable future. Continuing the freeze will provide vacancy options for displaced employees and will generate salary funding.

We are in a period of extraordinary and exciting change. There are three possible outcomes from today's reorganization efforts:

We fail, and the resources and environment to which we are all so deeply committed suffer. Knowing who we are and how we work, I do NOT believe this outcome is possible.

We just succeed. It works, things continue, but our potential for achieving greatness is lost.

We have outstanding success. This is what I believe will happen and what we are capable of. I ask your commitment to outstanding success. We are the nation's leading resource and environmental agency. We are poised to continue that leadership into the 21st Century through innovative and effective management.

All our jobs will be changing, from the Secretary on down. We must support and learn from each other as we implement the reorganization. I pledge to remain open to your ideas and concerns. One, two or ten years down the road, we will be proud of the forward-looking work we are doing today.

Overall Agency Reorganization Vision

"To develop a customer driven organization for the 21st century that optimizes agency staff and financial resources to manage Wisconsin's natural resources on a natural geographic basis in a highly program integrated manner and in a full partnership with others in the public and private sectors"

Reorganized Agency Management Vision

The reorganized Department of Natural Resources will have the following operational management vision:

- 1. Program implementation, with few or no exceptions, is a field responsibility. The role of the central office is the traditional staff functions of policy development, budget, work planning, program evaluation including implementation consistency, training, provision of specialized technical assistance, etc. Exceptions to this decentralization of program implementation are carefully reviewed on a program by program basis during reorganization implementation planning.**
- 2. Primary customer service delivery takes place at the local DNR service centers. Staff in the service centers will have final decisionmaking authority for at least 80% of the decisions and services that the Department provides to our customers.**
- 3. Regional management. The five Department regions are headed by a Regional Director. The major responsibility of the Regional Director is external involvement and coordination with the public in the region, supervision of the reduced number of program managers reporting to the Director and maintaining effective coordination with the Secretary's Office. The Regional Directors continue to serve on the Senior Management Team, (formerly the Secretary's Staff).**

The individuals (designated as "Heads" in the Grant Thornton report) responsible for Air and Waste Management, Land Management, Water Management, Enforcement, Administration and Technology and Customer Service and External Relations, in addition to their respective program management responsibilities, comprise the Regional Management Team in charge of day to day operations of the region.

The major focus of natural resource management in the region is done through geographically based teams which report to the appropriate Regional "Head". Such teams operate across regional lines if necessary to complete their water basin or ecoregion management responsibilities. The Regional Management Teams have the responsibility to assure appropriate integration takes place between programs. It is recognized that not all resource management activities are done through a water basin or ecoregion team management system.

4. Central Office and overall agency management. The Secretary's Office has overall responsibility for agency management. A subgroup of the Senior Management Team, called the Integrated Management Team, made up of the six Division Administrators and a Regional Director, has the responsibility, subject to approval and direction by the Secretary's Office and the Senior Management Team, to develop and oversee the overall agency priorities for budget development and management, work planning, data management and technology planning, training, program evaluation and other critical management systems. This likely necessitates weekly meetings of the Integrated Management Team. It is anticipated that the full Senior Management Team will continue its overall agency oversight and management responsibilities through its current monthly meetings. Divisions and program bureaus have the responsibility for the overall planning and implementation of the agency management systems consistent with the priorities and direction of the Secretary's Office and the Integrated Management Team. Cross program teams play a major role in assuring integrated planning and implementation.



Board Member Update

September 1995

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

Southern Region

Local Water Planning

- * All the southern board conservationists (BCs) met with Doug Thomas, BWSR water plan coordinator, to discuss the local water plan update review process. Doug provided some good information and handouts. BCs will be very busy over the coming months reviewing all the water plan updates.
- * Counties in BC Tom Fisher's area have been particularly involved in the water plan updates. Nicollet County recently finalized their draft update before beginning the local public review process. Kandiyohi County completed their local public review period, conducted the public hearing, conducted a task force meeting to address all the comments received, and will soon submit a plan to BWSR to begin the 90-day state agency review process. Meeker, McLeod, and Renville counties have public hearings scheduled in September and early October.
- * Five of the ten counties in southeastern Minnesota updating water plans have submitted their draft plans. Preliminary review periods for all these plans are now over, and most counties are scheduling their public hearings for

September. It is anticipated that Goodhue, Olmsted, Rice, Steele, and Freeborn will be requesting extensions from BWSR. The review and technical assistance to these counties has taken a large share of BCs Dave Peterson and Mary Kells' time this month.

- * BC Mary Kells worked with Fillmore SWCD to review and document the sinkhole grant funds from a few year's back and status of the various projects. Four sinkhole treatment projects remain to be completed and will be constructed this fall.

WCA

- * Wetland Conservation Act (WCA) activities still do pop up from time to time in southern Minnesota. BC Tom Fischer assisted the Kandiyohi County technical evaluation panel with several site visits and determinations. According to Kandiyohi County and SWCD staff, wetland activities have increased significantly this year; we continue to get good cooperation from DNR Enforcement.
- * BC Mary Kells presented information on wetland regulations to resources managers at the Forest Stewardship Workshop held in Red Wing on August 24.

Miscellaneous

- * BC Chris Hughes has discussed ideas with Waseca SWCD and DNR regarding the Iosco Creek Watershed. Some of the discussion topics include how buffer strips and long-term set aside can be tailored to fit individual needs and still provide water quality improvements and hydrograph stabilization. Other items, such as stream fencing, are being looked into.
- * Chris attended the Blue Earth River Basin Initiative technical and policy committee meetings; the groups discussed a possible joint venture with the Institute on Agriculture and Trade Policy. This venture may help to increase landowner participation in on-land practice applications.
- * Jolaine Bowman, secretary for the Rochester field office, wrapped up her Winona State University accounting internship at the Olmsted SWCD. Since Olmsted is currently without a manager, Jolaine provided much-needed services for the SWCD supervisors, and at the same time, acquired valuable experience and insight into SWCD operations, not only for her accounting degree but also for her work with BWSR.
- * Jeff Nielsen, southern regional supervisor, has been working with the Minnesota River Basin Joint Powers Board (MRBJPB) on finalizing their work plan and budget. The MRBJPB continues to meet monthly to discuss organizational details, such as staff, budget, and the role they will play in the Minnesota River basin.

Engineering and Technical Services Section

Area II

- * Darrell Apelgrain, BWSR Area II engineer, and Kerry Netze, Area II coordinator, have completed the first draft of a feasibility study for the Lazarus Creek flood control project. In keeping with the Memo of Understanding between Area II, the DNR and the Pollution Control Agency (PCA), the draft report has been distributed to the agencies for review and comment. The Lac qui Parle-Yellow Bank Watershed District is the local sponsor for this project. NRCS did the preliminary design work some years ago. The project was previously conceived as a wet dam (with a permanent pool) and included downstream channel modifications. The current reservoir alternative involves a dry dam (no permanent pool) and does not include any channel modifications. Other alternatives were considered in the feasibility analysis, including wetland restoration and road retention structures. This was an attempt to do more of a watershed-based alternatives analysis to supplement the alternatives analysis previously done by the NRCS.
- * A number of things have occurred in regard to the RW-22 reservoir project in the past month. On September 6, a public meeting was held at Marshall in regard to the Environmental Assessment Worksheet. A number of landowners from in and around the proposed reservoir area expressed strong opposition to the project, while the mayor of Marshall expressed support for the project as a regional flood control improvement. The U.S. Fish

and Wildlife Service (USFWS) and DNR recently sent letters to Lyon County indicating expected unacceptable impacts to the existing wetlands in the proposed reservoir area that they believe cannot be acceptably mitigated. It is unclear what methods were used by the DNR to define existing conditions and incremental impacts, because the DNR letter acknowledged that the wetlands work group established for the project could not reach consensus on a method of analysis. Lyon County has asked the DNR to reconsider, in light of the mitigation plan that HDR Engineering recently prepared for the project, but which had not yet been disseminated. Lyon County has also asked the commissioner of the DNR to attend a meeting on October 9 to discuss the situation.

Conservation Easements

- * BWSR recently hired Polly Remick, who will join the program team on October 4. She will serve as our easement processing specialist, with a focus on assisting the program manager, realty specialist and other staff to help ensure timely processing of easements. Over the past several years we had supplemented program staffing via temporary and/or part-time help. The program retooling initiative led to some additional central office responsibilities, and the recent level of program funding has maintained a substantial level of easement acquisition, necessitating additional staffing. Polly comes to us from Metropolitan State University, where she has been an administrative secretary since 1992. Polly lives near Hastings on a small acreage. We expect her enthusiasm and background to make her a great addition to our

program staff.

