

Minnesota Board of Water and Soil Resources. Minutes.

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5/22/96

BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
JCT. I-90 & HWY. 15
FAIRMONT, MINNESOTA
MAY 22, 1996

BOARD MEMBERS PRESENT:
Barbara Cobb, Barbara Uppgaard, Ted Lovdahl, Ginny Imholte, LeRoy Stensgaard, Kathy Roer, and Marvell Tripp

BOARD MEMBERS ABSENT:
Glenn Annexstad, Darrell Bruggman, Dwain Otte, Jim Rossman, and Tim Hvidsten

AGENCY MEMBERS PRESENT:
Rod Sando, Department of Natural Resources (DNR)
Wayne Edgerton, Department of Natural Resources (DNR)
Paul Burns, Department of Agriculture (MDA)

AGENCY MEMBERS ABSENT:
Jim Anderson, Minnesota Extension Service (MES)
Kim Benson-Johnson, Department of Health (MDH)
Marge Kelly, Pollution Control Agency (PCA)

OTHERS PRESENT:
Jim Schafer, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Gary Wehrenberg, Faribault SWCD
Michele Stindtman, Faribault SWCD
Linda Meschke, Martin County
Kathy Peters, Martin SWCD
Rich Perrine, Watonwan SWCD
Harold Wolle, Watonwan SWCD
Jerry Voyles, Martin SWCD
Herman Grefe, Martin SWCD
Steven Maurice, NRCS
Susan Fagrelius, Susan Fagrelius & Associates
Bob Finley, Redwood-Cottonwood Rivers Control Area (RCRCA)
Jim Doering, RCRCA
Bruce Berger, Redwood SWCD

STAFF PRESENT:
Ron Harnack, Jim Birkholz, Al Kean, Jeff Nielsen, Chris Hughes, Thomas Fischer, and Carla Swanson

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

Adopt Agenda - Ron Harnack stated that the agenda item Old Business No. 1, WCA Non-Adopting/Rescinding Counties, is an item for discussion, not for decision. LeRoy Stensgaard stated that the LeRoy Stumpf letter received by Board members should be a discussion item. Chair Cobb stated that this letter would be discussed along with agenda item Old Business No. 2, Ratify Final Approval of WCA Emergency Rule. Moved by Ted Lovdahl, seconded by Ginny Imholte, to approve the corrected agenda. Motion passed on a voice vote.

** 96-36

Minutes of April 25, 1996 - Kathy Roer stated that a change is needed on page three, paragraph four, of the April 25, 1996 minutes: Schriber should be changed to Schriver. Moved by Marvell Tripp, seconded by Barb Uppgaard, to approve the corrected minutes of April 25, 1996, as circulated. Motion passed on a voice vote.

** 96-37

Reports

Chair's Report - Chair Cobb welcomed everyone to the meeting and requested that everyone introduce themselves. Chair Cobb reported that she attended the Minnesota Association of Watershed Districts (MAWD) Board of Directors meeting in Alexandria. Chair Cobb also reported that Minnehaha Creek Watershed District has a new Web site; she has this address if anyone is interested. Chair Cobb also attended the Legislative Water Commission's final meeting and reported that the legislators have the perception that agencies are not working together. She suggested we modify this perception by communication with and education of the legislators on our working partnerships. Chair Cobb also attended the environmental cluster meeting regarding sustainable development research and an environmental law survey that was done. Copies of the results of this survey are available.

Executive Director's Report - Ron Harnack reported that the state Envirothon was held at the Wargo Nature Center in Centerville yesterday and gave an explanation of the Envirothon. A team from Mabel-Canton High School in Canton won first place; the second place team is from Anoka High School in Anoka; and the third place team is from Pelican Rapids High School in Pelican Rapids. Ron commended the soil and water conservation districts (SWCDs) for their work on this event and the agencies and other units of government that support these SWCDs. Ron also reported on some mobility assignments in BWSR: Esme Evans from the Department of Revenue will work on communication and publication projects during Susan Tsakakis maternity leave; Kevin Lines, DNR, Division of Wildlife, will be dealing with the new farm bill—CRP, Wetland Reserve Program, wildlife enhancement, and floodplain initiative; and a training coordinator mobility with NRCS has been established to work with districts, NRCS, BWSR, and other agencies on technical and administrative training. Ron also reported that discussions have taken place with the Washington County Board of Commissioners and policy staff on how to deal with watershed management organizations (WMOs) that are not doing the

job they should be doing. Similar discussions have taken place with Hennepin County and should be initiated with Carver and Scott Counties. Ron stated that he and Jim Birkholz attended a Lake Superior Association meeting on strategic planning; Joe Newberg, Hennepin County SWCD, has been facilitating this process.

Dispute Resolution Committee (DRC) - Kathy Roer reported that two matters that have been pending are headed toward settlement: Chisago County WCA appeal and the Drum appeal in Douglas County.

Sauk River Watershed District appeals (Big Birch and Little Birch) are scheduled for hearing on June 13.

Agency Reports

Department of Natural Resources (DNR) - Rod Sando presented the DNR strategic directions document, "Directions for Natural Resources." The Governor's Sustainable Development Initiative is a key point for DNR as well as the Citizens' Roundtable. As the Directions for Natural Resources shows, the ecosystem-based approach to management is changing the DNR's focus to include community-based resource management. Recently, DNR did some reorganization changes: merged offices of planning and budget; consolidated ecologic services group to include some units of wildlife; and engaged in employing community coordinators. Chair Cobb asked if the community coordinators are hired locally or through DNR. Rod stated they will be or have been hired through DNR. Rod stated that DNR needs to create more of a community presence throughout the state. DNR is also taking advantage of the opportunity to use more technology: geographic information system in southern Minnesota, centralization of some services (e.g. licensing) through computers, and an 800 number for law enforcement. With regard to potential reorganization rumors, Rod stated that he sees it as the Governor wanting to create a stronger link between agencies and the Cabinet by making agency members voting members of the Board. Chair Cobb stated that this is seen as a positive step forward.

Department of Agriculture (MDA) - Paul Burns mentioned some handouts he has available. One is on free nitrate water testing clinics being offered by MDA at various locations throughout the state. The second is on the ten-year pesticide monitoring of surface water and groundwater around the state. Through this monitoring it was discovered that atrazine is the most common pesticide detected, but in most cases it does not exceed health limits. Paul also stated that the MDA Pesticide Management Plan is completed; to receive a copy contact Jerry Spetzman. Paul also reported that MDA just finished a series of workshops around state informing local water planners, professionals, and others of existing ag-related, water quality research and data on the Minnesota River. MDA will also have a booth at the Water Planners Conference in July and be holding workshops on planning and zoning on animal agriculture feedlot planning process in July and August.

LeRoy Stensgaard asked Paul Burns if he would like to vote on this Board. Paul stated that he has advocated in favor of this in the past but does not know if MDA has a formal position formed on this. Paul stated that he feels with voting rights, more key people from agencies may become more involved. LeRoy stated SWCD and WD boards have expressed concern as to whether this would change our Board from being a citizen's board. Paul stated this has been a legitimate concern that has been brought forth on other committees by citizens not daring to express themselves because they don't have an agency or degree to back them. Rod Sando stated that we need a more common goal and to build trust, and that we should view each other as resources. Kathy stated that we have a strong relationship with local government groups through our Board members and that maybe part of the weak link between our Board, other agencies and the Governor's office could be strengthened through this process. Wayne Edgerton pointed out the old Soil Water Conservation Board had agency members as voting members, and it was a good Board.

Observations from Tour

Chair Cobb thanked Linda Meschke and Gary Wehrenberg for doing such a wonderful job on the tour and tour travel guide. Kathy Roer stated she appreciated being able to come to other areas of the state, emphasizing the diversity of the state. Barb Uppgaard stated it was well-organized.

Consent Agenda

Local Water Plan Approvals - Marvell Tripp reported that the BWSR area review committee (Glenn Annexstad, Dwain Otte, LeRoy Stensgaard, and Marvell Tripp) determined that all relevant law and rule requirements had been fulfilled and recommended approval of the McLeod County Water Plan at their April 25, 1996 meeting. Ted Lovdahl reported that the BWSR area review committee (Ginny Imholte, Barb Uppgaard, Darrell Bruggman, and Ted Lovdahl) met on May 9, 1996 and recommended approval of the Cass and Wilkin County Water Plans. Moved by Ted Lovdahl, seconded by Ginny Imholte, to approve the Cass, Wilkin, and McLeod County Water Plans. Motion passed on a voice vote.

** 96-38

County Water Plan Extension - Jim Birkholz stated that Douglas County has requested an extension on their water plan due to a staffing change. Douglas County originally requested a one-year extension and would now like to change it to a two-year extension. Moved by Barb Uppgaard, amended by Ted Lovdahl that Douglas County must report back to the Board on their progress, seconded by Kathy Roer, to approved the Douglas County Water Plan Extension. Motion passed on a voice vote.

** 96-39

Old Business

Response to East Otter Tail SWCD Counter Proposal for Return of Cost-Share Funds - Jim Birkholz stated that members of the committee that are dealing with the repayment issue of the East Otter Tail SWCD met on May 10. The committee discussed the April 24, 1996 counter

proposal for fund repayment received from the attorney representing the East Otter Tail SWCD. It was decided by the committee to forward this matter on to the Attorney General's Collection Division. The committee requested Matt Seltzer to draft a letter to the East Otter Tail SWCD's attorney stating this decision. At the request of the committee, Jim amended Matt Seltzer's letter and read it to the Board. The Board approved of the revised letter.

WCA Non-Adopting/Rescinding Counties - Ron Harnack stated that from contact with local governments and board conservationists it is believed that a majority, if not all of the counties, will have adopted the WCA by June 10. They are waiting primarily for Judge Klein's statements on the draft emergency rules. Counties are meeting on May 24 to see where they are at individually and collectively. Base grant money is reserved under Natural Resources Block Grant for the counties that adopt by June 10. As previously decided by the Board, if these counties do not adopt by the deadline, the balance of the funds that they would have received will go to Challenge Grant program. Barb Uppgaard asked if these counties are well-aware of our decision as to losing their funds. Ron stated that they clearly understand the implications of not adopting. Kathy stated she wants to be clear that any counties that do not adopt by June 10 will continue under a moratorium. Ron stated that this is correct, and that the local government units that don't adopt will have increased enforcement through DNR. If enforcement is not enough, legal action will be taken. Barb Uppgaard recommended that a letter be sent to these counties (individual commissioners) to ensure clarification of Board policy, time frame, and consequences with regard to adoption of WCA. Chair Cobb asked if the letter should include "new deal" on public roads and what we need to discuss on this matter. Ron stated that there was some interagency discussions on this so the legislature had raised some question as to the intent. Ron stated that this exemption is available for both adopting and non-adopting units of government. Ron stated that no replacement plan is required, however, they still need to report. Kathy stated that she sees this "new deal" as part of the WCA, and if a local unit of government has not adopted the WCA, they should not receive benefit under the WCA. Marvell Tripp and Ted Lovdahl agreed with Kathy's statement. Ron stated that since no replacement plan is required, they are only liable if they do not report and it is found that they have done work. Kathy stated she does not have a problem with the no replacement plan but does not agree with the mitigation benefit (a state subsidy) and wondered if there was a legal decision made on this? Ron stated that when Matt Seltzer was asked about it he said that it is not a legal issue but a policy issue. Ginny asked if no one is in charge, how there can be anyone to exempt? In non-adopting counties, the landowner is responsible to go through the proper channels. Ron stated that litigation is not considered to be subsidy, it just makes more sense for the state to do it. Kathy asked about new roads, Ron stated that new roads do not apply. Chair Cobb suggested this issue be an item for discussion at the June Board meeting.

Ratify Final Approval of WCA Emergency Rule - Chair Cobb asked for comments regarding Stumpf letter. Ron stated that Judge Klein is giving consideration to elements of the Stumpf's

letter. Chair Cobb asked if this can be put forth for publication without Judge Klein's decision. Ron stated that it can be. Motion by Ted Lovdahl, seconded by Barb Uppgaard, to affirm the errata changes and the positions of the Board from last month subject to the legal interpretations and adjustments of the Hearing Examiner's Office. Motion carried on voice vote.

** 96-40

Chair Cobb called for a break at 10:20 a.m.; the meeting reconvened at 10:40 a.m.

Chair Cobb asked Steve Maurice, NRCS, if he had anything to comment on before leaving the meeting and asked how he feels the partnerships are going. Steve thanked the Board for the opportunity to attend the meeting and stated that he feels the partnerships are working very well. Steve stated that districts are making a much greater impact on local people with regard to conservation than they used to, and that the expansion in their responsibilities should be considered in future decisions.

New Business

Presentation of Work Activities of Redwood-Cottonwood Rivers Control Area (RCRCA) - LeRoy Stensgaard introduced Bob Finley of RCRCA. Bob Finley introduced Jim Doering, staff member, and Bruce Berger, supervisor of Redwood SWCD. Bob distributed Redwood River Clean Water Project folder. Bob reported on how their Special Minnesota River Basin Fund appropriation is used and how it relates to the larger Redwood River project. Chair Cobb thank them and commended them for their efforts.

Presentation of Work Activities of Blue Earth River Basin Initiative (BERBI) - Chair Cobb introduced Linda Meschke, interim coordinator of the BERBI. Linda reported on implementation practices installed through BERBI's Special Minnesota River Fund allocation and the quantifying benefits of these practices. Chair Cobb thanked Linda for her presentation and again commended the tour organizers.

Review of BWSR Strategic Plan - At 1:00 p.m. today, there will be a meeting to discuss the BWSR Strategic Plan. Chair Cobb requested that all board members stay for this meeting, if their schedules permit. Susan Fagrelius will also be joining this meeting.

Ron Harnack stated the July 24, 1996 Board meeting would be coupled with the Local Water Planning Conference in New Ulm (July 23-25). The Minnesota River Basin Joint Powers Board will be hosting a workshop on July 25-26.

LeRoy Stensgaard expressed his concern regarding the issue of non-conforming septic systems and the cost of bringing these systems into compliance. LeRoy asked that the Board take a lead on heading off any drastic legislation that may come along. Chair Cobb stated it could be put on a future agenda.

Advisory Comments

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - Jim Schafer reported that area resolution meetings are coming up. Jim stressed the importance of marketing in terms of presenting to the legislature and introduced Bruce Berger, Redwood SWCD supervisor and chair of the MASWCD marketing committee. Bruce reported that the marketing committee was established last year; they are marketing the MASWCD organization and targeting SWCD supervisors and employees to take an active role by becoming affiliate members.

** 96-41 Moved by Kathy Roer, seconded by Ted Lovdahl, to adjourn the meeting at 12:00 p.m. Motion passed on a voice vote.

Respectfully submitted,

Barbara Cobb

Barbara Cobb, Chair

6/26/96

DRAFT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
JUNE 26, 1996

BOARD MEMBERS PRESENT:
Glenn Annexstad, Darrell Bruggman, Barbara Cobb, Tim Hvidsten, Ted Lovdahl, Kathleen Roer, LeRoy Stensgaard, Marvell Tripp, Barbara Uppgaard.

BOARD MEMBERS ABSENT:
Ginny Imholte, James Rossman.

AGENCY MEMBERS PRESENT:
Kim Benson-Johnson, Department of Health
Wayne Edgerton, Department of Natural Resources
Jim Anderson, U of M, Extension Service

AGENCY MEMBERS ABSENT:
Wayne Anderson, Pollution Control Agency
Paul Burns, Department of Agriculture

STAFF PRESENT:
Ron Harnack
Jim Birkholz
Doug Thomas
John Jaschke
Jim Haertel
Tabor Hoek
Robyn Molina

From: **tabor@bwsr-mn.bwsr.state.mn.us (Tabor Hoek)**
To: **Robyn.Molina@bwsr.state.mn.us**
Date sent: **Fri, 19 Jul 1996 08:34:22**
Subject: **June 26th BWSR minutes**
Priority: **normal**

I have a comment to make on the June 26th BWSR minutes. New business item #1 that covers the Area II work plan approval could use some further clarification of the controversial issue of cost-share percentages of Area II projects. I would suggest the following change.

Delete the sentence " Kerry stated that the 75% vs. 50% is very well needed." and replace with "Kerry reffered to the last page of the work plan which details past projects and their cost-share rates. These projects cumulatively recieved 48.6% state funding and 51.4% local funding. The flexiblity of a 75% maximum is necessary as some entities of local government do not have an adequate source of funding while others are capable of providing a larger share of the project."

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

** 96-42 **Adopt Agenda** - Moved by Lovdahl, seconded by Tripp, to approve the agenda as presented. Motion passed by voice vote.

Chair Cobb welcomed the reappointments of Glenn Annexstad and Dwaine Otte. Barbara Cobb will continue as Chair of the BWSR Board.

Reports:

Chair's report - Barb Cobb attended the MASWCD Board meeting at which Ron Harnack gave a presentation of the development and use of Memos of Understanding (MOU's) agreements between the MN Association of Soil and Water Districts (MASWCD), Natural Resources Conservation Service (NRCS) and BWSR. Discussed having an association grant writer within the MASWCD office. Chair Cobb recommended all members of our board become affiliate members of MASWCD.