- * Preparation continues for our Reinvest in Minnesota (RIM) Reserve 10th anniversary celebration, which will be held on October 12 at the Paul Ims farm in Yellow Medicine County, near Granite Falls. An 85 acre wetland has recently been restored on the Ims farm through the RIM Reserve program.
- * A program update was mailed to SWCDs earlier this month. The update contained information about the upcoming program sign-up, which has applications due to board conservationists in mid-December and to the central office in early January. The mailing also included updated payment rates by township, a copy of our annual program work plan, and a method to calculate payment rates for converting limited duration easements to perpetual.
- * Processing of 1994 easements continues to be a top priority for program staff. One of our recent "challenges" has been the new statewide accounting system, which has been down more than up since it went on-line in July. Mary Miller, accounting coordinator, has been diligent in getting funds set up and payments made as soon as possible. The most recent challenge is the loss of Matt Moore, engineering technician, to the Metro region, where he will now serve as a board conservationist. Matt had been preparing legal description "Exhibit A" drawings and wetland restoration construction drawings via computer since we hired him last December. We will miss Matt, but know he'll serve the agency well in his new position; we plan to refill his position ASAP.

Lakeshore Engineering

- * The Sewall shoreline stabilization project has progressed well during the past month, after some cost-cutting modifications and associated work with the landowners and contractor. A concrete seawall/retaining wall is being constructed and surface water best management practices (BMPs) installed. The project should be completed by early October.
- * Gene Clark, lakeshore engineer, met with the North Shore Management Board (NSMB) in late August to discuss the state revolving fund (SRF) loan program as a potential new source of funding for lakeshore stabilization and other near-shore BMPs. BWSR staff have been encouraging local governments in the Lake Superior basin to look into applying for SRF loan funds to help implement priority BMPs. Many of the BMPs that are high priority in the Lake Superior watersheds are only eligible for SRF funding through the PCA, which has a focus on Clean Water Partnership projects. The NSMB seems interested in pursuing SRF loan funds. BWSR staff are helping put them in contact with the right people at the PCA and determine how to proceed.
- * Gene Clark and SWCD representative Wayne Seidel recently inspected another nine potential project sites in Lake and Cook counties. They expect to have a number of related Cost-Share Program applications ready for the next roll-over funding period.
- * Mark Nelson, BC, Al Kean, chief engineer, and Gene Clark recently met with staff from the Minnesota and Wisconsin Sea Grant programs to discuss potential increased partnering.

They agreed to explore setting up a broader interagency meeting/discussion about the various initiatives going on in the Lake Superior basin, with the intent of identifying partnering opportunities. BWSR staff also agreed to assist the Wisconsin Sea Grant with a lakeshore processes and engineering workshop in the Duluth/Superior area sometime in 1997.

Feedlots

- * The PCA and the Minnesota Department of Agriculture (MDA) recently hired/assigned staff to work directly with (for?) the Minnesota Extension Service (MES) in the feedlot and manure management information and education arena. As you can tell, BWSR staff aren't completely clear about this initiative yet. A meeting is scheduled for September 26 at the U of M; hopefully, some things should be clarified. The state nonpoint pollution abatement plan included a recommendation for an interagency coordination committee for feedlot information and education, chaired by MES and coordinated with producer groups and others via the Feedlot and Manure Management Advisory Committee. Al Kean is not sure if the September 26 meeting will be a kick-off for that idea or not. He has been trying to stay in touch with the MDA, PCA and MES to help promote improved coordination of the development of information and education materials related to manure management. A lot of I & E materials are generated by various agencies and organizations, but they don't always fit together efficiently and effectively for livestock producers.

SRF Technical Assistance

- * After about six months and a lot of frustration, partial funding has finally been received from the EPA 319 grant that was part of the SRF technical assistance start-up package. Total station surveying systems, plotters for computer-generated construction drawings and some additional CADD (computer-aided drafting and design) software are the last components of the equipment packages being provided to the eleven SWCD joint powers groups. We hope that the procurement and delivery process won't be terribly long. Twelve hours of training is part of the total station equipment purchase.
- * Justin Jeffery, training and design engineer, recently coordinated completion of the gathering and copying of a large amount (nine 3-ring binders worth) of NRCS technical reference material for the joint powers area staff. He and Al Kean delivered it to the staff last week in St. Cloud, where many of them were attending a training course for the Eagle Point CADD software previously provided to them. We intend to provide training regarding this reference material and other technical assistance topics at a training session scheduled for mid-November.
- * Several BWSR engineering staff met recently with NRCS state office staff to discuss ways to ensure compatibility of total station surveying data and CADD drawings among the "conservation partnership" (NRCS, SWCDs, and BWSR). John Brach, NRCS state conservation engineer, and Al Kean are considering the establishment of a subcommittee of the Partnership Technical Advisory Committee to address these issues and other computer

technology coordination issues. This type of coordination should be a great help to all of the partnership technical assistance providers.

Land and Water Section

Major activities in the past few months have included:

Cost-Share Rule Revision

- * Marybeth Block and Wayne Zelmer continued work on the rule revision and administrative guidelines for the Cost-Share Program. The internal cost-share work team has met numerous times in the past two months, along with meetings of the board's soil conservation committee.

Natural Resources Block Grant Retooling

- * Considerable effort has gone into the revamping of all aspects of the Natural Resources Block Grant (NRBG) Program, including the development of new forms for the application, workplan, and budgets that BWSR requires from counties. These changes are being made in response to comments over the past two years from our clientele. Changes to the program will be presented to the board at the September meeting.

Local Government Reporting Project

- * In 1995, BWSR staff embarked on a project to develop a consolidated and computerized activity reporting system for counties, SWCDs and WDs. The team heading this effort is chaired by Ron Shelito, northern regional

supervisor, and includes Wayne Zelmer, Bryan Alpaugh, and Doug Thomas from the Land and Water Section. Wayne is working on designing the forms and working with the PCA to develop a pollution crediting formula to determine the effects of various practices. Bryan's efforts are focused on designing a computerized version of the reporting form so that BWSR can eventually eliminate paper reports. The computer project will also result in a central data base that can generate activity reports in many different formats, such as county, state, multi-county, watershed, etc..

Local Water Planning

- * Doug Thomas has spent considerable time in the past couple of months developing guidance material for both counties and the board conservationists to assist them in the water plan updates that are taking place all over the state. Doug held two training sessions during August with the BCs to help them prepare for their role in the plan review and approval process.

Minnesota Lakes Association

- * Marybeth Block and Doug Thomas both served on the 1995 Minnesota Lakes Association (MLA) annual meeting planning committee. The MLA annual meeting was held in St. Cloud on September 7, 8 and 9. BWSR involvement in the planning committee resulted in local water planning being one of the two themes for the conference. BWSR staff who made presentations at the conference included Barb Liukkonen, Doug Thomas and Ron Harnack. Local presentations were made by Cass County, the Snake River Joint Powers Board, Benton County

(Elk River Joint Powers Agreement), and Big Pine Lake Association (Ottertail County).

Minnesota State Fair

- * Bryan Alpaugh, Eric Mohring, and Dionne Benson (student worker) helped in the development of the interactive computer display at the fair this year. The computer display will also be used at a number of conventions and conferences this coming year.

Wetlands

- * John Jaschke and Greg Larson have spent all of their time and then some on wetland activities this summer, including holding many training sessions and working to increase coordination with the DNR and Army Corp of Engineers. Considerable time has also been spent recently reacting to and preparing for numerous legislative committee and caucus meetings that are being scheduled for this fall prior to the 1996 session. Somehow, John Jaschke also found time to get married this summer.

Northern Region

The month of August was spent primarily on the Wetland Conservation Act (WCA) and water planning activities. The WCA part is no surprise but it's nice to see staff get deeply involved in other issues for a change.

WCA

- * BCs Mark Nelson and Brian Dwight and Wetland Specialist John Jaschke held a conference call with DNR

enforcement types to discuss enforcement of WCA in the non-adopting counties. This discussion is needed to try to avoid world war three in northern Minnesota if WCA enforcement is stepped up. To date, there has been no significant enforcement activity in the non-adopting counties.

- * Brian spent his WCA life in August working with local counties getting ready for the House of Representatives mini-session held in Bemidji in September. WCA was a major issue at the mini-session. BCs Brian Dwight, Mark Nelson, Pete Waller and the rest of the north gang have all been responding to requests for information as more and more counties consider rescinding WCA.
- * BC Dale Krystosek has been busy working with his GP 17 pilot counties, Becker and Cass. Dale reports that a field tour of controversial sites to be handled under the new GP 17 permit arrangement was held in Cass County. Dale has also been working with Cass County to develop a comprehensive wetland management plan that will use Geographic Information Systems (GIS) technology to evaluate wetland functions and values.
- * BC Dan Steward did some work with DNR enforcement staff and Itasca SWCD to try and clear up some WCA inconsistencies. They discussed the application of WCA in several different circumstances. The meeting resulted in improved local coordination for WCA implementation.

Water Planning

- * The water plans are starting to roll in for BC review. BCs spend a significant

amount of time working with counties from beginning to end getting a water plan through the approval process. BC Brian Dwight has been working with Marshall, Lake of the Woods, and Beltrami counties. BC Dale Krystosek has Cass and Wilkin in the hopper at this time. BC Pete Waller has been managing the Stearns and Pope water plans. BC Dan Steward has the Benton, Morrison, Todd, Aitkin, and Itasca plans all coming in for review. BC Keith Grow is riding herd on the Mille Lacs, Sherburne, and Kanabec water plans. Of course, these will all be coming before the board this fall and winter.

- * Lest we forget, the Local Water Planning Program and the grants that go along with it have brought significant opportunities to do sound resource conservation work to many counties in northern Minnesota. For example, Lake of the Woods SWCD was a struggling entity with little or no staff and a modest conservation effort. Through the water planning process, it has been able to staff up at the local level and is now doing water quality monitoring on tributaries to Lake of the Woods. It now has an environmental education effort and staff to assist landowners in all facets of conservation. Because of the water planning money, the SWCD has been able to acquire SLR grants and the county environmental services department has staffed up to do septic inspections. This is a story that has been repeated in many counties around the state. The water planning effort has earned BWSR the respect and cooperation of most counties around the state. The fact that we offer something like water planning makes it easier for many counties to swallow the WCA pill.

Miscellaneous

- * Jim Lemmerman, forester, was in the training mode in August. He presented at the Area III forestry BMP training session, the Windbreak Renovation Technology workshop, and the Wetland Training for Forest Stewardship Plan Preparers session. Jim also spent time on the upcoming National Association of Conservation Districts (NACD) Forestry Training for SWCD personnel and supervisors.
- * Barb Liukkonen was in the training mode as well. She did a "How Well's Your Well" workshop in Detroit Lakes, did a presentation at the Miller Dawn Hospital for their noon education series, and presentations at the Beatrice and Three Lakes lake associations' annual meetings. Barb also worked with the east central water planning team to prioritize educational projects for next year's water plans in Chisago, Isanti, Mille Lacs, and Pine counties. In cooperation with the DNR, Lake Superior Center and EPA lab in Duluth, the east central water planning team offered a one-day Project WET (Water Education for Teachers) workshop and a day of field work for more than 25 teachers, naturalists and SWCD staff from around the state.

Note from Ron Shelito, northern regional supervisor: Northern Minnesota is buzzing with talk and activity related to the Wetland Conservation Act. We've got counties rescinding, legislators holding hearings, the original non-adopters digging in, and local staff wondering what is going to happen next. All of this confusion over WCA is causing extra work for BWSR staff. We seem to be stuck in an administrative and political whirlwind that is eating up every spare minute we have. But, more importantly, it is taking up time that should be spent working constructively

with local government staff to build strong conservation programs. RIM, water planning, cost-share, and others are still positive, successful programs implemented through local governments with BWSR assistance. It's important that we don't lose sight of the gains and successes we've made with these programs at the expense of the growing WCA debate. It's more important than ever that we get WCA fixed so we can get on with the business of implementing resource conservation projects through our local partners.



September 21, 1995

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

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Fax (507) 537-6368

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(612) 282-9969
Fax (612) 297-5615

On September 21, 1995 the Minnesota Board of Water and Soil Resources (BWSR) began the official 90 day State review of the Kandiyohi County Comprehensive Local Water Plan. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the Kandiyohi County water plan for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

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

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

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

Sincerely,


Ron Harnack
Executive Director

cc: BWSR Board Members
BWSR M-Team
Tom Fischer
Jeff Bredberg,, Kandiyohi County Environmental Services
Brian Christensen, Montgomery Watson

h:kand95.not/djt

An equal opportunity employer

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BWSR STAFF WORK TEAMS

FY 1996

by: Jim Birkholz

Contents

1. General Team Information, pp. 1-3
2. List of Teams and members, pp. 4-5
3. Team Workplans, pp. 6-14

Introduction

BWSR staff do some of their best work through teams. Teams are formed to complete a specific project or to meet some ongoing need at BWSR. Completing work via teams is an effective way to draw on the diverse staff resources of BWSR to produce better work than anyone could do individually. Project oriented teams usually end when their work is complete. Other teams continue on forever, or so it seems. Some teams seem to spontaneously create themselves through staff initiative and interest in dealing with an issue. Other teams are appointed by the Management Team to fulfill some specific task. All staff teams need the support and endorsement of the agency to be successful.

All BWSR staff teams are expected to operate by these principles:

- Take initiative
- Focus on team accomplishments
- Cooperate
- Continually improve and innovate
- Work with the resources at hand
- Free up resources by improving quality

Team Deaths

No teams were given funerals by the Management Team for 1996.

Team Births

Three teams were born in the past year. They are the Report Team,

the Cost Share Team and the SWCD Operational Handbook Team. A fourth team, the Information Technology Team is soon to appear on the scene. Stay tuned.

How Things Work and Who Does What (to assure Team success)

1. Role of Team Chairs.

The chair is responsible to:

- Organize and facilitate effective team meetings;
- Make assignments to team members as needed;
- Hold members and others accountable to carry out agreed to work;
- See that resources (funding, warm bodies, etc...) are available to accomplish team work;
- Support and motivate team members; and,
- Constantly assess team progress and shout for help when needed.

Team chairs have the authority to assign work as needed. Normally decisions will be worked out by the group but if a tough decision is needed to get on with the work, the team chair has that authority. The wise team chair checks with appropriate supervisors before making too many assignments.

2. Role of M Team.

All teams are accountable to the Management Team. All teams make periodic reports or bring issues to the M Team. This should happen as is convenient around the normal monthly meeting schedule. M Team will seek to empower Teams as much as possible by annually reviewing and assigning appropriate staff members, reviewing and endorsing a basic work plan for each fiscal year and setting aside a budget if needed to implement team recommendations. The rest is up to the team. Each team is assigned a liaison to the M Team to assure that there is a direct pipeline for communication.

3. Role of M Team Liaison

The M Team liaison is the person responsible for ensuring that close communication exists between the M Team and the work team. This is an important role because recommendations of the team often require some commitments or decisions from management staff for work to proceed. Liaisons need to ensure that timely communications occur so that the work of the teams is expedited. They are responsible for getting items on the M Team agenda if needed and to lead discussion on team issues at M Team when the chair is not involved. Obviously, liaisons work closely with team

chairs.

4. Role of Assistant Director

Currently, the BWSR Assistant Director is the overall coordinator of BWSR staff work teams (that's me). I'm responsible to work with team chairs, liaisons and the M Team to make sure that we have a team structure in place, that team memberships and workplans are updated annually and to assist the teams in any way to ensure their success throughout the year. I produce an annual document like this one which communicates the current work team structure to all staff.

5. Role of all BWSR staff

All staff are expected to support work teams by helping when asked, by implementing team results and by keeping team members informed. Staff turnover is common on most teams so over time staff can participate in the work of various team efforts.

6. Collaboration/coordination with Board Committees

The BWSR Board has appointed members to several committees which need to interface with staff work teams on occasion. Each board committee has a lead staff person assigned to work with the committee. It is the responsibility of the Team chair and the lead staff person for the appropriate committee to communicate and act on interaction needs. Board members should be briefed about or brought into team discussions as appropriate. Use good judgement. Remember the work of your team may lead to a decision by the Board. There is obvious need for interaction in FY 96 between the Education and Public Relations Committee and the Training Team, the Cost Share/Soil Conservation Committee and the Cost Share Team, and the Wetlands Committee and the Wetlands Team.