Executive Director's Report - Ron congratulated the reappointed board members. Also congratulated Greg Larson on his recent Fellow Award he received for 1996 from the Soil And Water Conservation Society. This is a national award recognizing contributions to soil and water conservation on a personal and national scale. Ron commended John Jaschke, Greg Larson and BWSR field staff for the WCA Administrative training sessions held in June. A job well done.

Ron stated that there was a disaster declaration declared for some of the Northwestern counties. We have staff participating in a hazard mitigation team to assess the damages and what may be done in the future to prevent these damages from recurring.

Ron stated there are some new staff issues that we have come to an agreement on with NRCS. The education committee is aware of our training team and the struggles trying to provide a focus for training coordination between NRCS, BWSR and other local government staff. We have a mobility assignment which we are cost-sharing with NRCS. BWSR hopes to have an individual online in September to provide coordination for the training activities our organization provides to local government and be able to assess the needs for training and provide a cataloging of those needs. This will be tried on a two-year basis. Also, with new funding that we have from bonding on the Conservation Reserve Program (CRP) transfer program, there is up to 1.5 million to provide incentive to landowners that bring land out of CRP and maintain it in either grazing or crop under an improved conservation plan, a mobility from NRCS for two years will be coordinated.

Ron attended continued discussions for water resources assessment and re-organization study. MN Planning is under agreement with EQB to have a report prepared by this fall. We will promote a discussion with the Association of MN Counties (AMC), MN Association of Soil and Water Conservation Districts (MASWCD), and Watershed Districts (WD's) feedback from a draft document before finalization.

BWSR budget discussions have begun. There has been staff assignments in six areas. Soil Conservation is one with Greg Larson as the lead staff person.

Ron stated that his field visits are continuing in Brainerd, Rochester, New Ulm, and Marshall scheduled and will include area Board members.

Chair Cobb asked what LCMR proposals were accepted in the second hearings. Ron explained that we have a couple projects still on the table, one dealing with soil survey digitizing and the other with drainage inventories

Agency Reports:
MN Department of Health (MDH) - Kim Benson-Johnson mentioned the cost-share loan programs for well sealing. 79 out 87 counties have responded. They plan on running the program again this winter and then on an annual basis. Ron stated that the League of MN Cities were on a panel talking about well-head protection with about 35 cities sitting in the audience. They questioned how many cities were familiar with local water planning and stated not many responded positively. Ron commends DNR, MPCA and MDH for focusing in on this local water planning.

Department of Natural Resources (DNR) - Wayne Edgerton - Wayne stated that some animal rights groups wanting to stop the geese round-ups that DNR conducts. Over population causes many problems and they are rounding them up for slaughter for use on food shelves. Wayne handed out a copy of the recently finalized *"Good Neighbor Guidelines"* for Board review.

The FSA and NRCS folks recently postponed the haying and grazing date for CRP acres to July 15. With the late spring, there is late nesting. Ron Harnack asked where DNR is at with the Red River EIS and Wayne stated he can bring a report to the next board meeting.

MN Extension Service - Jim Anderson - Jim discussed the dispute with Sauk River Watershed (WD) relative to a sewer study around Big Birch and Little Birch lakes. Will begin to work with homeowners around these lakes in August and the Stearns SWCD to do some sewer management demonstration.

Also, MN Extension Service has been working with the LCMR project for soil survey digitalization, and also getting a work plan established for Fillmore county.

The University is trying to give a higher visibility to some of their water program efforts by combining several different programs; the Water Resources Research Center, the Center for Agriculture Impacts on Water Quality, which Jim has been coordinating, and the Extension Water Quality Programs will start moving towards that direction by July 1.

Consent Agenda #1:
Comprehensive Local Water Plan for Sibley, Meeker and Renville counties - Glenn Annexstad discussed the meeting held on June 3, 1996. Reviewed local water plan approvals for Renville, Meeker and Sibley counties. Glenn stated they all have been doing a good job and fulfilled requirements according to the law and the ~~rules~~ rule. Moved by Glenn Annexstad, seconded by Marv Tripp to approve Comprehensive Local Water Plans for Sibley, Meeker and Renville counties. Motion passed on a voice vote.

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96-43

Consent Agenda #2:

Dispute Resolution Committee (DRC). Kathleen Roer stated there are two recommendations to be voted on today. There were three matters heard in June. Two of them were bundled together because they were from the same Watershed District and involved the same issue. The first issue, Ralph Drum vs. Douglas County which was a wetland conservation act exemption no loss appeal. The appellant was suffering from high water levels of wetland near his home which he claimed was rising over a period of years due to construction of a road with no culvert thus affecting the home and septic system. A wetland act exemption was issued to drain the wetland to a certain level. However, the appellant was not satisfied with the drained level so proceeded to drain the wetland some more. A cease and desist order was issued. Based on the record, the written briefs filed in the appeal and the oral arguments presented to the DRC decided that there were questions regarding the adequacy of notice given to the appellant. After reviewing the briefs and records and hearing the issue, the Dispute Resolution Committee recommended that this matter be remanded to the Douglas County Soil and Water Conservation District with specific instruction that a Technical Evaluation Panel be held with written findings developed, proper notice of the hearing be given to Mr. Drum, the burden of proof for the exemption request rests with Mr. Drum, and the SWCD Board adopt findings and enter all pertinent documents into the record. Kathleen moved that the Ralph Drum vs. Douglas County be remanded for re-hearing. Ted Lovdahl seconded motion. Motion passed on a voice vote.

** 96-44

The second matter as indicated were two appeals heard together, Shriver and others vs. Sauk River WD relative to Big Birch Lake. Sackett and others vs. Sauk River WD relative to Little Birch Lake. There are active lake associations concerned about dedegration of the water in these lakes. There were petitions brought to the Watershed District asking that feasibility studies be done on central sewer system for both lakes. After public hearings, those petitions were denied by the Watershed District managers. The DRC reviewed the record and were briefed by both parties. Arguments were heard from both attorneys at the hearing. Recommendation is that the decision of the Watershed District be affirmed. Kathleen Roer explained the role of the DRC and the standard of review in making the recommendation. Kathleen moved that the decision of the Watershed District be affirmed in both matters. Ted Lovdahl seconded motion. Motion passed on a voice vote. BWSR staff was directed to organize and facilitate a meeting of petitioners, the Watershed District, and other interested parties to address the water quality on Big Birch and Little Birch lakes.

** 96-45

Chair Cobb called a break at 10:15. Meeting reconvened at 10:35 a.m.

Old Business.

#1 - Update on Hennepin County Water Management Committee - Jim Birkholz gave overview of the recently completed Advisory Committee Report. The committee identified and discussed surface water management and regulatory alternatives. This report summarizes the findings and recommendations of the Committee regarding surface water management and related regulatory system.

#2 - Wetland Conservation Act (WCA) County/LGU status - John Jaschke stated there is a summary of the counties that have rescinded or have never adopted the WCA in the packets. To date, all counties have adopted with the exception of Koochiching County. BWSR expects to hear from these counties soon to show they are interested in receiving the WCA grant money. The policy shows that they are eligible for the full amount of grant if they can document or show they will incur that level

of expenses. BWSR has not received any action from Koochiching county, therefore the moratorium will continue. Ted Lovdahl stated he talked with Joel Maggert, County Commissioner who was going to recommend to ~~there~~ their Board that they will start working on their own wetland plan. The Board looks to the Wetland Committee for recommendations on action for non-compliance counties.

#3 - Recent Court Decisions - Matt Seltzer, Attorney Generals office - Matt discussed the Spartz appeal stating the WD sought review by the Supreme Court. The WD did not have the authority to establish licensing for the work. If WD's want authority to license shoreline contractors, the legislature could bestow this.

McLeod County appeal - Court of appeals affirmed District Court decision in favor of the Wetland Conservation Act. County may appeal the Supreme Court.

#4 - Yellow Medicine Watershed District Boundary Change Petition - Doug Thomas - Doug attended the April Board meeting. The discussion was tabled for two months. Doug's recommendation is to approve boundary changes as petitioned. There will be a Memorandum of Understanding (MOU) developed between and BWSR will continue to monitor. LeRoy Stensgaard moved to approve boundary change, Marv Tripp seconded motion. Motion passed on a voice vote.

** 96-46

Ron Harnack introduced Gabrielle Horner to give her presentation on the Nature Conservancy.

New Business.

#1 - 1997 Area II Annual Work Plan - Kerry Netzke and Tabor Hoek - The Area II Annual Work Plan was handed out in the Board members packets. Chair Cobb asked to start this discussion at the point of contention which is that Area II gets up to a 75% cost-share accumulation. How is that working? Kerry stated that the 75% vs. 50% is very well needed. Tabor stated that once this plan is approved it must be submitted to the LCMR. LCMR is advisory with respect to their initiative. Motion was moved by Glenn Annexstad and seconded by Ted Lovdahl. Motion passed on voice vote.

** 96-47

#2 - FY97 SWCD Grants - Wayne Zellmer - a) regular state cost-share program; b) special projects grant; c) general services fund; d) RIM Reserve service grant. The Board authorized options for SWCD's to develop and receive their allocations according to Area allocation plans. Five out of 7 areas submitted approved plans. Area II and V did not. Out of the five areas that did submit plans all requested that the SWCD's in their areas receive the same allocations that they have received in the past. Special Project Grant - The Board received 71 applications for this fund. There was a discussion regarding the due date of these grant applications. Should the Board make exceptions for grants not received by the due date? Over the years there have been numerous situations where applications were late for a number of reasons. The Board policy is quite clear on the due date of these applications stating the due date is March 15. Glenn Annexstad made a motion to consider a good faith effort on the part of Pipestone SWCD. A roll call vote was taken. 5-4. Motion failed. Motion passed regarding FY97 SWCD Grants.

** 96-48

Ron Harnack discussed the July meeting being held in New Ulm. The Local Water Planning Conference will be held in New Ulm at the same time. This is a great opportunity for the Board to view what is happening with the Local Water Planning program state-wide. This conference starts

on Tuesday, at noon and continues until Thursday, noon. Some of the Board members may partake in some of the activities offered. Please call MaryJo and she will make reservations.

Advisory Comments.
Jim Schafer, MN Association of Soil and Water Conservation District (MASWCD) - Jim stated he has been attending Area meetings. There is a resolution forthcoming that is endorsed by the MN Lakes Association to increase cost-share dollars to address lake shore problems.

Franklin Denn, Minnesota Association of Townships (MAT) - Franklin thanked Ron Harnack for attending the session in Willmar, meeting with various committees to outline what the agenda will be for the upcoming legislature session. Trying to devise their long range planning. Also planning for their session in Washington, D.C.

Strategic Planning discussion continued in the afternoon. Summary of discussions enclosed. Staff was directed to prepare draft document for Board discussion.

Chair Cobb adjourned meeting at 2:00 p.m.

Respectively Submitted

Barbara Cobb

Barbara Cobb, Chair

In appealing this penalty, we believe that the BWSR Board should review the case to determine the following issues:

1. Did the guidance of a BWSR employee play a roll in the arrival of Grant SWCD's Annual Report and Plan in St. Paul on Monday, March 18th? (Remember that our staff was willing to fax the documents on March 15th but were assured that it was not necessary).
2. Is the BWSR policy for establishing reporting requirements for State grant allocations clear in that Reports and Plans have to be received by the BWSR on or before March 15th? After reviewing the policy, it states in the second sentence that "These reports must be submitted no later than March 15th". However, in the fourth sentence it states that "All grants for which funding is requested will be reduced by five percent if these reports are not received by the established due date". If we are not mistaken, the words submitted and received have different meanings. The word submitted in the second sentence would indicate that a document postmarked or sent to BWSR by March 15th would be within policy. In the fourth sentence it is clear that the reports have to be received by an established due date. What date is this? Is it March 15th? Or is it some other date established by the Board? If we assume that the due date is March 15th then the policy would indicate that even though a SWCD submitted their Reports by March 15th, the BWSR would proceed to reduce grant allocations by 5 percent if the Reports were not received by March 15th. Is this the BWSR Boards intentions? Or are you as confused as we are by the wording of this policy? Perhaps this contradiction led to the guidance we received from the BWSR employee.

Frankly, penalizing SWCD's who show good faith in delivering reports and plans in a timely manner could be construed as "nit picking". This type of "nit picking" by either member of the State and Local partnership does little in the way of strengthening this partnership. For example if we were to participate in "nit picking" we might point out several minor items from the minutes of the June 26th BWSR Board meeting. Under item two of new business, it is recorded that "Glenn Annexstad made a motion to consider a good faith effort on the part of Pipestone SWCD. A roll call vote was taken. 5-4 motion failed. Motion passed regarding FY97 SWCD Grants." It could be noted that the following items were not recorded in the minutes. There was no second to Mr. Annexstads motion. A roll call vote was taken, however the names of the Board members and how they voted was not recorded. As to the motion passing regarding FY97 Grants. Who made the motion? Who seconded the motion? Who voted and how did they vote? Unlike BWSR policy establishing reporting requirements for State Grant Allocations, the operational handbook has an outstanding section on the proper methods of recording the minutes of an official meeting. Minnesota statues are quoted as well as Attorney General's Opinions. Again, of course we would only point this out if we wished to participate in "nit picking".

Show to Mary To have her take care of

Robyn took minutes at 6/26/96 meeting

NEW BUSINESS #1

June 26, 1996

TO : Board Members

FROM : Wayne Zellmer, Grants Coordinator

RE : **Fiscal Year 1997 Soil and Water Conservation District Grants Allocations**

This month, four grant funds are scheduled to be allocated to Soil and Water Conservation Districts for FY 1997. Specific SWCD funding recommendations are provided on the enclosed spreadsheet. A brief synopsis of these four grants follows:

A) Regular State Cost-Share Program - $1,357,167 - These base grants are for the installation of conservation practices. These grants are allocated using a complex formula involving factors relating to physical conditions in the SWCD. These conditions include critical sedimentation, high priority feedlots within shoreland areas, and ag erosion needs. Legislative appropriations have remained unchanged since 1987.

Beginning in FY 97, the Board also authorized the option for SWCD areas to develop area allocation plans. Five of the seven areas submitted approved plans. Areas Two and Five did not submit a plan, therefore, as per Board policy they will receive their allocation as in prior years. The five submitted plans requested that SWCD allocations not change from prior years, including the amount available for tech/admin assistance. In addition, these five plans requested that any FY 97 cost share funds that are unspent or become unobligated (roll-over) be available for a competitive allocation within their area.

These proposed grants are listed on the enclosed spreadsheet.

B) Special Projects - $494,162 - This grant is to SWCDs to address erosion, sediment control, water quality protection, or improvement measures. Innovative and unique projects are given highest priority. Applications are competitive and are accepted annually from SWCDs. Seventy-one applications were received requesting $1,350,187. A brief synopsis of these applications is included. Staff recommends projects for funding noted as shaded gray.

C) General Services Grant - $1,317,298 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive. The legislature increased the FY 97 appropriation $228,000. At the April, 1996 Board Meeting the Board decided to divide this increase evenly ($2,495 each) between the 91 SWCDs. These proposed grants are listed on the enclosed spreadsheet.

D) RIM Reserve Service Grant - $739,466 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a Board approved formula and reflects the amount of RIM Reserve activity in the SWCD. These proposed grants are listed on the enclosed spreadsheet.

NOTE: Because of formula rounding and SWCD penalties in FYs 95 and 96, there is a remaining balance of $15,730 in the SWCD Services biennial appropriation. To "zero out" this account, an additional $172 has been added to each SWCD's general services grant.

Staff requests that the Board approve these grants (A-D) for allocation.