:TEAMS96

August 31, 1995

FY 96 BWSR STAFF WORK TEAMS

M-Team (Management)

Ron Harnack, Chair
Mary Jo Anderson
Jim Birkholz
Al Kean
Greg Larson
Jeff Nielsen
Bruce Sandstrom
Tom Schwanke
Ron Shelito
Doug Thomas
Susan Tsakakis

G-Team (Grants)

Wayne Zellmer, Chair
Jim Haertel
Bruce Sandstrom
Dale Krystosek
Tom Fischer
Dave Sill
Pete Waller
*Greg Larson
Ad hoc: Mary Miller
Gene Clark

Communications Team

*Susan Tsakakis, Chair
Vicky Erbele
Marybeth Block
Dave Peterson
Tim Fredbo

T-Team (Training)

*Ron Shelito, Chair
Barb Liukkonen
Chris Hughes
Eric Mohring
Brian Dwight
Barbara Ohman
Doug Thomas
Mary Kells
Justin Jeffrey
Ad hoc:
MASWCD, LeAnn Buck
MACDE
WD Admin.
NRCS, Dave Benner
MACPZA

W-Team (Wetlands)

John Jaschke, Chair
*Greg Larson
Dave Peterson
Jeff Nielsen
Barbara Ohman
Dan Steward
Mark Nelson

* denotes liaison to M Team

Report Team

*Ron Shelito, Chair
Dave Sill
Chris Hughes
Dale Krystosek
Bruce Sandstrom
Wayne Zellmer
Ad hoc:
 Bryan Alpaugh
 Doug Thomas
 Jim Birkholz

Cost Share Team

Keith Grow, Chair
*Jeff Nielsen
Wayne Zellmer
Mary Kells
Bill Best
Jim Lemmerman
Tabor Hoek
Marybeth Block

SWCD Operational Handbook Team

*Jeff Nielsen, Chair
Dave Peterson
David Sill
Tom Fischer

Information Technology Team

Bryan Alpaugh, Chair
*Doug Thomas
Bill Best
Gail Watczak
Carla Swanson
Dave Sill
Mary Miller
Metro Water Planning BC
New Metro Secretary position

*Denotes liaison to M Team

MANAGEMENT TEAM (FY 96)

Purpose:

1. Inform, coordinate and involve BWSR supervisory staff in decisionmaking
2. Give supervisors information they need to do their jobs
3. Give executive director candid and confidential feedback

Members:

Ron Harnack, Chair
Mary Jo Anderson
Jim Birkholz
Al Kean
Greg Larson
Jeff Nielsen

Bruce Sandstrom
Tom Schwanke
Ron Shelito
Doug Thomas
Susan Tsakakis

Tasks for FY 96:

1. Conduct monthly meetings and other meetings as needed.
2. Make big, weighty decisions.
3. Report decisions made to BWSR staff via meeting minutes.
4. Make sure the right hand knows what the left is doing.

:TEAMMGT.96

GRANTS TEAM (FY 96)

Purpose:

1. Provide for comprehensive, ongoing review of all BWSR grant programs
2. Recommend grant allocations to the M Team
3. Ensure that changes to grant programs or new grant initiatives are implemented effectively

Members:

Wayne Zellmer, Chair
Jim Haertel
Dale Krystosek
Dave Sill
Bruce Sandstrom
Greg Larson (M Team liaison)
Tom Fischer
Pete Waller
Ad Hoc: Mary Miller
Gene Clark

Tasks for FY 96:

1. Make grant allocation recommendations to M Team.
2. Review, score and rank all competitive grant applications.
3. Update cost share program violations policy.
4. Oversee and evaluate agricultural BMP tracking/reporting system.
5. Consult with Doug and Wayne on retooling the Natural Resources Block Grant.

:TEAMGRNT.96

COMMUNICATIONS TEAM (FY 96)

Purpose:

1. To ensure quality publications, in terms of:
 - content
 - style and grammar
 - accuracy
 - political implications.
2. To assist Communications Director in assessing communications needs and formulating plans to answer those needs.
3. To review major documents before they leave BWSR.

Team Members:

Susan Tsakakis, Chair and M Team liaison
Vicky Erbele
Marybeth Block
Dave Peterson
Tim Fredbo

Tasks for FY 96

1. To work with the creator of at least one large document to distribute the document in an alternative format (not just hard copies but possibly on disk, hypertext, etc.)
2. To meet on a quarterly basis to review documents and provide input to communications director.
3. Continue development of individual communications plans for various programs, activities, etc....

:TEAMCOM.96

TRAINING TEAM (FY 96)

Purpose:

1. Keep BWSR training emphasis on clientele outreach and service
2. Keep BWSR accountable to follow through on training commitments to local governments.

Members:

Ron Shelito, Chair and M Team Liaison
Barb Liukkonen
Brian Dwight
Eric Mohring
Mary Kells
Chris Hughes
Barbara Ohman
Doug Thomas
Justin Jeffrey

Tasks for FY 96:

1. Invite interested local government association representatives and BWSR staff to a coordination meeting to share ideas, needs, plans and calendars for training for the coming year.
2. Organize and coordinate BWSR training activities offered to local government clientele:
 - BWSR programs in cooperation with program staff
 - association training activities
 - produce training calendar
 - update 5 year training plan
3. Plan and conduct certain sessions
 - in house
 - contracted

:TEAMTRNG.96

WETLANDS TEAM (FY 96)

Purpose:

1. Provide timely input to Greg and John on field staff perspectives (local government focus) for implementation of the Wetland Conservation Act.
2. Assist with policy development regarding WCA issues.
3. Identify needs, shortcomings, etc. of LGU's regarding WCA implementation.
4. Develop guidance and training for BC's and LGU's on emerging WCA matters.
5. Assist with WCA rule development and other "push" projects.

Members:

John Jaschke, Chair
Greg Larson (M Team Liason)
Mark Nelson
Jeff Nielsen
Dave Peterson
Barbara Ohman
Dan Steward

Tasks for FY 96:

1. Re-write WCA rule.
2. Develop guidance and training on appeal/violations for BC's and LGU's.
3. Establish LGU audit procedure for WCA.
4. Convene wetland banking forum and develop guidance.

:TEAMWET.96

REPORT TEAM (FY 96)

Purpose:

1. To develop a user friendly, computerized reporting system that BWSR clientele can use for annual reporting.
2. To provide useful information from local government reports to policy makers and others.

Members:

Ron Shelito, Chair (M Team liaison)
Dave Sill
Chris Hughes
Dale Krystosek
Bruce Sandstrom
Wayne Zellmer

Ad hoc members: Bryan Alpaugh
 Doug Thomas
 Jim Birkholz

Tasks for FY 96:

1. Build and test run a computerized data base which will draw from FY 95 experience test running a manual reporting system in six SWCDs and counties. Also incorporate methods for quantifying benefits of some conservation practices based on input from MPCA and NRCS. Implement in January 1996.
2. Expand report format from RIM, WCA, CLWP and Cost Share to all other BWSR grant programs.

:TEAMRPT.96

COST SHARE TEAM (FY 96)

Purpose:

1. Update cost share program rule
2. Update cost share program administrative guidelines

Team Members:

Keith Grow, Chair
Jeff Nielsen (M Team liaison)
Wayne Zellmer
Mary Kells
Bill Best
Jim Lemmerman
Tabor Hoek
Marybeth Block

Tasks for FY 96:

1. Complete draft of cost share administrative guidelines for review during fall of 1995 with a target completion date of December 1995.
2. Complete rule drafting and related tasks so that the revised rule can be in effect for the 1996 construction season.
3. Plan and conduct BWSR staff training on new rule and guidelines-January, 1996.
4. Plan and participate in training of SWCDs-February, 1996.

:TEAMCS.96

SWCD OPERATIONAL HANDBOOK TEAM (FY 96)

Team Purpose:

1. Update the SWCD Operational handbook in a style that is easy to use and keep up to date

Team Members:

Jeff Nielsen, Chair and M Team liaison
Dave Peterson
David Sill
Tom Fischer

Tasks for FY 96:

1. Produce a draft Operational handbook by September, 1995
2. Edit draft (Op Handbook and Communication Team) by September, 1995
3. Print final copy by October, 1995
4. Distribute to SWCDs during November, 1995

:TEAMOP.96

INFORMATION TECHNOLOGY TEAM (FY 96)

Team Purpose:

1. Provide feedback to the Data Management Specialist (that's Bryan) regarding computer hardware and software needs of BWSR.
2. Gather training needs of BWSR staff, identify ways to obtain training and oversee its delivery.

Team Members:

Bryan Alpaugh, Chair
Doug Thomas, M Team Liaison
Bill Best
Gail Watczak
Carla Swanson
Dave Sill
Mary Miller
Metro Water Planning BC
New Metro Secretary position

Tasks for FY 96:

1. Establish computer proficiency standards and model language for all BWSR position descriptions and establish a tracking system to ensure implementation.
2. Prepare a 1996 computer training plan for the collective BWSR staff.
3. Draft a policy for M Team approval regarding disposition of old 286 computers to LGUs and other uses.
4. Develop a special district electronic communication proposal for presenting to the 1997 legislature as part of BWSR's biennial budget request.

Budget:

\$15,000 equipment and software

\$ 6,000 agencywide training

:TEAMITT.96



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Sept. 25, 1995

To: BWSR Board Members

From: Bruce Sandstrom

A handwritten signature in dark ink, appearing to read "Bruce S.", written over the printed name "Bruce Sandstrom".