H:FY97GRAN

FY 1997 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

(PROPOSED)

SWCD	COST SHARE ALLOCATION	SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	GRANT TOTALS
AITKIN	$5,703		$14,648	$1,275	$21,626
ANOKA *	$11,340		$13,338	$923	$25,600
BECKER	$28,659	$26,300	$14,437	$4,275	$73,671
BELTRAMI #	$5,783	$7,500	$14,512	$1,275	$29,070
BENTON	$10,731		$14,475	$23,525	$48,731
BIG STONE	$16,310	$17,500	$14,415	$4,275	$52,500
BLUE EARTH	$23,080	$8,918	$14,520	$13,025	$59,543
BROWN	$14,320	$4,055	$15,437	$13,025	$46,837
CARLTON	$5,556	$2,400	$14,512	$1,025	$23,493
CARVER	$21,975		$14,542	$23,525	$60,042
CASS	$8,105		$14,685	$1,275	$24,065
CHIPPEWA	$12,325		$14,415	$13,025	$39,765
CHISAGO	$12,963	$10,200	$14,580	$4,275	$42,018
CLAY	$21,490		$14,475	$4,275	$40,240
CLEARWATER	$9,538		$14,452	$1,275	$25,265
COOK	$3,292	$48,125	$14,430	$1,025	$66,872
COTTONWOOD	$17,345		$14,430	$8,025	$39,800
CROW WING	$6,654		$14,700	$1,025	$22,379
DAKOTA	$26,263	$19,500	$14,640	$4,275	$64,678
DODGE	$12,725		$14,415	$1,275	$28,415
DOUGLAS	$20,133		$14,730	$8,025	$42,888
FARIBAULT	$15,514		$14,437	$23,525	$53,476
FILLMORE	$28,017	$20,000	$14,452	$4,275	$66,744
FREEBORN	$19,974	$20,000	$14,400	$8,025	$62,399
GOODHUE	$29,848		$14,467	$13,025	$57,340
GRANT *	$11,893		$13,760	$4,061	$29,714
HENNEPIN	$13,043		$15,572	$13,025	$41,640
HUBBARD	$7,071	$20,000	$14,437	$1,275	$42,783
ISANTI	$8,322		$14,445	$1,275	$24,042
ITASCA	$6,115		$14,678	$1,025	$21,818
JACKSON	$18,701		$14,445	$13,025	$46,171
KANABEC	$7,210		$14,475	$4,275	$25,960

FY 1997 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

(PROPOSED)

SWCD	COST SHARE ALLOCATION	SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	GRANT TOTALS
KANDIYOHI	$17,345		$14,452	$36,025	$67,822
KITTSON #	$6,920		$14,437	$4,275	$25,632
KOOCHICHING	$3,406	$18,750	$14,490	$1,025	$37,671
LAC QUI PARLE	$25,551		$14,445	$8,025	$48,021
LAKE	$5,319	$2,250	$14,497	$1,025	$23,091
LAKE OF THE WOODS	$4,285		$14,520	$1,025	$19,830
LE SUEUR	$19,974		$14,497	$13,025	$47,496
LINCOLN	$14,479		$14,407	$1,275	$30,161
LYON *	$17,312		$13,795	$22,349	$53,455
MC LEOD	$16,628		$14,482	$8,025	$39,135
MAHNOMEN	$8,825	$15,000	$14,385	$1,025	$39,235
MARSHALL–BELTRAMI	$5,877		$14,490	$1,275	$21,642
MARSHALL	$10,730		$14,415	$1,275	$26,420
MARTIN	$25,471		$14,437	$8,025	$47,933
MEEKER	$20,688		$14,490	$13,025	$48,203
MILLE LACS	$9,938		$14,573	$4,275	$28,786
MORRISON	$25,308		$14,603	$8,025	$47,936
MOWER	$10,576		$14,400	$13,025	$38,001
MURRAY	$14,874		$14,490	$13,025	$42,389
NICOLLET	$10,885		$14,452	$23,525	$48,862
NOBLES	$27,452		$14,520	$4,275	$46,247
NORMAN	$17,504	$33,750	$14,400	$13,025	$78,679
OLMSTED	$37,009		$14,475	$1,275	$52,759
EAST OTTER TAIL	$23,559		$14,565	$4,275	$42,399
WEST OTTER TAIL	$24,691		$14,565	$13,025	$52,281
PENNINGTON *	$10,746		$13,689	$974	$25,409
PINE	$11,131		$14,527	$1,025	$26,683
PIPESTONE *	$15,114		$13,724	$4,061	$32,899
EAST POLK	$12,404		$14,426	$1,275	$28,105
WEST POLK #	$16,864	$7,100	$14,426	$1,275	$39,665
POPE	$24,515	$30,000	$14,430	$13,025	$81,970
RAMSEY	$10,102	$17,027	$14,693	$1,025	$42,847

FY 1997 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

(PROPOSED)

SWCD	COST SHARE ALLOCATION	SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	GRANT TOTALS
RED LAKE	$7,150	$27,375	$14,400	$4,275	$53,200
REDWOOD	$11,849		$14,452	$23,525	$49,826
RENVILLE	$11,606	$12,000	$14,400	$23,525	$61,531
RICE	$18,292		$14,437	$13,025	$45,754
ROCK #	$13,082		$14,422	$4,275	$31,779
ROOT RIVER	$22,597		$14,385	$13,025	$50,007
ROSEAU	$12,167		$14,430	$1,025	$27,622
NORTH ST. LOUIS *	$4,212	$6,825	$13,959	$974	$25,970
SOUTH ST. LOUIS	$7,923		$14,836	$1,025	$23,784
SCOTT	$20,529		$15,076	$13,025	$48,630
SHERBURNE	$5,069		$14,580	$1,025	$20,674
SIBLEY	$13,572		$14,563	$23,525	$51,660
STEARNS	$45,382	$8,462	$14,745	$8,025	$76,614
STEELE	$10,735		$14,452	$13,025	$38,212
STEVENS	$22,937		$14,445	$13,025	$50,407
SWIFT	$11,900		$14,392	$13,025	$39,317
TODD #	$18,279	$40,000	$14,573	$1,275	$74,127
TRAVERSE	$7,551	$34,550	$14,437	$8,025	$64,563
WABASHA	$21,637	$13,500	$14,475	$13,025	$62,637
WADENA	$6,512		$14,415	$1,275	$22,202
WASECA	$10,658		$14,482	$4,275	$29,415
WASHINGTON	$13,282		$14,670	$4,275	$32,227
WATONWAN	$9,301		$14,482	$13,025	$36,808
WILKIN	$11,691	$23,075	$14,400	$8,025	$57,191
WINONA	$17,820		$14,527	$8,025	$40,372
WRIGHT	$18,689		$14,813	$23,525	$57,027
YELLOW MEDICINE	$17,267		$14,497	$23,525	$55,289
ALLOCATED TOTAL	**$1,357,167**	**$494,162**	**$1,317,298**	**$739,466**	**$3,908,093**

FY 1997 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

(PROPOSED)

SWCD	COST SHARE ALLOCATION	SPECIAL PROJECTS	GENERAL SERVICES	RIM SERVICES	GRANT TOTALS

NOTES:

Cost Share Program Violations – Rock $3,375; Beltrami $5,348; Kittson $212; Marshall–Beltrami $243; West Polk $2,393; Todd $3,845;

* According to Board policy, cost–share allocations, general and RIM services grants have been penalized for late submittal of annual plan and/or report as follows: less than 30 days late – 5%, Grant, Lyon, Pennington, Pipestone, N. St. Louis; 30–60 days – 10% Anoka;

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
WEST POLK	RIVER AND BANK REST.	$14,400	$7,100	102	$7,100	$7,100
	River bank stabiliztion via finger dikes and vegetation establishment. Includes a workshop and demonstration.					
FREEBORN	BEAR LAKE WATER QUAL.	$52,700	$39,525	90	$20,000	$27,100
	Watershed water quality improvement for Bear L. using innovative BMP's.					
FILLMORE	GROUND COVER–SINKHOLES	$80,000	$40,000	85	$20,000	$47,100
	Promote "wise" land use around sinkholes to protect groundwater–2 demonstration sites for 5 years					
TODD	VOELTZ AG WASTE SYSTEM	$33,000	$14,250	85	$14,250	$61,350
	Agricultural waste system and manure management to decrease runoff and soil loss.					
WABASHA	READS PK. STREAMBANK STAB.	$18,000	$13,500	85	$13,500	$74,850
	Stabilization of Read's Park Streambank to protect a park and county road.					
RED LAKE	SCHAFER GULLY	$22,500	$16,875	84	$16,875	$91,725
	Phase 3 of 5 to stabilize the most active gully in the county which is depositing sediment into the Red LK R.					
CARLTON	SKUNK CR. WATERSHED REST.	$3,200	$2,400	84	$2,400	$94,125
	Stabilization of an area which was excavated for a road project					
HUBBARD	NECKTIE RIVER WQIP	$30,600	$22,950	83	$20,000	$114,125
	Livestock exclusion and other BMP's, rotational grazing planning alternative water sources, potential demonstration.					
TODD	PETERSON AG WASTE SYS.	$46,000	$11,000	83	$11,000	$125,125
	Establishment of Ag waste system to control runoff from feedlot into wetland. Covers 151 acres.					
N. ST. LOUIS	KUNNARI–RIVER BANK STAB.	$18,900	$6,825	83	$6,825	$131,950
	St. Louis River bank stabilization currently encroaching CSAH and private property					
MAHNOMEN	CO RD. 122	$20,000	$15,000	82	$15,000	$146,950
	Road ditch stabilization and erosion control to prevent sedimentation to adjacent waterbodies.					
RED LAKE	STORM SEWER OUTLET	$21,000	$15,750	82	$10,500	$157,450

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
	Stabilization of the storm sewer outlet to decrease sediment load into the river.					
RENVILLE	CO. RD. 5 CHANNEL	$20,064	$15,048	81	$12,000	$169,450
	Placement of Rip-rap along Co. Rd 5 to decrease sedimentation in the area.					
BLUE EARTH	LURA LAKE SSR	$11,890	$8,918	80	$8,918	$178,368
	Protection of 300' of lake and road in both public and park area					
NORMAN	WILD RICE R. ICE CONTROL	$100,000	$75,000	79	$33,750	$212,118
	Innovative pilot project to control erosion and damage due to ice during spring flooding. Purpose is to evaluate effectiveness of ice boom concept.					
DAKOTA	HOLLAND LK. AREA	$55,000	$19,500	79	$19,500	$231,618
	Lakeshore stabilization utilizing bioengeneering and shoreline platform on heavily used, severely eroding shoreline.					
COOK	HEDSTROMS MILL	$181,250	$19,250	79	$19,250	$250,868
	Runoff from sawmill site contributing large volumes of sediment into vital trout stream. BMPs will be installed to control runoff and sedimentation.					
TODD	ROE AG WASTE SYSTEM	$32,000	$14,750	79	$14,750	$265,618
	Ag Waste system - site is located in Swan River Watershed near T2 wetland. Also near Twin Lakes and a Wildlife Mgmt area - water quality is main concern.					
STEARNS	AINALI AG WASTE	$33,848	$8,462	78	$8,462	$274,080
	Ag waste system, P reduction to Big Birch Lake, nutrient management plan and overall improvement of livestock operation.					
TRAVERSE	SCHWEBACH MANURE MGMT	$85,000	$34,550	76	$34,550	$308,630
	Manure management system. Present facility located adjacent to an intermittent stream (drains in 12 mile ck.) Feedlot occasionally flooded by stream.					
BIG STONE	MN RIV. HEADWATERS FLOOD	$36,500	$17,500	75	$17,500	$326,130
	Riprap the basin of Big Stone/Lake/Whetstone R Flood Control Structure to control sedimentation.					
BECKER	WET DETENTION BASIN #6	$56,300	$26,300	74	$26,300	$352,430
	Improvement of Detention Basin #6 to control sediment for 17 acres of land.					
KOOCHICHING	NELSON PARK SHORELAND	$25,000	$18,750	74	$18,750	$371,180
	Stabilize the Bank of the Rainy River					

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
	Within a county park (330')					
COOK	MATHISON–STABILIZATION	$18,500	$13,875	74	$13,875	$385,055
	Severe shoreline erosion occuring on Lake Superior.					
	Riprap will be installed to stabilize.					
WILKIN	DUNHAM ANIMAL WASTE	$42,100	$23,075	73	$23,075	$408,130
	Ag Waste Control system. Dairy operation 160 cows w/no ag					
	waste system. Presently it drains into a DNR Protected Wetland.					
BROWN	STREAMBANK STAB.	$5,407	$4,055	73	$4,055	$412,185
	Reshaping of the south bank of an unnamed stream					
	to control water flow near a township road.					
POPE	LAKE MINNEWASKA RIPRAP	$64,770	$48,578	72	$30,000	$442,185
	An area of the S.E. shore of L.Minnewaska is experiencing severe erosion.					
	CSAH 17 will be impacted in two years at present rate of erosion.					
RAMSEY	RICE CK. STABILIZATION	$25,032	$17,027	72	$17,027	$459,212
	Severely eroding banks of Rice Creek contributing large amounts of sediment into Lock Lake.					
	Concrete channel deflectors will be installed to direct stream flow harmlessly.					
COOK	HANCOCK–STABILIZATION	$30,700	$15,000	72	$15,000	$474,212
	Severely eroding Lake Superior shoreline contributing large amounts of sediment into lake.					
	A concrete wall will be installed to stop the shoreline erosion.					
CHISAGO	JOHNSON–LIVESTOCK EXCLU	$13,600	$10,200	72	$10,200	$484,412
	Livestock exclusion from a stream with fencing (except livestock crossing)					
	Stream is a tributary to the St. Croix. Project will reduce erosion, etc.					
BELTRAMI	STORMWATER DETENTION	$10,000	$7,500	72	$7,500	$491,912
	Construction of a basin to collect surface runoff					
	to more fully treat runoff for 4/5 acres.					
LAKE	GEOTECHNICAL SITE INVEST.	$3,000	$2,250	72	$2,250	**$494,162**
	Conducting a geotechnical site analysis to					
	design a shoreline stabilization project.					
BROWN	WELLMAN–AG WASTE	$49,438	$33,579	71	$0	
	Ag waste system–1400 hogs. Manure is stock piled outside present building					
	150' from lake. Runoff flows into the lake.					
COOK	MOE SHORELINE STABILIZATION	$41,725	$20,865	71	$0	
	Lake Superior shoreline eroding and contributing sediment to lake.					
	Riprap to be installed.					

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
COOK	SANDEN–SHORELINE EROSION	$21,875	$16,406	71	$0	
	Shoreline erosion and sedimentation along L.Superior. Not classified as an erosion hazard area, but listed for high erosion potential.					
TODD	BRYNJULFSON AG WASTE	$50,000	$22,500	70	$0	
	Runoff from large feedlot contributing pollution to Sauk River. Ag. waste system to be installed.					
PINE	GULLY EROSION	$30,000	$22,500	70	$0	
	Upland gully contributing sediment into Cross Lake Gully channel to be lined.					
TRAVERSE	PEDERSON MANURE MGMT	$85,000	$34,550	69	$0	
	Update the manure control structures on a hog farm. Includes buildings and storage tank.					
TODD	SAUK LK EROSION CONTROL	$7,000	$5,250	69	$0	
	Shoreline erosion contributing sediment to lake and losing shoreline. Shoreline to be riprapped.					
TRAVERSE	MITTENESS STREAMBANK STAB.	$30,000	$19,000	67	$0	
	Streambank stabilization project located on private property of Mustinka R. Would complement L.Traverse improvement project.					
PINE	SNAKE R. EROSION CONTROL	$15,000	$7,500	67	$0	
	Snake R. Streambank erosion control project for 200' of riverbank. Should eliminate or reduce sed loading in Snake R.					
RED LAKE	CSAH NO. 11 EROSION CONTROL	$22,000	$16,500	66	$0	
	Upland runoff forming gullies in roadbank and depositing sediment in wetland. A diversion and drop structure is planned.					
COOK	KNUTSON–SHORELINE EROSION	$55,775	$41,831	65	$0	
	Lake Superior shoreline erosion problem Riprap revetment placed on eroding bank.					
LAKE	JOHNSON–SHORELINE	$40,000	$30,000	65	$0	
	Lake Superior shoreline erosion. Riprap revetment placed on eroding bank.					
BROWN	SCHNEIDER–AG WASTE	$34,660	$22,495	64	$0	
	Tile intake conducting waste to Little Cottonwood River. Storage basin to be built to contain runoff.					
LAC QUI PARLE	EROSION CONTROL 95–02	$25,000	$12,500	64	$0	

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
	Stabilization of a road ditch to reduce erosion and increase the safety of the county highway.					
MCLEOD	LAKE SHORE RIPRAP Wave action eroded shoreline of Silver Lake. 1,150' of riprap to be installed.	$43,258	$32,464	63	$0	
LAKE	MACMILLAN STABILIZATION Shoreline erosion and sed. along L.Superior (300'). Area classified as erosion hazard area, previous stabilization failed.	$60,000	$45,000	60	$0	
CHISAGO	NORTH CENTER LK #2 RipRap lakeshore with 5'horizontal loss amount to be rocked is unknown	$11,180	$4,090	60	$0	
LAKE	BORMANN–SHORELINE Shoreline erosion and sedimentation along L.Superior (108'). Adjacent to Silver Cliff shoreline stabilization project – Erosion Hazard area.	$4,500	$3,375	60	$0	
BELTRAMI	BLACKDUCK LK STAB. Lakeshore stabilization to control erosion, reduce sedimentation to Blackduck Lake and protect existing building, well and Septic.	$24,000	$18,000	59	$0	
S. ST. LOUIS	MOLAND–LAKE SUP. STAB. Stabilization of 100' of L. Superior Shoreline.	$18,500	$13,875	55	$0	
WILKIN	LANGFELD ANIMAL WASTE Management of animal waste through the construction of a storage pond.	$31,050	$13,500	55	$0	
LAKE	KENT–SHORELINE STAB Stabilization of 390' of L. Superior shoreline near a structure.	$11,275	$8,456	52	$0	
PENNINGTON	CO. DITCH #1 Repair Co. Ditch #1 by stabilization of banks to lower sedimentation to Red Lk. R	$115,000	$35,898	50	$0	
COOK	MCBAIN–STABILIZATION Shoreline erosion occuring along L.Superior. 90' area. Not classified as an erosion hazard area, but listed for high erosion potential.	$9,325	$6,994	49	$0	
COOK	HARTQUIST–STABILIZATION Shoreline stabilization of 95' of privately	$32,325	$24,244	48	$0	

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
	held lakeshore on Lake Superior.					
S. ST. LOUIS	MARGITAN–LAKE SUP. STAB Riprap will be used to stabilize 60' of Superior shoreline	$6,700	$5,025	46	$0	
COOK	HECK–SHORELINE Stabilization of shoreline (Lk. Superior business property) includes 180'.	$12,100	$9,075	45	$0	
MURRAY	BEAVER CREEK RIPRAP Rip–rap creek to enhance 510' of golf course 100–200 tons eroded from four sites last few years	$74,950	$56,213	43	$0	
COOK	GREENE–SHORELINE Stabilization of 350 feet of L. Superior shoreline.	$33,350	$25,013	42	$0	
COOK	BENEDICT–SHORELINE Stabilization of 80' of Lake Superior shoreline where previous efforts failed.	$10,375	$7,781	42	$0	
CHISAGO	NORTH CENTER LK #1 Filter fabric and properly sized riprap to control erosion on N. Center Lk.	$15,080	$6,040	41	$0	
HUBBARD	AGRICHEMICAL FACILITY Relocation of an ag–chemical handling facility and provide $23,500 worth of concrete.	$29,000	$21,750	40	$0	
COOK	NORDAHL–STABILIZATION Stabilization of 104' of shoreline along L. Superior.	$11,500	$11,625	36	$0	
COOK	RATELLE–STABILIZATION Stabilization of shoreline along 80 feet of Lake Superior.	$4,685	$3,514	35	$0	
TRAVERSE	MAUDAL STREAMBANK STAB. Riprap and reshaping of 300' of Traverse Lk. To control erosion and decrease sediment loading.	$45,000	$30,250	34	$0	
BELTRAMI	WETLAND PLATFORM Proposal to build a boardwalk and teaching platform for the middle school	$4,000	$3,000	Ineligible	$0	

FY 97 SPECIAL PROJECT APPLICATIONS

APPLICANT	PROJECT	TOTAL COST	FUNDING REQUEST	SCORE	FUNDING RECOMMENDATION	ACCUMULATIVE TOTAL
WRIGHT	RUNOFF MONITORING	$60,466	$44,566	Ineligible	$0	
	Investigate the use of monitoring equipment to track the effects of agriculture on runoff					
CROW WING	GILBERT LK DRAINAGE	$7,500	$5,000	Ineligible	$0	
	Investigation of Solutions of runoff to Gilbert Lake					
BENTON	MANURE MGMT. PLANNING	$6,700	$5,200	Ineligible	$0	
	Purchase of portable scales for calibrating manure application equipment and developing manure management plans.					

H:FY97SPAPP

7/24/96

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
HOLIDAY INN
2101 SOUTH BROADWAY
NEW ULM, MINNESOTA 56073
JULY 24, 1996

BOARD MEMBERS PRESENT: Barbara Cobb, Jim Rossman, Barb Uppgaard, Ted Lovdahl, LeRoy Stensgaard, Glenn Annexstad, Marvell Tripp, Ginny Imholte, Tim Hvidsten, Dwain Otte,

BOARD MEMBERS ABSENT: Kathleen Roer and Darrell Bruggman.

AGENCY MEMBERS PRESENT:
Paul Burns, Department of Agriculture
Wayne Edgerton, Department of Natural Resources
Art Persons, Department of Health

AGENCY MEMBERS ABSENT:
Marge Kelly, Pollution Control Agency
Jim Anderson, Minnesota Extension Service

STAFF PRESENT: Ron Harnack, Jeff Nielsen, Tom Fischer, Carla Swanson, Jeff Hedtke, Chris Hughes, Bill Best, Barb Liukkonen, Tim Fredbo, Mark Nelson, Wayne Zellmer, and Mary Jo Anderson.

OTHERS PRESENT:
Jim Schafer, MASWCD

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

** 96-49 **Adopt Agenda** - Moved by Marv Tripp seconded by Ginny Imholte, to approve the agenda as presented. Motion passed on a voice vote.

Minutes of June 26, 1996 - Glenn Annexstad stated that a correction needs to be made on page three, referring to the Consent Agenda #1, the third sentence delete "rules". Barb Uppgaard stated that on page five, third line "their" should replace "there." Barb also stated that the minutes need to be brief, simply state the business and action taken, leave out the detail, as discussed at the board retreat. Moved by Bard Uppgaard, seconded by Marv Tripp, to adopt minutes of June 26, 1996, as corrected. Motion passed on a voice vote.

** 96-50

Reports
Chair's Report - Barb Cobb attended the MASWCD Area II meeting in Little Falls.

Executive Director's Report - Ron Harnack spent two days in Brainerd, meeting with staff and local units of government in that area of the state; discussion on RIM issues and reorganization. Staff are working on legislative initiatives. Ron reported that Susan Tsakakis is now working one a day week preparing the budgeting report.

Feedlot Advisory Committee - Jim Rossman reported on an article in the "PCA Update" referring to permit by watershed. More information and background is desired.

Cost-Share/Soil Conservation Committee - Dwain Otte reported on the new cost-share process.

Financial Oversight Committee - Ginny Imholte reported that the committee has met, developing better appreciation, understanding and expectation of audits, staff of the auditor's office have been very informative. A draft will be distributed to members soon.

Chair Cobb attended the Local Water Planning Conference, an excellent conference. The Minnesota River Basin Conference is the end of this week; this has been a great opportunity to meet in New Ulm this month to attend these conferences.

Agency Reports
Department of Health: Art Persons stated that he works with the Wellhead Protection Program and is attending the Local Water Planning Conference. Wellhead protection is key to protection of public water supplies and local water plans can play an important role in helping delineate areas and target programs and resources to these areas.

Department of Agriculture: Paul Burns reported that MDA is currently holding statewide workshops for planning and zoning animal agriculture. This will help local governments more effectively address the highly emotional and controversial sentiments relating to feedlots in some counties.

Department of Natural Resources: Wayne Edgerton reported a generic EIS relating to impoundments in the Red River Valley is ready for public review. Ron Harnack stated that the EIS has not been without controversy. There is substantial debate over the EIS, particularly between the state and federal and local governments. There may be an opportunity for the BWSR to facilitate some further discussion between the local governments and the state and federal agencies in an attempt to bring more closure to some the hotly debated issues. Ron thought that the BWSR has some clear statutory authority to provide a forum and to facilitate discussions towards resolution of issues. Chair Cobb stated that board policy should be set on issues such as this; guidelines. Chair Cobb will work with Kathy Roer and Matt Seltzer regarding a workshop on dealing with disputing and mediation issues. Tim Hvidsten is interested in working on this. Wayne Edgerton stated that DNR staff could update the board on this program at an upcoming meeting.

Wayne reported that DNR is moving ahead on ecosystem based management on the community aspect; using the Whitewater Project as a model, addressing resource needs at the local level.

Consent Agenda

** 96-51 Local Water Plan Approvals - Barb Uppgaard reported that the Kittson County and Mille Lacs County Comprehensive Local Water Plans were reviewed by the committee. Moved by Barb Uppgaard, seconded by Ted Lovdahl, to approve the Kittson County and Mille Lacs County Comprehensive Local Water Plans. Motion passed on a voice vote.

** 96-52 Kanabec County Water Plan Extension - Ron Harnack reported that this is part of the Snake River project, more time needed to prepare a good plan; consistent with board criteria. Moved by Marv Tripp, seconded by Glenn Annexstad to approve the Kanabec County water plan extension. Motion passed on a voice vote.

Minnesota River Basin Joint Powers Board Work Plan and Grant - Jeff Nielsen introduced Ken Albrecht, chair; and Steve Hansen, executive director, of the Minnesota River Basin Joint Powers Board. Ken Albrecht and Steve Hansen reported that the Minnesota River Basin Joint Powers Board has been in existence since July 12, 1995; and explained the work plan and addressed initiatives to clean up the Minnesota River. Board members were invited to attend the first annual Minnesota River Basin conference, July 25-26. Ron Harnack was thanked for his efforts and support of the

** 96-53 Minnesota River Basin Joint Powers Board. Moved by LeRoy Stensgaard, seconded by Dwain Otte, to approve the Minnesota River Joint Powers Board work plan. Motion passed on a voice vote.

Chair Cobb called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Minnesota River Basin - Chris Hughes introduced Hugh Valiant, Department of Natural Resources/Fisheries from Waterville. Mr. Valiant presented findings of pollutants in the Minnesota River and how wetland restoration and water detention can reduce erosion to rivers.

FY97 Special Minnesota River Basin Grants Allocation - Wayne Zellmer presented the annual grant to be used in the Minnesota River for the accelerated application of water quality improvement practices. Wayne gave a brief overview of the applications and recommendations for funding.

** 96-54 Moved by Dwain Otte, seconded by Glenn Annexstad, to accept the staff funding recommendations and approve the FY97 Special Minnesota River Basin State Cost-Share Grant Allocations of $585,500. Motion passed on a voice vote.

Video, "Keeping Our Shores" Best Management Practices - Barb Liukkonen presented the video and explained water resource protection projects on shoreland. Barb also announced that she will be leaving BWSR effective October 1, and will be taking a new position with the Minnesota Extension Service.

Chair adjourned the meeting for lunch at 12:00 p.m. The meeting reconvened at 1:00 p.m.

Lake Superior Association of Soil and Water Conservation Districts (SWCDs) - Mark Nelson introduced Bob Pigeon, vice-president of the Lakes Association of SWCDs. Bob Pigeon explained that the Lake Superior Association of SWCDs is a watershed based organization covering the entire watershed of the Lake Superior Basin in Minnesota. Members include Carlton, Cook, Lake, Pine, Itasca, Aitkin, and North and South St. Louis SWCDs. Jim Erckel, Minnesota Nature Conservancy, explained biodiversity protection. Discussion followed. Ron Harnack said that this is for information, and possibly a legislative initiative to protect and enhance a unique resource in Minnesota.

Conservation Easement Program 1997-98 Work Plan - Tim Fredbo presented the work plan, which is two separate program areas: 1) $10 million for RIM Reserve and PWP; and 2) $1.5 million for CRP Land Transfer Pilot Program. Tim stated that the Legislative Commission on Minnesota Resources (LCMR) has approved of this work plan.

Tim presented the Conservation Reserve Program (CRP) Land Transfer Program; which is appropriation language for the RIM Reserve Program directing funds to be used to enroll lands expiring from the federal CRP into a limited duration RIM Reserve easement that would allow cropping and grazing carried out according to a conservation plan. Staff have been working with the Department of Agriculture and the Natural Resources Conservation Service (NRCS) to choose

** 96-55 pilot counties, and to develop the program plan. Moved by Tim Hvidsten, seconded by Jim Rossman, to accept the work plan for the 1997-98 Conservation Easement Program and to approve continuation of the CRP land transfer program. Motion passed on a voice vote.

Legislative Initiatives - Ron Harnack said that there are eight legislative initiatives that staff are working on and will be presented to the board next month.

Advisory Comments
Minnesota Association of Soil and Water Conservation Districts (MASWCD): Jim Schafer distributed a copy of MASWCD's 1997 legislative agenda for information.

Chair Cobb adjourned the meeting at 2:10 p.m.

Respectfully submitted,

Barbara Cobb

Barb Cobb, Chair

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

In the Matter of Reviewing the Comprehensive Water Plan Update for **Kittson County** (Minnesota Statutes 1990, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota **Rules 9300.0170)**

ORDER APPROVING COMPREHENSIVE WATER PLAN

Whereas, the Kittson County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on April 17, 1990, under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on February 28, 1990, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 1995 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Kittson County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on April 9, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.

2. On November 15, 1994, Kittson County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.

3. Kittson County completed a draft Plan Update in December 1995, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd. 1.

4. In December 1995, Kittson County submitted a draft Plan Update to the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, the State Planning Agency and the Minnesota Geological Survey for preliminary review and comment.

5. On February 20 1996, Kittson County held a public hearing on the Plan Update pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

6. On October 17, 1995, Kittson County passed a resolution requesting of the Minnesota Board of Water and Soil Resources (BWSR) a six (6) month effective date extension to their Comprehensive Water Plan to coordinate, assemble and write the Plan Update.

   On December 20, 1995 the BWSR approved the Kittson County request for a six (6) month extension.

7. On April 9 1996, Kittson County submitted its Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.

8. On June 26 , 1996, a written overview of the Kittson County Plan Update was presented to the Board for their information and review.

9. **Minnesota Department of Agriculture (MDA) Review:** MDA provided no preliminary review comments. On June 19,

1996, MDA did provide the following Final Review comments. The MDA in their review found no inconsistencies with Minnesota State Statutes nor did they have any recommended minor changes and commended the County on their update efforts. MDA did suggest the establishment of a cooperative effort between the County, the SWCD, the Extension Service, and the MDA in promotion of the Energy and Sustainable Agriculture Program for purposes of protecting ground water and surface water from agriculture related uses. MDA also informed the County of some ongoing training sessions they offer in the area of chemigation and pesticide application.

10. **Minnesota Department of Health (MDH) Review:** MDH provided no preliminary review comments. MDH on June 11, 1996, recommended approval of the Kittson County Plan Update. On June 20, 1996, MDH provided comments to the Kittson County Plan Update final draft plan. MDH in their comments provided priority listing of public water suppliers which identified two suppliers in Kittson County that will be developing wellhead protection plans within 5 years. Because of the vulnerability of contamination to groundwater they encourage that many of the identified objectives be completed in wellhead protection areas first. MDH applauded Kittson County on its well sealing efforts and looked forward to working with Kittson County in the implementation of the Plan Update.

11. **Minnesota Geological Survey (MGS) Review:** On February 8, 1996, the MGS provided comments of their preliminary review. Their comments were in regard to the cost of a geologic atlas and what the atlas would contain. MGS advised as an alternative the County may want to be included in the MGS\DNR regional hydrogeologic assessment but this process may not start until 2005. On June 14, 1996, the MGS recommended approval of the Kittson County Plan Update. MGS also mentioned that they strongly support the educational activities of the County and provided them with information where to get educational material on geological information.

12. **Department of Natural Resources (DNR) Review:** On March 19, 1996, the DNR provided preliminary review comments. These comments were limited to identifying some inaccuracies in the county resources assessment section. They also asked the County to discuss swampbuster regulations in the section that discusses wetland regulations. And they commended the efforts in this plan update.

    No final review comments where received.

13. **Minnesota Pollution Control Agency (MPCA) Review:** On February 15, 1996, MPCA provided preliminary review comments to the Kittson County Plan Update. Those comments referenced items identified in the Plan Update to existing Statutes and rules for information purposes. The MPCA also identified that discussions addressing Water Quality Standards, Individual Sewage Treatment Systems, Feedlots, and Aboveground and Underground Storage Tanks needed to be updated to reflect rules changes. MPCA encouraged Kittson County to build upon their assessment of surface water quality by including the SWCD water monitoring data, the MPCA biennial report, the importance of wetlands, and CRP acreage and expiring contracts.

    On July 2, 1996 the MPCA provided minor editorial comments to the Plan Update and stated they look forward to working with the County on implementation of the Plan Update.

14. **Minnesota Board of Water and Soil Resources (BWSR) Review:** BWSR provided preliminary review comments on February 22, 1996. BWSR comments identified the need to add a watershed assessment component to the plan, discussion that supports the Task Force's decision to identify the whole county as a high priority wetland area, and assess the adequacy and enforcement of the shoreland ordinance in Kittson County. BWSR also offered suggestion on how to refine the implementation activities.

15. On April 5, 1996, Kittson County provided to those agencies commenting during the preliminary review, a summary of the revision to the Plan Update based on these comments.

16. On April 9, 1996, Kittson County submitted to the BWSR the final draft of the Plan update with the suggested agency revisions, a public hearing report, and the written response to the comments received during the preliminary review period.

17. **Agency Comments of Final Review:** On May 1, 1996, the BWSR issued the Kittson County Update Plan for the final 90 day review. The County was advised by the BWSR that they need to do an assessment of effectiveness of their shoreland ordinance. No other response was needed as a result of the final review.

18. **BWSR Close Out Meeting:** On July 8, 1996, BWSR met with representatives from Kittson County to review and address any unresolved concerns.

19. **Local Governmental Unit Review:** Local review comments from other local governmental units were handled on an ongoing communication basis.

20. **Board Water Plan Review Committee Meeting:** On July 19, 1996, the Board committee met in Brainard with Board staff and representatives from Kittson County to review and discuss the Plan update. Those in attendance were BWSR Board members; Barbara Uppgaard, Ted Lovdahl, and Darrell Bruggman. BWSR staff; Ron Shelito and Brian Dwight. Representatives from Kittson county; Dan Money, Water Plan Coordinator and Craig Kvale, Water Plan Task Force Member.

21. On July 19, 1996, the BWSR Water Plan Review Committee recommended that the Board of Water and Soil Resources approve the Kittson County Plan Update. The Review Committee also requested Kittson County to continue to develop a more descriptive plan implementation section and incorporate this into the annual work plan.

CONCLUSION

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Kittson County pursuant to Minnesota Statutes 1990, 103B.311, Subd.4 and Minnesota Rules 9300.0170, Subp.4

2. The Kittson County Plan Update attached to this order states water and water-related problems within the County, possible solutions, general goals, objectives and actions of the County, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Kittson County, dated at St. Paul, Minnesota, this twenty-fourth day of July, 1996.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Barbara Cobb, Chair

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

In the Matter of Reviewing the Comprehensive Water Plan Update for **Mille Lacs County** (Minnesota Statutes 1990, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota Rules 9300.0170)

ORDER APPROVING COMPREHENSIVE WATER PLAN

Whereas, the Mille Lacs County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on July 21, 1992 under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on August 26, 1992, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 1995 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Mille Lacs County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on January 25, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.

2. On November 22, 1994, Mille Lacs County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.

3. Mille Lacs County completed a draft Plan Update in June 1995, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd. 1.

4. In June, 1995, Mille Lacs County submitted a draft Plan Update to the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, the State Planning Agency and the Minnesota Geological Survey for preliminary review and comment.