Re: Draft Orders, Dispute Resolution Committee

Enclosed are three draft orders consistent with the Dispute Resolution Committee's recommendations adopted at the DRC's Sept. 14, 1995 meeting. Staff have prepared these orders but DRC Chair Roer has not had an opportunity to approve of them beforehand. Consequently, Chair Roer may desire to recommend appropriate revisions when she presents them the Board during her DRC report at the Sept. 27 Board meeting. If adopted by the Board, the orders would bring to closure the following appeals:

- C.A.R.E. v. Wright County SWCD
- Landview Landscaping v. Minnehaha Creek WD
- Levine v. Minnehaha Creek WD

Normally, draft orders such as these would be sent out with the regular Board mailing. However, because there were three appeals and Matt is involved with another lawsuit, these orders have to be mailed to you under separate cover. Please become familiar with the content of the orders prior to the Board meeting if at all possible.

~~Encl~~

cc Ron Shelito
Matt Seltzer
Ron Harnack
Jim Birkholz
Doug Thomas
Metro Staff

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STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERALPUBLIC AND HUMAN RESOURCES
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445 MINNESOTA STREET
ST. PAUL, MN 55101-2127
TELEPHONE: (612) 297-1075

TRANSMISSION BY FACSIMILE

DATE: 9/25/95TO: Bruce SandstromFAX NO: 7-5615TO: Kathy RoerFAX NO: 473-7123TO: Ron ShelitoFAX NO: 218-828-6036

TO: _____

FAX NO: _____

FROM: Matt SeltzerAssistant Attorney General
445 Minnesota Street, Suite 900
St. Paul, MN 55155
(612) 296-0692PAGES (including this page): 13Original to follow by mail: No X Yes _____

If you have any problems in receiving this fax transmission, please contact Stacy Skoglund at (612) 297-2724.

Comments:

DRAFT

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

In re: 1994 and 1995 Shoreline
Improvement Contractor Licenses
of Landview Landscaping, Inc.
(on appeal from the Minnehaha
Creek Watershed District)

BWSR File No. 95-1-103D

ORDER

On October 27, 1994, the Minnehaha Creek Watershed District (MCWD) issued Shoreline Improvement Contractor License No. 94-07 to Landview Landscaping, Inc. (Landview) for the period until December 31, 1994 (1994 License). On December 22, 1994, MCWD issued Shoreline Improvement Contractor License No. 95-04 to Landview for the period until December 31, 1995 (1995 License). MCWD imposed conditions on both the 1994 License and the 1995 License. The conditions on both licenses provide as follows:

1. All permit applications shall be approved by the Board of Managers and will not be eligible for issuance of a general permit.
2. An independent professional engineer registered in the State of Minnesota, of your own selection and at your own expense, shall certify your proposed permit application exhibits prior to review by the District.
3. An independent professional engineer registered in the State of Minnesota, of your own selection and at your own expense, shall certify that your completed projects are constructed in accordance with the approved permit application.
4. All District rules and permit conditions shall be complied with.

Landview appealed the 1994 License and the 1995 License to the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Stat. § 103D.537(a) (1994).¹

¹ Under 1995 Minnesota Laws ch. 199, sec. 31, Minn. Stat. § 103D.537(a) (1994) was amended, effective August 1, 1995, to make a declaratory judgment action brought under chapter 555 the exclusive method to appeal a permit decision or an order made by the managers of a watershed

On July 13, 1995 in St. Paul, Minnesota, the Dispute Resolution Committee (DRC) of BWSR heard oral arguments on Landview's appeal. John P. Boyle, Esq., Best and Flanagan, 4000 First Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55402-4331, argued on behalf of Landview. Louis Smith, Esq., Popham Haik Schnobrich & Kaufman, Ltd., Suite 3300, 222 South Ninth Street, Minneapolis, Minnesota 55402-3336, argued on behalf of MCWD. The attorneys for the parties agreed that the record for purposes of this appeal consists of fourteen exhibits. In addition to transcripts and documents pertaining to Landview's 1994 and 1995 license applications, the fourteen exhibits also include transcripts and documents pertaining to Landview's 1993 Shoreline Improvement Contractor's License. The attorneys for the parties agreed that the record also includes the BWSR Order of February 16, 1994,² and the exhibits included in the 1993 hearing record pursuant to the Order of February 16, 1994.

The DRC deliberated upon the appeal at meetings on July 25, 1995 and August 10, 1995. On September 14, 1995, the DRC heard additional oral arguments on the issue of the legal authority for MCWD to impose a license requirement upon shoreline improvement contractors. John P. Boyle argued on behalf of Landview. Louis Smith argued on behalf of MCWD. At the

district. The present appeal was commenced prior to August 1, 1995. The present appeal is one of only a few appeals of watershed district permit decisions or orders filed with BWSR prior to August 1, 1995, but not resolved prior to August 1, 1995. BWSR has taken the position that it has the authority to decide appeals of watershed district permit decisions and orders filed with BWSR prior to August 1, 1995, even if the final decision is rendered by BWSR after August 1, 1995. Accordingly, BWSR finds that it continues to have jurisdiction to decide the present appeal.

² By Order dated February 16, 1994, BWSR affirmed in part and reversed in part the conditions placed by MCWD on Landview's 1993 License. By Order of March 1, 1994, BWSR denied Landview's request for reconsideration of the Order issued February 16, 1994.

DRAFT

conclusion of oral arguments on September 14, 1995, the DRC conducted further deliberations and adopted a resolution to recommend that the actions of MCWD be affirmed.

At a meeting of BWSR on September 27, 1995, BWSR adopted a resolution to accept the recommendation of the DRC and authorize the Chair of BWSR to issue this Order.

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

ORDER

1. MCWD License No. 94-07 and MCWD License No. 95-04 are affirmed.
2. The attached Memorandum is incorporated by reference and made a part of this Order.

Minnesota Board of Water and Soil Resources

Dated: _____, 1995

By _____
Its Chair

DRAFT

MEMORANDUM

BWSR finds that MCWD has authority to adopt rules to require permits for shoreline improvements. See e.g., Gayle's Marina Corp. v. Minnehaha Creek Watershed District, 461 N.W.2d 224, 225 (Minn. 1990). BWSR further finds that the licensing of shoreline improvement contractors is a reasonable means for MCWD to implement its regulatory program. The need for the licensing of shoreline improvement contractors will vary from watershed district to watershed district. In the case of Lake Minnetonka, there is a great deal of shoreline improvement activity by means of the placement of rip rap. MCWD has determined that, in light of the amount of this activity and its potential for significant impact upon the watershed, it is necessary to ensure that rip rap and other shoreline improvements are properly constructed in accordance with MCWD rules and permit requirements. The licensing of shoreline improvement contractors provides an additional degree of protection to assure both the MCWD and the landowners who contract for work that the jobs will be completed properly and in accordance with MCWD rules and permit requirements.

In this case, the conditions imposed upon Landview's 1994 and 1995 Licenses are reasonable. Furthermore, BWSR finds that Landview had adequate notice and an opportunity to be heard. BWSR notes, in particular, the letter of October 18, 1994 from Louis Smith, MCWD

~~SECRET~~

legal counsel, to Steven Spartz, the owner of Landview. This letter notified Landview of the need to appear before MCWD and explain the basis for releasing Landview from conditions on its license.

Minnesota Board of Water and Soil Resources

Dated: _____, 1995

By _____
Its Chair

10907 v1

DRAFT

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

In the matter of the proposed
Reconstruction of County Road 19
Between Rockford and Hanover in
Wright County (appeal from the
Wright County Soil and Water
Conservation District)

BWSR File No. _____

ORDER

This is an appeal by Citizens Against Rural Exploitation (CARE) from a decision made by the Wright County Soil and Water Conservation District (WCSWCD). WCSWCD is the local government unit for purposes of the implementation of the Wetland Conservation Act of 1991. WCSWCD, as local government unit, approved Wright County's application for a wetland replacement plan for the reconstruction of County State Aid Highway 19.

The Minnesota Board of Water and Soil Resources (BWSR) has jurisdiction over this appeal under Minn. Stat. § 103G.2242, subd. 9 (1994) and Minn. R. 8420.0250, subp. 1, 3 (1993).

On August 10, 1995, the Dispute Resolution Committee (DRC) of BWSR heard oral arguments. A.W. Clapp, III, Esq., 19955 Quinnell Avenue North, Scandia, Minnesota 55073, argued on behalf of CARE. Brian J. Asleson, Esq., Assistant Wright County Attorney, 10 Second Street N.W., Room 150, Buffalo, Minnesota 55313-1189, argued on behalf of Wright County. Kerry Saxton, Office Manager for WCSWCD, 306C Brighton Avenue, Buffalo, Minnesota 55313, argued on behalf of WCSWCD. The parties agreed that the record for purposes of this appeal consists of 33 exhibits. The parties further agreed that this appeal could

DRAFT

be reviewed on the record provided by the 33 exhibits even though verbatim transcripts of the proceedings before the WCSWCD were not provided or are unavailable.

The DRC deliberated upon the appeal at a meeting on September 14, 1995 and adopted a resolution to recommend that WCSWCD be affirmed.

At a meeting of BWSR on September 27, 1995, BWSR adopted a resolution to accept the recommendation of the DRC and authorize the Chair of BWSR to issue this Order.

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

ORDER

1. The decision of the Wright County Soil and Water Conservation District to approve a wetland replacement plan for the reconstruction of County State Aid Highway 19 in Wright County is affirmed.

2. The attached Memorandum is incorporated by reference and made a part of this Order.

Minnesota Board of Water and Soil Resources

Dated: _____, 1995

By _____
Its Chair

DRAFT**MEMORANDUM**

BWSR's role in the review of local government unit decisions under the Wetland Conservation Act of 1991 is that of an appellate body. BWSR's general policy is to review a local government decision based upon the record of the proceedings before the local government unit. It would be inefficient and outstrip BWSR's resources if BWSR customarily assumed the role of taking additional evidence and making findings of fact.

In the present appeal, the record and findings of the WCSWCD are less complete than would be preferable for purposes of supporting the WCSWCD decision and allowing BWSR to play its appellate role. In the future, WCSWCD and other local government units should compile the kind of record and make the kind of findings that would be customary in local government zoning proceedings. This would include the tape recording of hearings so that a verbatim transcript can be provided and the adoption of formal findings to support the decision. Nonetheless, although the record and the findings are less complete than would be desired, BWSR finds that the available record and findings provide an adequate basis to affirm the decision of the WCSWCD.

Minnesota Board of Water and Soil Resources

Dated: _____, 1995

By _____
Its Chair

DRAFT

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

In re: Lynn Levine and
Kim Ramey v. Minnehaha
Creek Watershed District

BWSR File No. 94-5-103D

ORDER

On September 22, 1994, the Minnehaha Creek Watershed District (MCWD) issued Permit No. 94-110 to Halley's Custom Homes (Halley). The permit is for the construction of ten single family lots and one cul de sac in the City of Minneapolis.

Lynn Levine and Kim Ramey appealed the permit to the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Stat. § 103D.537(a) (1994).¹

There are three basic issues on appeal:

¹ Under 1995 Minnesota Laws ch. 199, sec. 31, Minn. Stat. § 103D.537(a) (1994) was amended, effective August 1, 1995, to make a declaratory judgment action brought under chapter 555 the exclusive method to appeal a permit decision or an order made by the managers of a watershed district. The present appeal was commenced prior to August 1, 1995. The present appeal is one of only a few appeals of watershed district permit decisions or orders filed with BWSR prior to August 1, 1995, but not resolved prior to August 1, 1995. BWSR has taken the position that it has the authority to decide appeals of watershed district permit decisions and orders filed with BWSR prior to August 1, 1995, even if the final decision is rendered by BWSR after August 1, 1995. Accordingly, BWSR finds that it continues to have jurisdiction under Minn. Stat. § 103D.537(a) (1994) to decide the present appeal. In addition, BWSR finds that it has jurisdiction under Minn. R. 8420.0250, subp. 2 (1993) to review that portion of the MCWD decision that constitutes a determination that there was no loss of wetlands under the Wetland Conservation Act of 1991 (WCA). MCWD is the local government unit for the implementation of WCA. See Minn. R. 8420.0110, subp. 30B, 8420.0200 (1993). MCWD has incorporated the requirements of WCA into its permit rules. The issuance of the permit to Halley in this case amounts to a determination that there will be no loss of wetlands. See Minn. R. 8420.0220 (1993). No-loss determinations are appealable to BWSR. Minn. R. 8420.0250, subp. 2 (1993). Although appellants phrased their notice of appeal as an appeal pursuant to Minn. Stat. § 103D.537(a) (1994), MCWD seems to acknowledge that BWSR also has jurisdiction under Minn. R. 8420.0250, subp. 2 (1993).

DRAFT

1. Should the MCWD decision that the Halley project will not involve the draining or filling of a wetland be reversed?
2. Should the MCWD decision that there is no basis in its rules to deny a permit for the Halley project due to ground water concerns be reversed?
3. Should the MCWD decision to approve the storm water management plan for the Halley project be reversed?

Oral argument before the Dispute Resolution Committee (DRC) of BWSR was scheduled for June 8, 1995. Due to the fact that appellants had not filed a brief, MCWD moved that the appeal be dismissed for failure of prosecution. The DRC denied MCWD's motion to dismiss and established a revised briefing schedule.

On July 13, 1995, the DRC heard oral arguments. John E. Grzybek, Esq., 1324 Hartford Avenue, St. Paul, Minnesota 55116, argued on behalf of appellants. Waverly Eby Booth, Esq., Popham Haik Schnobrich & Kaufman, Ltd., Suite 3300, 222 South Ninth Street, Minneapolis, Minnesota 55402-3336, argued on behalf of MCWD. The attorneys for the parties agreed that the record for purposes of this appeal consists of 196 exhibits and transcripts of MCWD hearings as reviewed, corrected, and agreed upon by the parties.

The DRC deliberated upon the appeal at a meeting on July 25, 1995 and adopted a resolution to recommend that MCWD be affirmed. At the request of counsel for appellants, the DRC agreed to reconsider its decision in light of matters addressed in a letter from counsel for appellant. Further proceedings and deliberations occurred on August 10, 1995 and September 14, 1995. On September 14, 1995, the DRC adopted a resolution to recommend that MCWD be affirmed.

At a meeting of BWSR on September 27, 1995, BWSR adopted a resolution to accept the recommendation of the DRC and authorize the Chair of BWSR to issue this Order.

OK

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

ORDER

1. MCWD Permit No. 94-110 is affirmed.
2. The attached Memorandum is incorporated by reference and made a part of this Order.

Minnesota Board of Water and Soil Resources

Dated: _____, 1995

By _____
Its Chair

DRAFT

MEMORANDUM

BWSR finds that there is an adequate basis in the record to support the MCWD determination that the Halley project will not involve the draining or filling of a wetland. Wetland delineation is a matter of science and professional judgment. Although the earliest reports in the record suggested that the wetland was more extensive than the MCWD ultimately found it to be, the subsequent revised reports provide an adequate basis for the MCWD decision.

BWSR is in agreement that MCWD's rules do not provide a basis for the MCWD to deny a permit due to ground water concerns.

Finally, the record adequately supports the MCWD's decision to approve the storm water management plan under MCWD Rule B.

Minnesota Board of Water and Soil Resources

Dated: _____, 1995

By _____
Its Chair

11051 v1



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

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Fax (218) 755-4201

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Fax (507) 280-2875

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M E M O

DATE: September 19, 1995
TO: East Otter Tail SWCD
FROM: Ron Shelito BWSR *Ron*
SUBJECT: Cost-Share Audit Correction

Attached are two revised pages to the Final Audit Report East Otter Tail Cost-Share Program Fiscal Years 83 through 95. Sara Johnson, BWSR Accounting Specialist found an error in some of the computations in this report. The number originally listed for encumbered dollars for FY 93, 94, and 95 was incorrect. I had listed \$42,113.00 as currently encumbered for these program years. This number should be \$35,747.60 as shown on the attached revisions. This correction also affects the number listed for total SWCD obligations. This number is now \$108,984.39.

This correction does not affect the total amount originally determined to be owed to the State Treasurer. This total remains at \$73,236.79.