5. On October 19, 1995, Mille Lacs County held a public hearing on the Plan Update pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

6. On January 26, 1996, Mille Lacs County submitted its Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.

7. On July 24, 1996, a written overview of the Mille Lacs County Plan Update was presented to the Board for their information and review.

8. **Minnesota Department of Agriculture (MDA) Review:** In the preliminary review, MDA provided no written comments on the Plan Update.

   In the final comment period MDA stated that no areas were identified as inconsistent with current Minnesota State Statutes administered through the MDA. Two specific minor changes were recommended. MDA suggested the county identify the development of a pesticide container disposal program. They also recommended the promotion of sustainable agriculture through the Energy and Sustainable Agriculture Program. MDA commended Mille Lacs County on the development of their Plan Update stating that its content shows an increased awareness and concern regarding the water resources within the county.

   On June 12, 1996, Mille Lacs County responded in writing to the MDA Plan Update review comments. The county thanked MDA for its comments and looks forward to continued coordination with MDA.

9. Minnesota Department of Health (MDH) Review: In its preliminary review dated October 6,1995, MDH provided written comments regarding the use of the terms "abandoned well" when discussing "unused, unsealed well", "well closure" is defined as well sealing. MDH suggested Mille Lacs County adopt a well sealing ordinance according to Minnesota Statutes, section 103I.111 subdivision 3. In the final comment MDH recommended approval of the Plan and looks forward to working with the county.

   On September 28, 1995, Mille Lacs County responded in writing to the MDH on its Plan review comments.

10. Minnesota Department of Natural Resources (DNR) Review: On September 25, 1995 Mille Lacs County received preliminary comments. The DNR indicated sources of contamination to Mille Lacs Lake are a major issue to the Property Owners Association. Funds should be appropriated for investigation and inventory of sites. DNR also suggested a complete inventory of existing hydraulic information be made. This includes state, county and township bridge and culvert construction that has taken place; benchmarks should be established and recorded at existing sites to be used for future development requests; identify high development potential sites, and obtain floodplain analysis for designation of the floodway, floodfringe, and determination of 100-year flood elevations to provide detailed study information.

    On April 1, 1996, in its 20 pages of final comments, primarily addressed assessment updates, lake water levels, appropriation permits updates, fish stocking schedules, winter kills, and the status of control structures and area lakes. Information provided indicates that, in addition to the county, all cities within Mille Lacs County have adopted Floodplain, Wild & Scenic Rivers and Shoreland ordinances.

    On September 28, 1995, Mille Lacs County responded to the comments.

    On June 12, 1996 Mille Lacs County included all final comments into the water plan update.

11. Minnesota Pollution Control Agency (MPCA) Review: In its preliminary review dated August 15, 1995, the MPCA provided numerous written comments on the Plan Update. Comments or recommendations included: a summary of recently compiled surface water quality information, BMP used in storm water management, groundwater quality monitoring; specifically to include GWMAP information replacing the existing IGWIS, including information on the next round of ISTS application.

    On August 30, 1995, Mille Lacs County responded in writing to the MPCA preliminary Plan Update review comments. The county incorporated many of the recommendations, made language clarifications, and responded back as to why some comments were not addressed.

    On April 3, 1996, in its final comments, MPCA recommended approval of the Plan Update. MPCA's final comments for consideration included the need to identify priority water bodies, a current list of underground tank facilities as well as hazardous waste generators and leaksites.

    On June 12, 1996 these comments were incorporated into the Mille Lacs County Water Plan Update.

12. Minnesota State Planning Agency/Environmental Quality Board (EQB) Review: No written comments were received.

13. Minnesota Geological Survey (MGS) Preliminary Review: No written comments were received.

    On July 16, 1996, in its final comments to the Board, MGS offered a few comments. The county well index should be updated to include the ongoing abandoned well inventory, and criteria to identify "septic health risk" for an onsite septic system should be identified. MGS approved the Water Plan Update with no required changes.

14. Minnesota Board of Water and Soil Resources (Board): On August 25, 1995, the Board provided written comments on the Plan Update. Comments provided include identifying high priority areas on a watershed basis. The county can then expand goals and objectives to include nontraditional conservation practices such as buffer strips, incentives for manure applications and low-cost feedlot options. Also there is a need to coordinate a countywide data base. Final comment addressed Mille Lacs County's need to provide language consistent with the Wetland Conservation Act.

    On September 28, 1995, Mille Lacs County responded in writing to the Board preliminary Plan Update review comments. The county incorporated many of the recommendations, made language changes, clarifications and additions, and responded back as to why some comments were not addressed.

15. County Response to Agency Comments: In its final Plan Update submitted to the Board on January 25, 1965, with the exception of the DNR Mille Lacs County received very few comments. Review and discussion of the final comments with the appropriate agency comments resulted in additional changes or clarification as to why changes would not be made.

16. Board Water Plan Review Committee Meeting: On July 19, 1996, the BWSR Ad Hoc committee met in Brainerd with Board staff and representatives from Mille Lacs County to review and discuss the Plan Update. Those in attendance were Ted Lovdahl, Barbara Uppgaard, and Darrell Bruggman of the Board; Ron Shelito and Keith Grow of the BWSR Brainerd regional office; and Mille Lacs Water Task Force Chair Robert Hoefert and SWCD District Manager Charles Davis. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the county on the planning process.

17. On July 19, 1996, the BWSR water plan review committee recommended that the Board of Water & Soil Resources approve the Mille Lacs County Plan Update.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Mille Lacs County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.

2. The Mille Lacs County Plan Update attached to this Order states water and water-related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Mille Lacs County, dated at St. Paul, Minnesota, this twenty-fourth day of July, 1996.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Barbara Cobb, Chair

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

In the matter of Extending the Comprehensive Water Plan for **Kanabec** County (1995 Minnesota Session law, Chapter 184, Section 24 authorizing BWSR to grant extensions).

ORDER APPROVING EXTENSION

Whereas, Kanabec County has a state approved Comprehensive Local Water Plan (Plan) that is effective until December 31, 1995 pursuant to Minn. Stat. 1990, Section 103B.301 and

Whereas, the Kanabec County Board of Commissioners has requested an extension of their Plan and

Whereas, The Board of Water and Soil Resources (Board) has authorization to grant extensions, of up to two years, pursuant to Minn. Session law 1995, Chapter 184, Section 24,

Now Therefore, the Board hereby make the following Findings of Fact, conclusions and Order:

FINDINGS OF FACT

1. On November 27, 1995 the Board received a resolution from Kanabec County requesting a 12 month extension of their Plan.

2. On December 20, 1995 the Board approved an order extending the Kanabec County Plan to June 30, 1996.

3. July 10, 1996 the Kanabec County Board of Commissioners officially requested that the Board extend the effective date of the Plan to December 31, 1996 which uses the full two years allowed for in law. The request is predicated on the resignation of the lead staff responsible for amending the current Plan.

4. On July 17, 1996, Pete Waller, BWSR Board Conservationist, Brainerd recommended approval of the extension request pursuant to Board guidelines.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Kanabec County pursuant to Minn. Session Law 1995, Chapter 184, Section 24.

ORDER

The Board hereby approves the extension of the Kanabec County Comprehensive Local Water Plan until December 31, 1996. Dated at New Ulm, Minnesota this 24th day of July, 1996.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Barbara Cobb, Board Chair

Minnesota Board of Water & Soil Resources

Board Member Update

July 1996

Our mission:

to manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources.

Published by the BWSR communications office.

Questions or comments?

Call Esmé Evans,
(612) 297-1893

or e-mail:
esme.evans@bwsr.state.mn.us

Engineering and Technical Services Section

Area II

Some changes in program management responsibilities: **Tabor Hoek** will take over lead program management responsibilities from **Al Kean.** Tabor's Marshall location will enable better linkage with the Area II joint powers staff and board, and should enhance BWSR staff ability to help with communication and coordination between Area II and local water planners, the DNR and PCA. Al Kean will stay involved with Area II from a technical perspective, along with **Darrell Apelgrain.**

The **Redwood River pilot project** to look at wetland restorations, road retentions and ag BMPs for flood control in a small subwatershed continues to move forward. With the help of the NRCS, the World Wildlife fund is finalizing an agreement with Mark Hurd Corporation to develop topographic mapping for the project area, which encompasses about 7 square miles. The new NRCS regional technical support center in Des Moines, Iowa has agreed to conduct the necessary ground control surveys using very accurate (and expensive) global positioning system (GPS) survey equipment from the NRCS Illinois state office. RCRCA staff have agreed to contact landowners and local government offices to collect cropping and flood damage data, tiling and ditching data, etc. Al Kean continues to participate on the steering committee for this project. Darrell Apelgrain will assist with the data collection and modeling when he returns from extended sick leave. (You may recall that Darrell had heart surgery last month to replace his aortic valve. The surgery went well recovery has generally been positive; however, he recently had to go back into the hospital to remove fluid accumulating around his heart. We haven't heard much more, as of this writing, but continue to hold Darrell up in thought.)

Technical Coordination and Training

The steering committee for the Technical Training Initiative will have its first meeting on August 19 at the BWSR central office. This committee has several members from each of the conservation partnership agencies and associations (i.e. BWSR, NRCS, MASWCD and MACDE), representing various positions and perspectives. The committee's focus is on engineering training. Justin and Al intend to work closely with the new **BWSR/NRCS training coordinator**, as soon as someone is hired for that position.

Justin Jeffery continues to develop draft course descriptions for a course catalog that would compliment the existing NRCS national course catalog. Work is also beginning on a training handbook that would consolidate and supplement existing training system policy and procedures information and include the new course catalog. Drafts and/or

outlines for these and other proposed improvements to the partnership technical training system will be presented to the steering committee in August.

The Technical Advisory Committee (TAC) will meet August 7 at the BWSR central office. Topics will include:

* Identification of technical experts within the partnership to help provide input for practice standards updates. (We've had some difficulty gathering input to date.)
* Review status and work of CAD (computer aided design) coordination subcommittee.
* Review recent Investigation Team Reports.
* Technical Approval Authority update.
* SRF technical staffing update.
* TAC leadership

Justin has been providing technical support to the SRF engineers and technicians for the new user-friendlier version of the **Feedlot Evaluation Model (FLEVAL)** developed by **Brian Alpaugh** and Justin. Feedlot manure management systems are a primary area of technical support by the SRF staff.

Lakeshore Engineering

Five more **shoreline BMP workshops** were held in the North Shore area this past month. A total of 116 property owners attended these workshops and received the nice reference notebook that **Gene Clark, Barb Liukkonen, Gail Watczak** et. al. put together. This very successful information/education effort was funded in part by a Great Lakes Commission grant.

At the request of **Pete Waller** and the Stearns SWCD, Gene also provided a shoreline BMP workshop on July 16 to a total of 12 SWCD and WD staff in Stearns County, including the SWCD SRF engineer located at the Stearns SWCD. The session focused on identifying causes of shoreline erosion problems (mother nature and human-induced) and possible BMPs to correct and/or prevent these problems. Gene also presented some of the pros and cons of different solutions. Site visits were included for some hands-on inspection and discussion. Pete reports that the session was very successful. We intend to conduct more of these sessions around the state.

Gene continues to work on several shoreline stabilization project designs for construction this fall or next spring. **Tom Wenzel** recently provided some consultation to Gene for a surface and upper ground water collection system design for the Sucker Bay phase II project.

Gene has over 45 erosion site inspections to conduct with the Lake, Cook and South St. Louis SWCD staff as a result of recent BMP workshops. These will be scheduled as soon as possible, to follow up with workshop attendees.

Conservation Easements

Tim Fredbo continues to lead staff work on updating the program handbooks to reflect changes associated with the statute housekeeping changes that were made during the last legislative session.

Site inspection reports are due this month and many have been coming in. Recall that we currently do annual inspections on easements for a few years after practice establishments and then move into a less frequent schedule to better manage the workload. Some of the current inspection reports have identified potential problems that will require some SWCD and BWSR followup.

Tom Wenzel and **Jeff Hedtke** are providing construction oversight assistance to several SWCDS for several large wetland restoration projects this summer. The weather has been pretty cooperative, and progress good. This is a valuable service provided by BWSR staff to SWCDs that haven't dealt with large projects like these before.

The CRP land transfer pilot program continues to move forward. BWSR staff worked with MDA staff to identify 22 counties that meet the high priority

criteria defined in the program legislation. Letters have gone out to the respective SWCDs requesting proposals to participate in this pilot program. The proposals are due in to the BWSR on Friday, July 26. The intergovernmental personnel act (IPA) assignment of an NRCS conservation planner to the BWSR to work on this program continues to work through the NRCS system. The MDA will also provide some haying and grazing plan development assistance for this pilot program.

Northern Region

Summer finally arrived in northern Minnesota, and with it, the lakes have warmed up and there is fun to be had. But since the BWSR northern field staff are supremely devoted to their jobs, they just ignore all those people having fun, and keep on working. What have they been working on? Let me explain.

Wetlands

Once again, WCA tops the chart, although it hasn't been as hectic as in summers past. **Keith** has the ongoing Willard Rehbein violation in Mille Lacs County. This violation has finally attracted the attention of the CORPS and the EPA. They have decided to pursue some kind of enforcement at the federal level (imagine that). Keith will have an ongoing role coordinating the involvement of all the agencies and watching out for WCA implications. This is one of the largest WCA violations in the short history of WCA, and Mr. Rehbein has a history in Wisconsin as well as Minnesota, so it could be with us a while.

Also in Mille Lacs County, the county has taken administration of the WCA away from the SWCD. Communications between the SWCD and the county have not been what they should have been over the years, leading to a shake-up in local program administration. Keith is working to improve this coordination. **Mark** is working with Lake County in the development of their wetland protection management plan. They are three meetings into the process, and since there are no examples to follow, they may struggle with some of the concepts early on. **Brian** discussed wetland management plans in Marshall and Lake of the Woods Counties as well.

Dale, Pete, and the other BC's all kept busy with technical panels and WCA coordination issues.

Water Planning

The water plans are rolling in on a steady stream. Brian worked with Kittson and Beltrami getting them ready for the July and August Ad Hoc committees respectively. Keith has Mille Lacs coming through in July with many delays in the process due to loss of staff.

Dale reports working with Wadena, Clay, Wilkin, and Hubbard Counties developing **Water Planning Challenge Grant** applications. Keith did likewise with Mille Lacs, Wright, Chisago, and the Snake River Board. Pete is pulling them in from Pope and Douglas Counties, along with the Bois de Sioux Watershed District. The remains one of our most popular and most effective resource management initiatives. Good solid projects, as well as some innovative ones, get funded through this program.

Odds and Ends

Pete displayed the **enviroscape environmental learning model** at Douglas County's Red Rock Watershed open house. Pete reports a good turnout for a small watershed and a good chance for him to talk to real folks. (Most real folks don't like to get near Pete.)

Gene is getting all kinds of really good stuff done on the North Shore, in addi-

tion to providing training to BC's Dale Krystosek and Mark Nelson on identifying lakeshore erosion causes. This is good technical training for our BCs to get and helps them relate what our programs can offer to the actual problems out there. Mille Lacs SWCD has hired former state senator **Chuck Davis** as its new District Manager. Chuck had to resign as Mille Lacs SWCD supervisor to take this postion. This could get interesting.

Brian Dwight spent a week on an emergency mitigation team assigned to evaluate this spring's **flood damage** in the Red River Valley. Issues ranged from household damage to soil erosion concerns. Brian made a plug for BWSR and, with any luck, we can get hold of some federal dollars to enhance our **RIM** and cost-share programs.

Jim Lemmerman reports that the **forestry BMP audit** results show that the forestry community is doing even better than last year in the application of BMPs. The results show that the overall effectiveness rated over 90 percent, which is up from the 1993 survey.

Mark, as Schmoozer-in-Chief of the North Region, attended **Willard Munger**'s annual bar-b-que, and rubbed shoulders with Willard, **Sen. Johnson, Rep. Huntley, and Rep. Jaros.** Mark says they think highly of BWSR. He also broached the idea of a Lake Superior initiative and they seemed supportive of such a critter. Good work, Mark!

Southern Region

Minnesota River Special Cost-Share Program applications were reviewed by BCs **Tom Fischer, Chris Hughes, Tabor Hoek, David Sill, and Pete Waller** and southern region supervisor **Jeff Nielsen.** Eight applications were received, requesting more than twice the amount available for this application period. A recommendation will be made at the July BWSR meeting.

Three more counties—Meeker, Renville, and Sibley—in **Tom Fischer**'s work area have completed the Comprehensive Local Water Plan (CLWP) 90-day review period, along with the BWSR CLWP review committee meeting. These counties, much like others that have completed the BWSR review committee process, expressed their appreciation for the **open, friendly review meeting**—it is much easier, and offers a chance to discuss issues and concerns.

Tom was also busy with county WCA TEPs. McLeod County continues to review project proposals, no-loss determinations/exemptions, and a few cease and desist order cases. One item of good news: the McLeod County Board of Commissioners versus the State of Minnesota Department of Natural Resources was heard by the **Minnesota Court of Appeals**. The Appeals Court affirmed the district court decision: no property rights takings due to application of WCA in McLeod County.

Renville County is becoming more active in implementing **WCA**. A growing county office workload meant either additional staff or delegating the responsibilities to the SWCD. The SWCD has willingly taken on the WCA administrative duties. It also accepted responsibility for implementing the Renville CLWP. Good working relationships and cooperation continue in this county with the county acknowledging SWCD expertise and commitment.