EAST OTTER TAIL SWCD

Audit Summary

State Cost-Share Funds Owed To State Of Minnesota

FY 94	\$ 10.00
FY 93	\$10,409.85
FY 92	\$17,993.76
FY 91	\$16,879.54
FY 90	\$12,661.06
FY 89	\$ 6,235.08
FY 88	<u>\$ 5,750.00</u>
	\$69,939.29

MFIP Funds Owed To State

FY 93	\$ 2,050.00
FY 92	\$ 250.00
FY 90	<u>\$ 997.50</u>
	\$ 3,297.50

Encumbered For 93, 94, & 95 C-S Projects not yet installed: \$ 35,747.60

Total Owed To State:	\$ 73,236.79
----------------------	--------------

Total Still Encumbered For Projects:	<u>\$ 35,747.60</u>
--------------------------------------	---------------------

Total Obligations	\$108,984.39
-------------------	--------------

Summary of Funds Owed to State Treasurer and Currently Encumbered FY 88 through FY 95:

Total Cost-Share Program Funds allocated FY 88 through FY 95:	\$192,110.00
Total MFIP funds allocated FY 84 through FY 93:	\$ 31,431.00
Cost-Share funds owed to State from slippage and unencumbered:	\$ 67,204.21
Cost-Share funds owed to state from violations:	\$ 2,735.08
MFIP funds owed to state:	\$ 3,297.50
Total to be returned to State Treasurer:	\$73,236.79
Cost-Share funds currently encumbered for projects from FY 93, 94, and 95:	\$ 35,747.60
Total obligations:	\$108,984.39

(See attachments for yearly summary information)

Conclusions and Recommendations:

The Erosion, Sediment Control, and Water Quality Improvement Work Grant Agreement states that " Any grant funds remaining unspent or becoming unobligated after the end of the Grant Period stated above shall be returned to the Board within one month of that date" (see attached grant agreement). The East Otter Tail SWCD Cost-Share and MFIP audit information gathered to this time show that significant funds are owed back to the State Treasurer (through BWSR) from several program years. The program audits also indicate that for many years, the cost-share program was insufficiently managed. This audit revealed a series of administrative errors including:

a number of cost-share projects that were paid, but the contracts were not signed by the chairman authorizing payment

blank cost-share voucher forms that were signed by a board member

minimum effective life of the contract was left blank on a majority of the contracts reviewed

check numbers were missing from the disbursements journal, especially the last five years

cost estimates and technician's certification blanks were often not filled in on the cost-share form

the amount authorized for payment by the district was left blank on many contracts

amounts to be encumbered were left blank on some contracts

Join us for a
Wetlands Walkabout

a special Minnesota Audubon Council Field Trip

at the farm of **Senator Steve Dille** near Dassel, Minnesota

11:00 am to 2:30 pm

Saturday, September 30, 1995

Car pools will depart from the Twin Cities at 8:42 am and return at about 4:15 pm.

Or you can meet the group at Senator Dille's farm.

*A
BWSR
Person should
attend this mtg.*

Highlights:

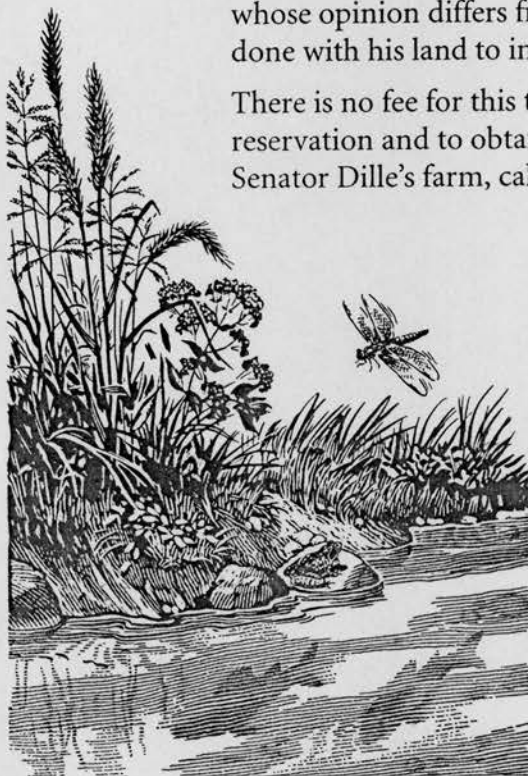
- * 640 acre farm on the North Fork of the Crow River
- * 1½ miles of river bottom
- * Restored wetlands
- * Stream-bank stabilization project
- * Ridge till system to reduce soil erosion
- * Diversion of feedlot runoff to prevent water pollution

Senator Dille is one of Minnesota's most knowledgeable and influential voices on wetlands issues. His knowledge is based in part on personal experience with conservation practices he has used on his own land. He co-sponsored Minnesota's wetlands law in 1991, but has since become one of its biggest critics. He believes it was misinterpreted in subsequent rulemaking, and now provides a lot of red tape and little wetlands protection where it is really needed.

Don't miss this chance to have a dialog with a key leader on conservation legislation whose opinion differs from ours on some issues, and to see some of the things he has done with his land to improve wetlands and reduce erosion and pollution.

There is no fee for this trip, except for the optional box lunch. See below. To make a reservation and to obtain detailed information about car pools and/or directions to Senator Dille's farm, call Fred Waltz at 612-454-8994. Or write to

Fred Waltz, MAC Field Trip Coordinator
2095 Delaware Avenue
Mendota Heights, MN 55118-4801



Box lunches are available at \$6.00 per person.

Lunches include submarine sandwich,
fruit cup, potato chips, and cookie.

Sandwich choices: roast beef, turkey, or vegetarian
Senator Dille will provide beverages at his farm.

Place orders with Fred Waltz at 612-454-8994
no later than 8 pm Wednesday, September 27.

You may register for the field trip at the same time.

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Birkholz, Jim	296-0879	Moore, Matt	215-1519
Block, Marybeth	297-7965	Ohman, Barbara	297-1894
Bohrer, Helen	282-2600	Sandstrom, Bruce	297-4958
Computer Room	296-1349	Schwanke, Tom	297-5616
Conference Room	215-1529	Singer, Debbie	282-9969
Evenson, Eric	215-1520	Snyder, Doc	282-3815
Fredbo, Tim	296-0880	Thomas, Doug	297-5617
Harnack, Ron	296-0878	Tsakakis, Susan	297-1893
Haertel, Jim	297-2906	Wenzel, Tom	296-0883
Jaschke, John	297-3432	Zellmer, Wayne	297-7361
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Kean, Al	297-2907		
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Secretary-Carla Swanson-507-359-6074
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Metro/Region

Star Tribune

Monday

September 25/1995

Please read and recycle **1B**

Wetland Conservation Act faces challenge

By Dean Rebuffoni
Staff Writer

Beltrami County, Minn.
Beltrami County is wetland-rich. Only 3 percent of its original wetlands have been drained or filled, and almost half of the big northern county remains covered by marshes, wet meadows and swamps.

And where there aren't wetlands, there are likely to be lakes or streams. All told, 60 percent of the county is either always underwater or waterlogged at least part of the time.

That can create a dicey situation for builders who would infringe upon such protected areas. That includes big time developers, the county Highway Department and someone wanting to build a cabin — or just a driveway.

"It's very difficult for anyone up here to do anything without getting in trouble with the law," said County Commissioner Lee Coe. "It's time we used common sense to get together — to conserve these natural resources [without] bringing everything to a halt."

But things are at a halt in Beltrami County.

For the past 21 months, it and four other northern counties — Koochiching, Lake, Marshall and Pennington — have been rebels, refusing to implement the state's premier wetland-protection law. And they have paid a price for their refusal: With some exceptions, a moratorium has been imposed on projects that would affect wetlands in those counties.

The counties contend that the 1991 Wetland Conservation Act is too restrictive, has hindered development and unfairly discriminates against them. The same complaints are coming from developers and officials in eight other counties who have

either refused to implement the wetlands law or threaten to do so.

The complaints have been heard: It is likely that the 1996 Legislature will amend the law to exempt more wetlands from its protection — at least in Beltrami and the 19 other counties that still have more than 80 percent of their presettlement wetlands.

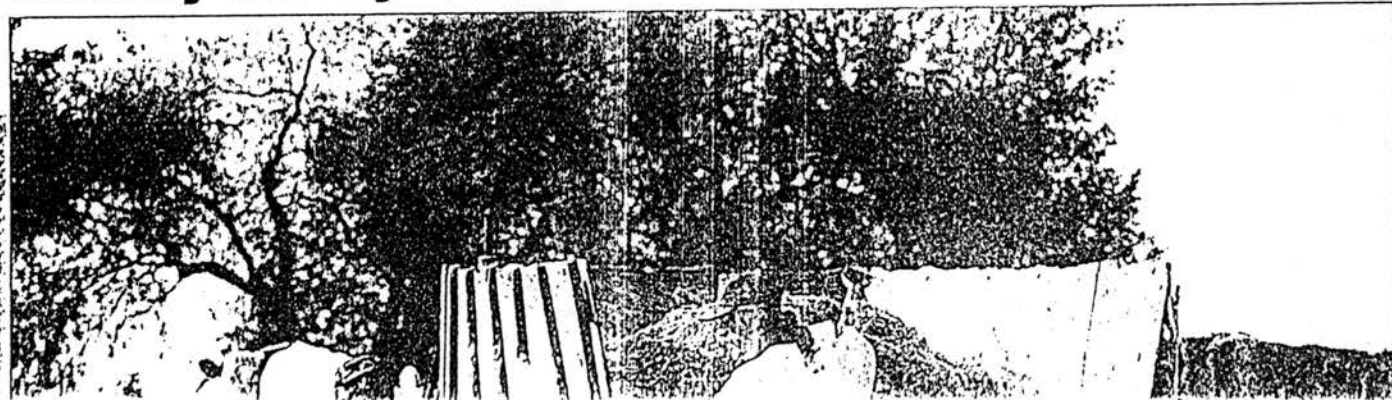
But it's not a done deal. The Legislature has committed the state to a policy of "no net loss" of wetlands. Environmentalists are battling to maintain that standard, and Gov. Arne Carlson has vowed to veto legislation that would drastically reduce wetland

protection.