Board Conservationist **Chris Hughes** developed a **landowner responsibility list** for the state Cost-Share Program for use by the Blue Earth River Basin Initiative (BERBI). This list is intended to help landowners better understand the program.

Sara Johnson has hit all four corners of the state in the last couple of months. There were new employees to be trained in Red Lake and Cook counties, a new accounting method put into place in Rock County, and a shifting of duties in Olmsted SWCD that called for more training there. Sara also visited six other districts, helped with a district evaluation in West Polk, did an Area I presentation in Bagley, met with the state auditor about the 1995 audits, helped with the Chisago SWCD investigation, and spent time working with the new **Financial Oversight Committee**.

Land and Water Section

Doug Thomas has been involved in drafting a proposed memorandum between watershed districts and MnDot, assisting in ranking federal "319" grant applications and preparing for the local water planning conference.

Bryan Alpaugh keeps our ever-increasing computer technology running with minimum down time and has been trying to secure a part-time assistant.

Jim Haertel has been involved in many discussions related to water policy and appeals.

Wayne Zellmer has been orchestrating the fiscal year 1997 grants, including upcoming state revolving fund technical grants and water planning challenge grants.

Eric Mohring has developed ground water information—a veritable "who-do-you-go-to" for help—for local governments and helped prepare for the annual wetland delineation training course.

Marybeth Block has been overseeing the implementation of the CRP land transfer program, a new feature of the 1996 bonding bill.

John Jaschke recently returned from Alaska, has drafted guidance to highway officials concerning the road provisions of the 1996 WCA amendments. He has also helped plan for the annual wetland delineation course.

Greg Larson has been involved in discussions concerning a proposed soil and water conservation initiative for the upcoming legislative sessions and, along with John and Eric, helped plan for the wetland delineation training course—which has accommodated about 500 local, state and federal government staff since its inception in 1992.

Greg is now a **Fellow of the Soil and Water Conservation Society**. He received the award July 10 at the SWCS annual conference in Keystone, Colorado, where he was honored for his leadership nationwide in developing interdisciplinary programs that promote good land use and environmental protection.

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MASWCD
1997
LEGISLATIVE AGENDA

- Introduce legislation to increase general service grants to districts from $2,608,000 to $5,460,000 for each biennium, an increase of $2,852,000.

- Introduce legislation to increase cost share grants from $4,240,000 to $8,000,000 for the biennium, an increase of $3,760,000.

- There is a resolution coming from several SWCDs supporting a Minnesota Lakes Association resolution to provide cost share funding for lake shore protection. (NEW FUNDS) This resolution has been approved at three MASWCD Area meeting and asks for an additional $4,000,000 per biennium in cost share grants that are specifically designated for lake shore protection. This resolution will probably pass at our 1996 convention.

- Introduce legislation to increase SRF technical grants funds from $2,200,000 to $2,530,000 for the biennium, an increase of $330,000.

- Introduce legislation to create a new cost share program specifically designed for upgrading individual rural septic systems (NEW FUNDS) the amount was not suggested in the resolution. I believe that $4,000,000 for the biennium is a good starting place.

- Introduce legislation to increase daily per diem rates for Soil and Water Conservation Districts from the current $55 to $70.

- To abolish the State Auditors Fee for reviewing CPA audited SWCD annual financial statements.

- Other (Resolutions that pass at the 1996 Annual Convention).

Jul 23 '96 14:36 P.02/14
Bd. of Water/Soil Res. Fax:612-297-5615

DRAFT STRATEGIC PLAN
July 23, 1996

- tourism
- lakeshore should be recognized
- public lands
- rivers

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
BACKGROUND			
	1. History 2. Mandate of BWSR 3. Organizational environment (board, staff, LGUs)	Tie in concept of sustainability with history (we've been on this track for a long time)	
	Trends	Will be compiled from all strategic planning conversations 3/96 thru 8/96.	
MISSION			
	"The mission of the Board of Water and Soil Resources is to provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources."	June 26/27 discussion on: a. "enabling" is a weak word b. - focus on "water" and "soil" because that is why BWSR was created.	June 26/27 notes and flipcharts

- water quality in goal statement
- targeting under goal statement recognize need first
- forestry?

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:37 P.03/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES			
	PRINCIPLES		Principles and Guidelines relating to sustainable development are based on Manitoba document (used with permission)
	1. Integration of environmental and economic decisions: economic decisions must adequately reflect environmental impacts, including human health; environmental initiative must take economic consequences into account.		
	2. Stewardship: as caretakers of the environment and economy, we manage them on behalf of present and future generations. We must balance today's decisions and tomorrow's impacts.		
	3. Shared responsibility: all Minnesotans acknowledge responsibility for sustaining the environment and economy. Each of us is accountable for decisions and action, in a spirit of partnership and open cooperation.		

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:38 P.04/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES (continued)	**4. Prevention:** we anticipate, prevent or mitigate significant adverse environmental (including human health) and economic impacts of policy, programs, and decisions.		
	5. Conservation: we maintain essential ecological process, biological diversity and life-support systems of our environment; we harvest reusable resources on a sustained yield basis; and make wise and efficient use of our renewable and non-renewable resources.		
	6. Enhancement: we enhance, the long-term productivity, quality and capacity of our natural resources.		
	7. Rehabilitation and reclamation: we work to restore damaged or degraded, environments. Future policies, programs, and developments must consider rehabilitation and reclamation.		
	8. Scientific and technological innovation: we promote research, development, testing and implementation of technologies essential to further environmental quality, including		

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:39 P.05/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES (continued)	**9. Global responsibility:** we think globally when we act locally. We recognize that there are no boundaries to our environment, and that there is ecological interdependence among state and nations. We must cooperate nationally and internationally to accelerate the merger of environment and economics in decision-making and to develop comprehensive and equitable solutions to problems.		
	10. Empowerment: we foster and promote decision-making by enabling and empowering local government unit, the lowest level, that recognizes and builds on the land use authority which dictates the future of Minnesota's natural resources.		
	11. Teamwork: we advance and practice teamwork that shares leadership and ownership and credit, responsibility and accountability. We build on the strengths of the individual partners to achieve common goals.		

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:40 P.06/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES (continued)	*12. ...shall seek to be loyal to our mission and the issues, as opposed to process (i.e. maintain flexibility and avoid bureaucracy).*		These italicized guiding principles are from the June 26/27 meeting with Board/Staff
	13. ...will listen to our clientele and provide good customer service consistent with our mission, statutory charges and this strategic plan.		
	14. ...will utilize teams and teamwork to accomplish our mission.		
	15. ...will challenge ourselves, our partners and our clientele to continually seek better ways to achieve sound resource management, particularly of our fundamental water and soil resources.		
	16. ...will serve as facilitators, mediators and coordinators to foster partnerships, resolve conflicts and remove barriers.		
	17. ...shall seek to clearly understand issues and be ready to seize opportunities when the time is right.		

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES (continued)	*18. ...shall seek efficient and effective ways to measure progress, recognize success and maintain the accountability of ourselves and our clientele.*		
	GUIDELINES		Manitoba document
	1.Efficient use of resources: we encourage and support development and application of systems for proper resource pricing, demand management, and resource allocation together with incentives and disincentives to encourage efficient use of resources and full environmental costing of decisions and developments.		
	2. Public participation: we will establish appropriate forums to enable meaningful participation in decision-making by all citizens. We will work to ensure due process, prior notification and appropriate and timely redress for those affected by policies, programs, decisions and developments.		

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Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:41 P.08/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES (continued) **Principles from Manitoba document**	**3. Understanding and respect:** we know we share a common physical, social and economic environment. Understanding and respect for differing social and economic views, values, traditions and aspirations is necessary for equitable management of these common resources. Consideration must be given to the aspirations, needs and views of various regions and groups in Minnesota.		
	4. Access to information: we encourage and support the improvement of our environmental and economic information base and work to ensure equal and timely access to information for all Minnesotans.		
	5. Integrated decision-making and planning: we encourage and support open, efficient and timely decision-making and planning process that acknowledge long-term implications.		
STRATEGIC GOALS: What BWSR will do to make a difference.			Developed in Management Team meeting 7/22/96
	Context: Land and water management is the broad goal		

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
GUIDING PRINCIPLES (continued) **Principles from Manitoba document**	**3. Understanding and respect:** we know we share a common physical, social and economic environment. Understanding and respect for differing social and economic views, values, traditions and aspirations is necessary for equitable management of these common resources. Consideration must be given to the aspirations, needs and views of various regions and groups in Minnesota.		
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STRATEGIC GOALS: What BWSR will do to make a difference.			Developed in Management Team meeting 7/22/96
	Context: Land and water management is the broad goal		

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
	2. Forested Land Use Why important: a. Where people are involved b. Land use decisions made by local government equals natural resources protection or degradation. c. Wealth of state controlled by population living on developing lands. d. Development affects water and soil, metro and non-metro. Goal Statement Ideas: a. Harvesting BMPs economic plan b. Appropriate land use: marginal and prime managed differently. c. How management is carried out: water egress and erosion. d. Prevent adverse impacts. e. Create why private people care. f. Small land owner focus. g. Our role: Coordination and private, small build capacity to do forest stewardship plans. Measures: a. Change in number of current forest stewardship plans.	Rich discussion with management staff about the importance of acknowledging how the economic drivers and principles of sustainability are related.	

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:43 P.11/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
STRATEGIC GOALS (continued)	**3. Developing Land Use** Why Important: a. This is where lots of people are involved b. Land use decisions made by local government=natural resources protection or degradation c. Wealth of state controlled by population living on developing lands. d. Development affects water and soil, metro and non-metro Goal statement ideas: " Natural resources management is integrated into land use decision-making by LGU's a. Will reflect suitability b. Importance of run-off, biological integrity of communities c. Approach of non-degradation for new development d. Will go back to already developed land and fix problems (corrective actions to improve) e. Redevelopment (brown fields) Measures: a. Use U of M models for measures b. Percentage of open space c. Percentage of corridors created		

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:44 P.12/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
STRATEGIES: How BWSR will implement the strategic goals.			
	1. Building Local Government Capability Why Important: a. Local government is the land use authority in the state. b. Water management/agriculture etc. will be affected c. Local government has relationship with private land owners. d. Focus on stewardship, accountability, technical assistance needed e. Local government is the front line f. Local government is the most effective (place to focus our energies); it may not be the most efficient.		

BD. OF WATER/SOIL RES. FAX:716-457-2705 JUL 23 '96 14:45 P.13/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
STRATEGIES (continued)	**2. Interagency (intergovernmental?) agency coordination** Why Important: a. Key in achieving our mission is bringing state agencies (and other governmental entities) to recognize need for trust/respect for local governments. b. Will help focus state agencies in assisting empowering local government c. Creates efficiencies in natural resources management--just one level		
	3. Information Management Why Important: a. Need accountability with legislature b. How we're results-oriented with programs c. Getting something for each dollar sent out. d. Lots of duplication of educational materials: be more of a clearing house. e. Information is power f. Tie to ability of local governments to have access to information for quality decision-making		

Bd. of Water/Soil Res. Fax:612-297-5615 Jul 23 '96 14:46 P.14/14

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
STRATEGIES (continued)	**4. Water Management/Water Quality** Why Important: a. Water management is a key to what we're about. b. Involves water quality, cost share program c. Make certain we don't lose sight of this and how it ties in with sustainability/sustainable development. If we lose this, we lose sustainability.	• slow the water down • sell water quality	
	5. Metro Water Management Why Important: a. Conflict between wetlands and MUSA b. Legislature is more urban c. Need to keep money flowing d. How do outstate manage soil and water well while money comes from the metro area? There's a tension	Metro Urban Services Area	
TACTICS		Not worked on yet	
What will be done to make the strategies happen	Tactics link to the operational plans, budget and work plans.		

PLAN ELEMENT	CONTENT	COMMENTS/QUESTIONS	DOCUMENT REFERENCE
STRATEGIC GOALS (continued)	**1. Agricultural Land Use:** Why important: a. Largest single land use in the state. b. Controlled by private decision making. c. 23 million acres in agricultural use. d. 20 million acres tilled. e. Economically it's the largest industry (jobs, wealth). f. Ties to soil quality (enhanced resource protection) and soil conservation. Goal Statement Ideas: a. Appropriate land use. b. RIM program. c. Marginal lands d. Soil loss prevented e. Natural resources management by watershed f. Soil quality improvement Measures: a. Marginal lands not farmed b. Land use is appropriate c. Soil loss reduced d. Soil quality improved		

8/28/96

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BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
AUGUST 28, 1996

BOARD MEMBERS PRESENT: Barb Cobb, Jim Rossman, Barb Uppgaard, Ted Lovdahl, Dwain Otte, Ginny Imholte, LeRoy Stensgaard, Tim Hvidsten, Kathy Roer, Marv Tripp, Darrell Bruggman.

Board
~~**AGENCY**~~ **MEMBER ABSENT**: Glenn Annexstad

AGENCY MEMBERS PRESENT:
Wayne Edgerton, Department of Natural Resources
Paul Burns, Department of Agriculture
Kim Benson-Johnson, Department of Health
Jim Anderson, Minnesota Extension Service
Marge Velky, Pollution Control Agency

STAFF PRESENT:
Ron Harnack, Barbara Ohman, Jim Haertel, Doug Thomas, Ron Shelito, Marybeth Block, Greg Larson, Bruce Sandstrom, Wayne Zellmer, Matt Moore, and Mary Jo Anderson.

OTHERS PRESENT:
Jim Schafer, Minnesota Association of Soil & Water Conservation Districts (MASWCD)
Don Wodek, Hennepin SWCD
Rick Reimer, Minnesota Association of Conservation District Employees (MACDE)
Franklin Denn, Minnesota Association of Townships (MAT)
Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Bill Stokes, Natural Resource Conservation Service (NRCS)

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

** 96-56 **Adopt Agenda** - Moved by Barbara Uppgaard, seconded by Marv Tripp, to adopt agenda as presented. Motion passed on a voice vote.

** 96-57 **Minutes of July 24, 1996** - Moved by LeRoy Stensgaard, seconded by Dwain Otte, to approve the minutes of July 24, 1996, as circulated. Motion passed on a voice vote.

Chair's Report - Chairman Cobb reported that she attended the Washington County Local Governments meeting on July 30; Jim Birkholz was a speaker at this meeting and gave an excellent speech. Chair Cobb attended the MASWCD meeting and reported on their legislative initiatives and SRF discussions.

Executive Director's Report - Ron Harnack attended the Environmental Cluster Meeting. A joint letter has been sent to Koochiching County regarding their natural resources management plan. This letter was reviewed at the Environmental Cluster Meeting.

Ron reported that the challenge grants will be discussed at the September meeting. Staff is working with clientele to review the rules that will be adopted for the Farm Bill. Ron visited the BWSR Bemidji office last week. Ron reported that Barbara Ohman left her board conservationist position in the metro region and is now the wetland specialist working with John Jaschke on wetlands. Matt Moore has transferred to Barbara's position, and Bruce Sandstrom will soon fill the vacant board conservationist position. Susan Tsakakis will return from maternity leave next week and will be working part-time. Barb Liukkonen has taken a position at the Minnesota Extension Service effective November 1.

Committee Reports

Dispute Resolution Committee - Kathy Roer reported that there is nothing pending at this time, issues have been dismissed or resolved.

Feedlot Advisory Committee - Jim Rossman stated that members received copies of the MPCA "Feedlot Rule Update" for their information.

Cost-Share/Soil Conservation Committee - Dwain Otte reported that cost-share issues have been discussed, notice will be sent out to SWCD directors regarding allocations formula, requesting their input; review deadline will be the end of December; reporting requirements need to be clear.

Financial Oversight Committee - Ginny Imholte reported that the Financial Oversight Committee met to discuss issues, a draft was written, recommendations will be brought before the board in the next two months.

Agency Reports

Wayne Edgerton, Department of Natural Resources, reported on the Rapidan Dam river contamination problem; a study is being done, inconclusive samples from labs, ongoing investigation. DNR is working with the Department of Agriculture and the Nature Conservancy on a new acquisition of an operating dairy farm in Rice County, Nerstrand State Park, provides opportunity for education. New trespass law took effect August 1. Minnesota Farm Bureau is taking lead on ag forums statewide to look for opportunities to work with regulatory agencies.

Kim Benson-Johnson, Department of Health, reported that the Department of Health's well program will propose a fee increase in 1999. The Department is also looking at the needs for cost-sharing for well sealing.

Paul Burns, Department of Agriculture reported that the Department of Agriculture has held workshops on feedlot planning and zoning. Paul stated that the Department of Agriculture has ongoing efforts on feedlots, water quality, and health effects through the interagency group. Paul stated that it's encouraging to see that Farm Bureau is aggressively pursuing ag issues and involved in MNRAT.

Jim Anderson, Minnesota Extension Service (MES), reported that the University of Minnesota St. Paul campus is co-locating to a new water center on the St. Paul campus. The new center represents a merging of the Center for Ag Impacts on Water Quality (Jim Anderson), the Water Resources Research Center (Pat Brezonik), and the MES Water Quality Programs (Fred Bergsrud). The new location for their water programs is to better deal with clientele. Barb Liukkonen will be the Water Resources Education Coordinator. MES and the College of Agriculture is looking at a 3-pronged legislative initiative in regard to building additional capacity with environmental areas, to interact on odor issues, the Minnesota River basin, and sustainable development.

Marge Velky, Pollution Control Agency, reported that Clean Water Partnership applications will be open in mid-September through November; with $900,000 in grant money and $7 million in state revolving loan funds. Federal grants will be disbursed also for nonpoint source pollution. Marge stated that the Water Quality Division has been reorganized into a basin managed organization to focus on basin oriented projects for the Minnesota River, Red River, Lake Superior/St. Croix. PCA has been working on strategic planning efforts and are now in the implementation stage. The North American Lake Management Society's (NALMS) conference will be held in Minneapolis in November, with speakers from around the world; the conference notice will be out soon.

Ted Lovdahl attended the NACD Regional Leadership Meeting. Chair Cobb asked for a report at the next meeting on key issues and outcomes.

Consent Agenda

Local Water Plan Approval Riley-Purgatory-Bluff Creek Watershed District Watershed Management Plan - Dwain Otte reported that the BWSR review committee recommended approval of the plan; the committee commended Jim Haertel on his efforts in working with the watershed district. Chair Cobb introduced Conrad Fiskness, chair of the Riley-Purgatory-Bluff Creek Watershed District. Moved by Dwain Otte, seconded by Kathy Roer, to approve the Riley-Purgatory-Bluff Creek Watershed District Watershed Management Plan. Motion passed on a voice vote.

** 96-58

County Water Plan Extensions - Doug Thomas reported that the extensions have been reviewed by staff and recommend approval of the county water plan extensions for Blue Earth, Clearwater, and Rock Counties. Moved by Uppgaard, seconded by Jim Rossman, to approve the county water plan extensions of Blue Earth, Clearwater and Rock Counties. Motion passed on a voice vote.

** 96-59

Beltrami County Local Water Plan - Darrell Bruggman reported that the review committee met and recommend approval of their plan. Frustration with lack of agency comments; the comprehensive local water planning process is taken seriously, we need agency comments on the final plan; Darrell asked agency members present at the meeting today to take back the message to please comment during the review period. Moved by Darrell Bruggman, seconded by Ginny Imholte, to approve the Beltrami County Local Water Plan. Motion passed on a voice vote.

** 96-60

Chair Cobb called for a break in the meeting at 10:15 a.m.; the meeting reconvened at 10:30 a.m.

Declaration of Failure to Implement a Plan by Brown's Creek WMO - Barbara Ohman reported that the county and WMO are taking steps to resolve the excess water problem in the Brown's Creek's area after both Grant Township and the WMO would not. A community member asked to have the Brown's Creek WMO dissolved. A resolution was passed and voted to dissolve the organization. Staff recommends that the organization be terminated - the county would then take the lead role. Discussion followed on WMO authority with minimal township input. Moved by Jim Rossman, seconded by Marv Tripp, that the BWSR accepts the staff recommendation to establish a resolution to declare failure to implement a plan by Brown's Creek WMO, through failure to update its joint powers agreement. Motion passed on a voice vote. Chair Cobb commended Barbara Ohman for doing an excellent job in working on this effort.

** 96-61

Complaint of Failure to Implement by Sunrise River WMO - Matt Moore explained the issue; staff recommends that BWSR establish a resolution for just cause and direct staff to proceed on this. Moved by Uppgaard, seconded by Marv Tripp, that a resolution is established determining failure to implement by the Sunrise River WMO and authorize staff to undertake the investigation of the issues relating to the alleged failure to implement. Motion passed on a voice vote.

** 96-62

FY97 Non-Point Engineering Assistance Grant - Wayne Zellmer updated the board on background information on this grant and proposed a procedural change for FY97 that would allow for a base grant so each JPA reaches the necessary $105,800 plus a $315,000 balance for challenge grant opportunities that might provide more engineering assistance in high workload areas. One-time grant only. Discussion followed. Moved by Jim Rossman, seconded by Dwain Otte, approve staff's recommendation for the FY97 Non-Point Engineering Assistance Grant and allocation procedures and authorize staff to implement the FY97 Non-Point Engineering Assistance Challenge Grant. Motion passed on a voice vote.

** 96-63

CRP - RIM Reserve Limited-Use Easement Program - Marybeth Block reported that staff met MDA staff and reviewed SWCD applications to participate in the pilot program and recommended the five SWCDs (East Polk, Pope, Lac Qui Parle, Fillmore, and Clay) that would effectively demonstrate, market and implement the CRP-RIM Reserve Limited-Use Easement Program. Moved by Tim Hvidsten, seconded by Ted Lovdahl, to approve the staff recommendation of the five selected SWCDs for this program. Motion passed on a voice vote.

** 96-64

LGU Annual Reporting System (LARS) - Ron Shelito explained that this is a user-friendly computerized system intended to make local governmental reporting of program accomplishments both easier and more useful; eventually, after "use" input, this will be a required system. Wayne Zellmer gave a brief overview of the reporting system for the board members information. Ron Harnack commended BWSR staff and PCA and NRCS in getting this system together.

Tim Hvidsten left the meeting at 12:05 p.m.

Chair Cobb adjourned the meeting for lunch at 12:05 p.m.; the meeting reconvened at 12:30 p.m.

Role of Board Members in Legislative Process - Ron Harnack explained that the board will review the staff recommendations for legislative initiatives. Ron advocates the BWSR's budget; he carries the primary lead on the budget; appropriate staff carry the lead on program issues. Ron meets with individual legislators and appropriate staff respond to legislator requests very promptly. Discussion followed on how to keep members informed during the legislation session; options include: members will be informed of who is the lead staff on legislative initiatives; members will receive a weekly legislative summary; a legislative committee be formed; members interested in certain initiatives could confer on these issues; field offices are e-mailed; "meet-me conference call" as needed with board members; call into voice mail; informed of legislative committees in the house and senate and will talk with them as needed. Members are encouraged to contact their legislators and attend hearings. Ron, Chair Cobb and will decide what suggested options will be used to keep members informed during the legislative session.

LeRoy Stensgaard left the meeting at 1:00 p.m.

Legislative Initiatives - Ron Harnack reviewed FY98-99 legislative initiatives: 1) Information Management and Communication; 2) Technical and Financial Assistance for Erosion Damage Due to Flooding in the Red River Valley; 3) Soil and Water Conservation District Forestry/Agroforestry; 4) Educational Coordinators; 5) Minnesota River Basin; 6) Lakeshed Cost-Share; 7) Non-Point Engineering; 8) Lake Superior and 9) Policy Legislation. Chair Cobb asked members to prioritize the legislative initiatives by value of the project; opportunity of the project; and dollars for the project. Action will be taken at the September meeting on the legislative initiatives.

Advisory Comments

Minnesota Association of Townships (MAT): Franklin Denn briefly commented on the issues that townships are addressing: property tax in townships, educate the public and township officers.

Minnesota Association of Soil and Water Conservation Districts (MASWCD): Jim Schafer commented on the Memorandum Of Understanding with BWSR and NRCS; the signing is near. Jim thanked Ted Lovdahl for attending the NACD Leadership Meeting. Jim commented on agroforestry, this issue will be addressed at the MASWCD convention.

Minnesota Association of Conservation District Employees (MACDE): Rick Reimer stated that the MACDE June meeting was well attended; and Farm Fest was a good opportunity to promote MACDE. Rick stated that SWCDs are involved in feedlot inventory.

Natural Resource Conservation Service (NRCS): Bill Stokes stated that Bill Hunt is in Nashville meeting on the Farm Bill. NRCS will continue the working relationships with SWCDs and BWSR, and will sign the Memorandum of Understanding next month.

Minnesota Association of Watershed Districts (MAWD): Ray Bohn congratulated Barb Cobb on her reappointment as Chair. The MAWD summer tour was well attending. Ray stated that the MAWD annual meeting is December 4-5-6, they appreciate BWSR's assistance at their meeting. MAWD is working with the Minnesota Department of Transportation (MNDOT) on the permitting issue, near final draft document of MOU with watershed district, MNDOT, and BWSR. The next MAWD meeting is September 6 in Alexandria. Ray stated that an assistance team is presently be formed to assist watershed districts.

Hennepin Soil and Water Conservation District: Don Wodek reported that Hennepin County SWCD and the Metro Groundwater Alliance is holding a groundwater conference in October in Minneapolis, members invited to attend. Don stated that SWCDs in the metro area have formed a group for technical assistance, information exchange program, working with MASWCD on district capacity, mentoring type program. Don commended Konrad Koosman, Washington SWCD, for completing a lengthy project involving various local entities - success story!

The next BWSR meeting is September 25 in St. Paul. Agenda items include: challenge grants, legislative initiatives, and strategic planning.

Ron Harnack reported that the MAWD annual meeting is December 5-6-7, in Alexandria. The Association of Minnesota Counties (AMC) annual meeting is December 1-2-3, in Duluth. The MASWCD annual meeting is December 8-9-10, at the Radisson South in Bloomington. Ron stated that BWSR, Watershed Districts, and SWCDs will have a joint booth at AMC. Board members are encouraged to attend these annual meetings.

Ron Harnack invited board members to stop by the BWSR booth in the Education Building at the State Fair.

Chair Cobb adjourned the meeting at 2:00 p.m.

Respectfully submitted,

Barbara Cobb

Barbara Cobb
Chair

OVERVIEW
OF
BELTRAMI COUNTY
COMPREHENSIVE LOCAL WATER PLAN

County Description

Beltrami County is located in North Central Minnesota. Major land uses of the County are: forested 46%, non-forested wetland 21%, open water 18%, and cultivated 7%. The Southern half of the County contains the majority of the open water area or lakes which has lent itself to major development pressure particularly in the last two decades. The Northeastern portion of the County which is comprised of large masses of bog area has very little development other than some rice paddy activity. The Northwestern portion of the County is predominately a mixture of forested and open fields where there have been major attempts to drain and bring the land into agricultural production. Approximately 60% of the land in Beltrami County is in public ownership with 30% of the total land mass being owned by the State. The land use, coupled with the ownership, lends itself to many recreational opportunities within the County and that, in conjunction with forestry related activities, makes up the economic base for Beltrami County.

Beltrami County is situated in the upper reaches of two major river systems; the most popular being the Mississippi River. The Southern one-third of Beltrami County is contained in the Upper Mississippi Watershed. Over two-thirds of the population of Beltrami County live within this watershed area (25,000 people) and has been a major emphasis area for past Water Plan implementation activities. The other major river system that Beltrami County contributes to is the Red River of the North. Watersheds within Beltrami County contributing to this system are the Thief River, Red Lake River, Upper and Lower Red Lake, and the Clearwater River. The land uses within these watersheds is mostly forestry related activity with some agricultural activity in the Thief River Watershed where surface drainage activities have been installed.

Staff Review

The Plan Update has done an excellent job of assessing, by watershed, the water quality concerns and the activities that may impact it. The watersheds that exist in Beltrami County range from inconsequential land use (limited agricultural and recreational) to very intense land use (shoreland development). Because of this, individual watershed based implementation plans were developed. For watersheds experiencing major development identified issues are: **surface water**; shoreland development, recreational water use, urban stormwater runoff. **groundwater**; old town dumps, septage disposal, wellhead protection. For watersheds experiencing less intense land use identified issues are: **surface water**; timber harvesting, agricultural activities, and road construction. **groundwater**; old town dumps, septage disposal, and natural sediment sources.

When developing strategies to address these issues, the County Task Force did so with these guiding principles:

Strategies should be cost effective and practical.

Strategies will be developed and implemented with a wide variety of organizations and individuals, as well as other counties and tribal governments, where appropriate.

Emphasis will be placed on strategies that use information sharing, increased understanding, incentives and voluntary measures.

There will be a minimization of the need for new regulations.

Strategies will be designed with sensitivity to the challenges faced by a variety of economic activities in the county that could be affected by the plan.

The updated Comprehensive Local Water Plan for Beltrami County was submitted for final review on May 24. 1996. Staff will continue to assist the County in its updating process by providing final review comments and coordinating any needed resolution to concerns identified by others reviewing this plan.

STATE OF MINNESOTA

658 CEDAR STREET
SAINT PAUL 55155

August 27, 1996

Joel Maggert, Chair
Koochiching County Board
Courthouse, 715 4th Street
International Falls, Minnesota 56649-2438

Dear Commissioner Maggert:

Thank you for the opportunity to comment on the proposed Koochiching County Interim Resource Management Plan. As commissioners of Minnesota state agencies with responsibilities that overlap many topics covered by your plan, we appreciate the need for long-range planning and for coordination among federal, state, county, and local governments. We believe that government and private efforts are best guided by the goal of sustainability -- the balancing of human needs with ecosystem capabilities to ensure that the needs of the present generation are met without compromising the ability of future generations to meet their needs.

In your plan, you propose that Koochiching County will provide a wide array of increased services for its residents. These include the following:

1. Reviewing and coordinating implementation of all pending actions of federal, state, and local agencies that may affect Koochiching County.

2. Serving as the lead planning agency in all federal, state, and county land acquisitions and exchanges.

3. Conducting environmental and economic impact studies as well as public hearings prior to all transactions affecting public land.

4. Authorizing opening and closure of additional rights of way as "county highways." (From our experience, this will inevitably lead to claims of county liability for injuries, particularly given the disclaimer of responsibility to keep such highways in good repair.)

5. Taking responsibility for decisions regarding hazardous waste storage.

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6. Preparing resource management plans for navigable rivers, streams, lakes, and riparian lands.

7. Preparing plans for protection of threatened and endangered species.

8. Managing sources of water pollution, including pesticides, herbicides, fertilizers, and road salt; and

9. Promoting environmentally sound agricultural practices and a sustainable wood products industry.

The ordinance was unclear as to what revenue sources would be tapped to provide these expanded services without a severe impact on the local tax base. In our experience, there are substantial costs associated with the management responsibilities the County proposes to assume. For example, a single environmental impact statement could cost upwards of one hundred thousand dollars, and you have proposed that the County conduct such studies on numerous transactions annually. Technical and legal staff time is required to evaluate and manage sources of contamination, hazardous waste, economic impacts and a variety of other responsibilities assumed by the County in this plan.

Most of the responsibilities you outline duplicate services already provided by other levels of government. A less costly alternative to duplicating services would be for county, local, state, and federal governments to coordinate the involvement of all units of government in these efforts.

Another potential cost to Koochiching County is the cost of litigation. Litigation could arise when Koochiching County citizens, in reliance on your ordinance, find themselves in violation of current state or federal law. Those citizens might understandably look to the County to either enforce its ordinance to their benefit or to defend them in legal actions. Counties in Idaho, New Mexico, and Nevada have accumulated large debts litigating issues such as those presented by your ordinance. In each case, the Courts have ruled against the County.

As you may be aware, a very similar ordinance to that being proposed here was struck down by the Idaho Supreme Court in Boundary Backpackers v. Boundary County, 1996 Opinion No. 96 (Id. Sup. Ct., March 18, 1996). The Court noted that the County's attempt to supersede state and federal authority over land use on certain public lands was unconstitutional under both the federal and state constitutions. The Attorneys General in both New Mexico and Washington state have also recently issued opinions concluding that a county lacks authority to require any federal or state agency to follow county policies or procedures in land use decisions or environmental regulations except

where Congress has specifically directed these agencies to conform to local laws. (See New Mexico A.G. Op. No. 94-01, April 19, 1994; Washington A.G.O. 1994 No. 10). Additionally, the federal government was successful recently in defending its authority over all federal lands within Nye County, Nevada, in the case of United States v. Nye County, Nev., 920 F. Supp. 1108 (D. Nev. 1996). Nye County had attempted to enact a similar restriction on federal land use management within the county boundaries.

Under Minnesota law, counties are subordinate agencies of the state for purposes of exercising governmental powers, and may only exercise such powers that are expressly granted them by the State legislature. Kasch v. Clearwater County, 289 N.W.2d 148 (Minn. 1980); Cleveland v. Rice County, 56 N.W.2d 641 (Minn. 1953). If a local law is in conflict with a state law or regulation, it is not enforceable. Mangold Midwest Co. v. City of Richfield, 143 N.W.2d 813 (Minn. 1966). Attempts by the County to regulate the State in the conduct of its land use acquisitions and decisions will generally be unsuccessful. Even a county ordinance restricting state action that does not expressly include an enforcement provision may be found to be unlawful.

The undersigned agencies of the State of Minnesota welcome the opportunity to work with Koochiching County on land use planning. However, we oppose the approach in your draft plan. It duplicates current efforts and poses unnecessary expenses and inefficiency in government.

As an alternative approach, the County may wish to consider issuing a policy statement rather than an ordinance. Such a statement could clarify the County's perspective without the confusion to citizens caused by conflicts in law or the costs of duplicate services and litigation. This proposed document appears to be less useful as a true planning tool, and intended more as a resolution or statement. The State suggests that an effective comprehensive management plan be structured differently to account for the different levels of legal authority among federal, state, and local governments, and to address the specifics of county decision-making on land use and zoning matters over which you have control.

The citizens of Koochiching County have available to them a variety of opportunities to access and affect state and federal policy, including working with elected representatives in the legislative process, participating in rule-making, using the processes established in state and federal environmental policy acts to debate and analyze potential environmental impacts, and participating in state and federal planning processes, which are designed to solicit and incorporate public concerns.

Management of the State's natural resources is a shared responsibility. We look forward to increased opportunity to develop effective, cooperative strategies to manage the area's natural resources for a sustainable quality of life.