Also, the campaign to amend the Wetland Conservation Act faces challenges in the Legislature. That was apparent at last week's "minisession" of the Minnesota House, which held public hearings in Bemidji and the surrounding area. At a hearing of the House Environment and Natural Resources Committee, its veteran chairman, Rep. Willard Munger, DFL-Duluth, said he would resist any effort to unravel the wetland law.

Wetlands continued on page 3B

Ramsey County workhouse is trading fat for fiber



All the old familiar faces in suburbs

Not much new blood at the polls

Brd Rakas

Wetlands / Most counties have implemented law

Continued from page 1B

"The 1996 Legislature will pass a wetlands bill," Munger said. "But while I'm willing to sell some of the machinery, I'm not going to give away the farm."

Munger noted that a bill that would have eased state protection of wetlands and given more control to local governments was blocked at the end of this year's legislative session. That happened after some legislators, backed by environmentalists and the state Department of Natural Resources, complained that the bill went too far.

Until the law or Beltrami County's stance changes, the development moratorium will continue. Beltrami County's opposition has forced it to delay \$3.5 million in work on 11 miles of roads that need upgrading, said Tom Kozojed, county engineer. That work would infringe upon protected wetlands.

But while those projects are stalled, road work goes on unhindered in the county seat, Bemidji. That's because the city has implemented the wetlands law, as have a couple other local governments in Beltrami County.

About 450 local governments, including most of Minnesota's 87 counties, have implemented the law, said Greg Larson of the state Board of Water and Soil Resources. The board estimates that during 1994 (its first full year of implementation), the law protected, restored or created more than 5,500 acres of wetlands in Minnesota.

The law requires landowners who want to fill or drain a wetland to consider and to document alternatives to such work. If a project cannot be reasonably redesigned, the lost wetland must be replaced. That can be done either by creating new wetlands or by restoring drained wetlands.

In most counties, finding a drained wetland to restore is easy: Minnesota has lost about 60 percent of its original 18.6 million acres of wetlands. Most were drained or filled for agricultural or urban development. However, drained wetland sites are relatively rare in Beltrami County, which means it would have to mitigate wetland losses through restoration projects in other counties.

Carlson waded into the morass last week, revealing a bill drafted by the state Water Board that would amend the law. The changes, he said, would meet the "reasonable concerns" of landowners while preserving the state's commitment to the no-net-loss policy.

"Some changes are necessary to make the Wetland Conservation Act more workable, particularly in certain parts of the state," Carlson said, referring to those 20 wetland-rich counties. "I think this draft bill makes those changes, yet still maintains a high

level of protection for our wetlands."

Carlson also repeated what he has said before: He will not sign any bill that drastically reduces wetland protection. That's an unusual position for a Republican governor — threatening to veto an environmental bill passed by a DFL-controlled Legislature because it's not tough enough.

But Carlson backed, and signed into law, the bill that created the wetland law. Also, one of his pet environmental programs is the multimillion-dollar effort to clean up the Minnesota River. That includes restoring wetlands to reduce flooding and the influx of silt and pollutants into the river.

The draft bill revealed by Carlson is similar to a measure that failed to pass the Senate this year. For example, it would exempt from protection more seasonal wetlands in those 20 wetland-rich counties. It also would give local governments more flexibility

in determining the amount of wetlands that must be restored to replace lost wetlands.

Don Arnosti, Minnesota director of the National Audubon Society, said he doesn't buy Beltrami County's arguments.

"Other counties, including Hubbard County, which has a lot of wetlands, are working with the Wetland Conservation Act," he said. "Clearly, there are changes to be made in the act. But it is not unworkable."

"In the case of Beltrami County, its [County Board] has never had a positive attitude toward the wetlands act, and it has become a self-fulfilling prophecy for them to say, 'We can't do this.' But I think it's reasonable to ask public agencies to make expenditures to protect public resources."

Longevity / Many acknowledge disturbing trend

Continued from page 1B

■ New Hope's Ed Erickson, mayor since 1970, has turned 64 and survived three operations for bladder cancer, and he thinks he'll run for re-election next year. His longtime sidekick, City Council Member Pete Enck, was elected in 1972. "I won in a landslide," Erickson said of his last election.

■ South St. Paul's Bruce Baumann, now back on the City Council, first got there in 1967.

■ Then there's John Conde, Spring Lake Park's 73-year-old City Council member, who first served as village clerk in 1955 and began serving on the council again this year.

Many say it would be easy to use their longevity as proof that voters have been satisfied with them, but most acknowledge that the reasons probably go deeper and may portend a disturbing trend. "It would be nice to think everybody is so satisfied," said Jerry Fritsch, a former mayor and Newport City Council member since 1977. "I don't think that's it."

Fritsch has watched as Newport, an older, developed St. Paul suburb, opened the filing period this summer for two City Council seats — only to see both incumbents go into November's election unopposed. "I've talked to the younger businessmen [in Newport] and tried to

Forever and ever

A strange staying power in the suburbs

Some suburban city officials are able to serve for many years in a climate where winning reelection seems a formality. Their longevity is in some cases testimony to their popularity, although others wonder if it's a result of aging demographics in inner-ring suburbs or a sign of a troublesome drop-off in interest in local politics. Here are some suburban cities with officials and their length of service.

Fridley	Bill Nee	Mayor	Began serving on City Council in 1961
New Brighton	Bob Benke	Mayor	Began serving on City Council in 1978
Spring Park	Jerry Rockvum	Mayor	Began serving as mayor in 1966
New Hope	Ed Erickson	Mayor	Began serving as mayor in 1970
Little Canada	Michael Fahey	Mayor	Began serving on City Council in 1979
South St. Paul	Bruce Baumann	City Council	Began serving on City Council in 1967
Spring Lake Park	John Conde	City Council	Began serving as village clerk in 1955
St. Louis Park	Lyle Hanks	Mayor	Began serving on City Council in 1972
Chaska	Robert Lindall	City Council	Began serving on City Council in 1978
Roseville	Vern Johnson	Mayor	Began serving on City Council in 1981
Cottage Grove	Jack Denzer	Mayor	Began serving on City Council in 1978
Golden Valley	Gloria Johnson	City Council	Began serving on City Council in 1976

Note: Terms are not necessarily consecutive.

Source: City records



health — he began missing many meetings — forced him to resign in October 1993, two months before he died. He was 68, and in his 19th year in office.

"When I would call him, I would rarely talk to him. It'd be his son or his wife, and it'd be, 'We'll pass the message along,' and I'd never hear from him," said Al Stahlberg, who ran unsuccessfully for Fitzpatrick's seat after his death.

Fridley's Nee, age 70 and confined to a wheelchair by the slow-healing leg, said he realizes his physical limitations. Also, "you don't want to wear out your wel-

Inmates / They kill and butcher their own food

Continued from page 1B

"We don't want to use mechanized equipment if we can put shovels in three or four inmates' hands to do the same work," said Steve Benson, a correctional officer who oversees the workhouse farming operation.

It's not bad work, said inmate Mark Summer. "You get outside in the fresh air. It's better than sitting inside, being driven up the wall by everyone," he said.

The inmates, except for a few who get queasy when it comes time to skin an animal, also slaughter and butcher the cattle for their meals, sending the surplus to other correctional institutions, such as Ramsey County's Boys' Totem Town in St. Paul.

Inmates once slaughtered two to three steers a month; back when they ate meat three times a day. "That was pretty outlandish and not super healthy," said Art Cavara, workhouse superintendent.

But times and eating habits have changed. Last year, the inmates and workhouse employees began eating less meat and fewer dairy products and more vegetables and pasta and healthier soups, Cavara said. "They had meatless lasagna the other day. . . . And there were no complaints," he said.

The healthier diet means the workhouse now slaughters only about one steer a month. Meanwhile, providing meat to other institutions has become less economical because of food regulations require the cattle to be