Sincerely,

Linda Kohl
Director
Minnesota Planning

Peder A. Larson
Commissioner
Minnesota Pollution Control Agency

James N. Denn
Commissioner
Minnesota Department of Transportation

Edward A. Garvey
Director
Office of Environmental Assistance

Rodney W. Sando
Commissioner
Minnesota Department of
Natural Resources

Anne Barry
Commissioner
Minnesota Department of Health

Jay A. Novak
Commissioner
Minnesota Department of Trade and
Economic Development

John Hustad
Chair
Minnesota Environmental Quality Board

Gene Hugoson
Commissioner
Minnesota Department of Agriculture

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

Minnesota Board of Water & Soil Resources

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

Field Offices

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

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

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

Southern Region:
Highway 15 S.
Box 756
New Ulm, MN 56073
(507) 359-6074
Fax (507) 359-6018

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

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

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

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August 28, 1996

Joel Maggert
Chairman, Koochiching County Commissioners
Courthouse
International Falls, MN 56649

Dear Chairman Maggert:

We have not received a resolution from your board acknowledging the adoption and implementation of the Wetland Conservation Act. Implementation of the Wetland Conservation Act (WCA), as you know, is required by state law. It is our belief that the long sought amendments to the WCA that passed last legislative session have addressed the major concerns of state wetland regulation. The adjustments relating to roads, local wetland planning and deminimus were significant changes that benefited all areas of the state, particularly counties such as Koochiching with a large amount of wetlands.

Koochiching County's adoption of the WCA is important to other units of government in the county and to landowners who need county approval to impact wetlands. The benefits of the 1996 amendments to the WCA are not available to a non-implementing local government or its clientele. I ask that the Commissioners give this topic serious consideration at your next Board meeting and advise us in writing of your county's position regarding adoption and implementation of the WCA.

If you have any questions please call Mark Nelson, Board Conservationist or me. I look forward to receiving your response.

Sincerely,

Ron Harnack

c: BWSR members
Tanja Kozicky, Governors Office
Mark Nelson, Duluth

New Business #1

Board of Water and Soil Resources

Metro Region

Date: August 19, 1996

To: Ron Harnack, Executive Director

From: Barbara W. Ohman, Board Conservationist BWO by BH

RE: Agenda Item for August 28 BWSR Meeting/Declaration of Failure to Implement a Plan by Brown's Creek WMO

Action Sought: Resolution regarding Brown's Creek WMO Failure to Implement a Plan, in accordance with M.S. 103B.231, Subd. 3(b)

Attached with this request is a copy of the Final BWSR Staff Report - Kismet Basin Dispute Resolution Request regarding the Brown's Creek WMO (BCWMO). Since the submission of this report, the County, in cooperation with the Soil and Water Conservation District, have begun the necessary steps for undertaking a project to resolve the flooding in Kismet Basin.

With regards to the BCWMO, efforts have been made to update the Joint Powers Agreement (JPA), and these have failed. On June 10th, the City of Oak Park Heights passed a resolution to proceed with the steps, as outlined in the JPA, for dissolution of the BCWMO. The BCWMO scheduled a public hearing on July 31, 1996 at which to vote for dissolution. As required in the existing JPA, in order for the dissolution to occur, six of the eight members were required to vote. Only four votes were received for dissolution, so the BCWMO failed to dissolve. No movement toward updating of the JPA is being made, nor is it considered likely by any of the parties involved.

Discussions have been held between BWSR staff and Washington County and SWCD staff regarding water management options throughout the county. The County and SWCD are prepared to take on the responsibility for water management in this and other areas of the county. Direction from the BWSR, including BWSR action on the BCWMO failure to implement, is needed before the County can assume its responsibilities.

Action Sought: Resolution by the BWSR, in accordance with M.S. 103B.231, Subd. 3(b), that the Brown's Creek WMO has failed to implement its plan, through failure to update its Joint Powers Agreement to provide the powers to do so.

cc: Metro Staff
Doug Thomas

h:bcwmfail.imp

Minnesota Board of Water & Soil Resources

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

Field Offices

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

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

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

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

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

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

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

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May 10, 1996

Mr. Klayton Eckles, Chair
Brown's Creek Watershed Management Organization (BCWMO)
c/o Washington Soil and Water Conservation District
1825 Curve Crest Boulevard, Suite 101
Stillwater, MN 55082

RE: Final Report - Kismet Basin Dispute Resolution Request

Dear Mr. Eckles:

Attached you will find the Board of Water and Soil Resources **Final Staff Report** in the matter of the request for dispute resolution assistance from the BCWMO relating to the Kismet Basin flooding. I am also sending, by copy of this letter, the final report to the attached list of affected and interested parties. Some minor changes have been made to the April 30, 1996 draft to incorporate input and discussion from the interested parties, including discussion during the May 6 meeting. In order that you will not have to reread the entire report, the changes are in boldface type.

I plan to attend the May 15, 1996 board meeting of the BCWMO. I understand that this meeting will also serve as the public meeting to develop a formal course of action in response to the aforementioned report, in accordance with MN Rules Chapter 8410.0180, Subp. 3(C). Therefore, I will be available to answer questions or provide assistance in the BCWMO's decision process.

Thank you for the opportunity to provide assistance in this matter. I realize that the outcome and recommendations in the report are along a different tack than your board had anticipated. We are hopeful that an effective, long-term solution to the Kismet flooding problem as well as the overall water management in the Brown's Creek watershed will result from this course of action. If I can be of any further assistance, or if you have any questions, please do not hesitate to contact me at 297-1894.

Sincerely,

Barbara W. Ohman

Barbara W. Ohman
Metro Board Conservationist

Attachment: Final Staff Report

c: List of Interested Parties
Select BWSR Staff

In the Matter of the Request for Dispute Resolution Assistance from the Brown's Creek Watershed Management Organization Relating to the Kismet Basin Flooding, Washington County

Interested Parties

BCWMO Members
David Francis, Stillwater Township
David Schaaf, Oak Park Heights
Klayton Eckles, Stillwater
David Truax, Hugo
Art Welander, Grant Township
Rebecca Johnson, May Township
Michelle Ulrich, Attorney

Grant Township
Gary Erichson, Chair
Art Welander (sent c/o BCWMO)
Pamela Magadance
Debbie Graul, Town Clerk
Gregory Galler, Town Attorney

Kismet Basin Landowners
Craig and Nina Leiser
Jack and Judith Johnson
Lauren and Jennifer Fariss
Bernard and Diane Rappa
Catherine Whaley
Heidi Rosebud and Dean Wallace
Stanley and Bonnie VanderVegte
Richard and Sandra Gruber
Terrence and Janet Jones

Washington County
Board Members - Mary Hauser
David Engstrom
Wally Abrahamson
Dennis Hegberg
Myra Peterson
Jim Shug, Administrator
Mary McLothlin, HELM
Don Wisniewski, Public Works
Bob Turrentine, County Attorney

Washington Soil and Water Conservation District
George Rydeen, Chair
Konrad Koosman, Manager
Mark Doneux, Water Resource Specialist

Attorney General
Matt Seltzer

Member Communities to BCWMO
William Nelson, Chair, Baytown Township
Fran Miron, Mayor, City of Hugo
Wyn John, Mayor, Lake Elmo
Mike Munson, LMC (for Lake Elmo)
Barbara O'Neal, Mayor, Oak Park Heights
Tracy Mazanec, Chair, May Township
Town Board Chair, Stillwater Township
Jay Kimble, Mayor, Stillwater

Downstream Landowners
William Johnson
Richard A. and Sally McKenzie

MN DNR
Peter Leete, Metro Waters
Molly Shodeen, Metro Waters

BWSR
Board Members
Staff - Harnack
Haertel
Thomas
Metro Staff

Board of Water and Soil Resources
Final Staff Report

In the Matter of the Request for Dispute Resolution Assistance from the Brown's Creek Watershed Management Organization Relating to the Kismet Basin Flooding, Washington County

Findings Conclusions & Recommendations

Background

On January 4, 1996, the Board of Water and Soil Resources (BWSR) received a letter from the Brown's Creek Watershed Management Organization (BCWMO) requesting assistance in resolving a dispute involving a number of landowners, the BCWMO, and Grant Township. In this request, the BCWMO asked that three questions be answered:

1. What political entity, agency, group or individual(s) is responsible for the removal of excessive flood waters from the Kismet Basin?

2. What political entity, agency, group or individual(s) is responsible for the payment of costs for the removal of excessive flood waters from the Kismet Basin?

3. What are the reasonable assurances and protection that downstream landowners and water resources should be provided to achieve item #1 above?

BWSR staff undertook a fact finding effort in order to compile a report to respond to this request. This report is the result of that investigation.

Findings

1. In 1995, a number of landowners living on Kismet Lane in Grant Township, Washington County experienced problems relating to flooding of land adjacent to DNR public water basins numbers 82-333W and 82-334N. The water basins are unnamed water bodies but because the basins are connected to each other at high water, the basins are collectively called Kismet Basin. Some of the affected properties are within a subdivision that was approved by Washington County on September 3, 1974. The plat was approved by Washington County and Grant Township. **One of the homes on the west side of the basin was in what is known as the "Muggs Addition". The Opel property and the Rosebud/Wallace property were both out of the platted area, but satisfied all requirements for building when they were approved.** Most of the homes were built during 1974 and 1975 with at least one of them being built in the early 1980's. Building permits for each of the homes were approved by Grant Township.

2. A hydrographic survey was completed on September 20, 1995 by staff of the DNR. This survey estimated the Ordinary High Water (OHW) elevation of these basins to be elevation 943.5. The highest recorded water surface elevation, recorded during this survey, was 946.02. These basins are considered to be landlocked **by the DNR, because the runout elevation is above the OHW**. The report stated that the runout elevation was at 946.7. The highest known elevation recent elevation was 946.4 based on a stain on a tree. The basin outlets at the northeast corner of the basin. DNR gage records indicate the water level in the basin ranged from 946.23 to 945.95 from Sept. 16 to Nov. 22, 1995. DNR staff feel that the high water levels are due in part to high ground water levels, documented by the groundwater monitoring "Withrow Obwell" nearby, in the area and that, consequently, pumping to achieve relief may not be a good solution.

3. The location of the outlet for Kismet Basin was viewed during a site inspection of the area on March 21, 1996 attended by Barbara Ohman and Bruce Sandstrom of the BWSR, Mark Doneux of the Washington SWCD and Peter Leete of the MDNR, Division of Waters. It was uncertain where the exact location of the natural outlet was of two sites within 100 feet of each other or where the 946.7 elevation was taken from. The southerly of the two possible outlet locations appeared to be the natural outlet location. There was evidence that said channel had been improved slightly by digging with a hand shovel during the fall of 1995 to the point that water had flowed by gravity from the lake at least at the time of the formation of ice late in 1995. It appeared that the outlet may have been lowered by about 6 inches but **this** may be difficult to document by a level survey. **This spring, water is discharging by gravity flow according to local residents. On March 21, the basin was still frozen and no outflow was occurring**.

4. In 1985, the Brown's Creek Watershed Management Organization (BCWMO) was formed through the execution of a Joint Powers Agreement (JPA) between the Townships of Baytown, Grant, May and Stillwater, and the Cities of Hugo, Lake Elmo and Stillwater.

5. In 1986, high water levels in the Kismet basin area prompted landowners to apply for a DNR permit to pump landlocked basin. In January, 1987, Barr Engineering provided technical information on behalf of the landowners to be used with the DNR application. Barr also provided cost estimates for three alternatives for outletting the basin:
   a. Install flexible PVC pipe using a trenching contractor - $17,200
   b. Install rigid PVC storm sewer pipe - $20,900
   c. Install a pump station with 2 300 gpm pumps and a 6-inch discharge line along the same route as the gravity alternative - $24,400. This alternative would also involve annual pumping costs of approximately $750.

   This information did not include the costs for flowage easements over downstream properties to handle the outflow. Additional costs to prepare a preliminary feasibility study and application totaled about $2,160. This involved field surveys of the outlets and

drainage-way and an hydrologic analysis of the watershed tributary to the basin area to determine the discharge capacity needed for the outlet.

6. Beginning in 1987 and continuing through 1988, a severe drought affected much of the Upper Midwest. The high water levels experienced in 1986 in the Kismet Basin then abated naturally.

7. January 24, 1990, the BCWMO Watershed Management Plan (Plan) was approved by the BWSR. The Plan had initially been drafted in 1987. All final plan revisions and additions were submitted to the BWSR office in October, 1990. In the Plan's Management Plan section, the Plan asserts that the "overriding goal of the BCWMO is to maintain as much authority as possible at the local level."

8. The Plan established a Water Management Classification System, which separates waters of the BCWMO into three classifications: waters of regional, district and local importance. According to the Plan, the classifications of waters is to "provide a logical method of assigning planning and management responsibilities and assignment of costs for improvement projects."
   a. Waters of regional importance within the BCWMO are waters considered highly valuable from a recreational standpoint. Funding for certain projects within this classification could be funded from other sources such as federal, state, region or county. The St. Croix River is a water of regional importance.
   b. Waters of district importance are waters which will be regulated by the local community and reviewed by the BCWMO. Funding for project waters within this classification could be considered on a tributary basis. Waters of district importance have been defined as:
      i. Brown's Creek
      ii. All lakes, ponds and wetlands greater then 2.5 acres and which are tributary to Brown's Creek
      iii. All perennial and intermittent streams which are tributary to Brown's Creek
      iv. All waters of local importance that, through water control projects, will be drained or outletted to Brown's Creek
   c. Waters of local importance are waters that are not tributary to waters of regional or district importance and small ponds and wetlands. Funding for projects on these waters should be primarily from local funding sources. Waters of local importance are streams or ditches that are not tributary to waters of regional or district importance and lakes, ponds and wetlands that are not directly tributary to Brown's Creek

In the BCWMO Water Resources Inventory, the basins in the Kismet area were listed as waters of local importance (G11-4, G11-5 and G11-6). (emphasis added)

9. In the Plan, **Section IV GOALS, OBJECTIVES AND POLICIES, A. Water Quantity Management**, Policy 1B states that "For all waters of local importance, each unit of government shall be responsible for the correction of flooding, excessive flows and volumes with its own funds."

10. The existing joint powers agreement for the BCWMO does not define a specific process that would allow the WMO to require a member community to implement its local plan or to execute a needed project. The authority of its members does not automatically default to the BCWMO. When the BWSR determines that a WMO plan is not being implemented, the responsibility for water planning and implementation shifts to the county(ies) the WMO lies within (MS 103B.231, Subd. 3).

11. In Spring of 1995, high water levels returned to the Kismet basin area. **On July 20, 1995, the Kismet area landowners provided the first official written notification to Grant Township regarding the high water situation.**

12. August 13, 1995, flooding of Kismet Lane blocked access to properties of Vander Vegte, Rosebud, Rappa, Fariss, Johnson, Leiser, Opel and Whaley. Driveways also flooded for Vander Vegte, Rosebud, Rappa, Fariss, Johnson, and Leiser properties. On March 4, 1996, the BWSR, through staff of the Attorney General's office, requested specific, quantitative information regarding the existing and potential conditions and alleged monetary costs resulting from the flooding of the area. The March 27, 1996 response, through the attorney for the landowners, was not complete, and did not include details on the physical effects of the flooding. The following lists information gleaned from records, discussions and field reviews of the alleged effects of the flooding:
    i. Water in at least two of the basements of the homes adjacent to the basin,
    ii. Cracking and heaving of cement foundations in basements, on patios and in some garages,
    iii. Certain areas of lots temporarily inundated, and,
    iv. A number of trees lost due to inundation, **(on the order of 1000's of trees, according to one landowner)**.

13. At the end of August, 1995, Grant Township spent about $10,000 on raising Kismet Lane to provide emergency access and school bus access. Landowners also added gravel to driveways (some up to 18"). The amount spent by the landowners **was reported to have been in excess of $20,000**.

14. September, 1995, was a very busy month with on-site visits, meetings, negotiations and extensive correspondence between the Kismet area landowners, Grant Township, BCWMO, Washington SWCD, and DNR. In addition, the Kismet area landowners provided information on the proposal to the McKenzies and their attorney, Richard

Galena. Between September 10-13th, prior to issuance of the DNR permit, Kismet area landowners took action to relieve water problems, by installing a plastic pipe through a low rise in the gravel pit area of the outlet and laying sandbags to direct water, and began to outlet water by gravity flow. This action was halted within 2 days. Downstream landowner, Bill Johnson, gave express written permission to outlet water over his property on September 15, 1995. Downstream landowners, Richard and Sally McKenzie, gave express written denial to outlet water over/onto their property on September 14, 1995.

15. On September 18, 1995, the DNR appropriation permit #96-6047 was issued for two weeks of pumping. Pumping must stop if any downstream impacts are noted. The pumping could be extended if no downstream impacts were determined. No pumping was undertaken upon issuance of the permit.

16. At the regular meeting of the board of the BCWMO on September 20, 1995, the BCWMO board declared an emergency under M.S. 103B.252 and ordered Grant Township to take action within 48 hours. An emergency meeting was held by the BCWMO on September 25. Township agreed to take action, as long as landowners agree to pay for costs. The township developed a proposal which the landowners were not comfortable signing**, based upon a clause which would have required the landowners to take on all liability for any damages which may have arisen**.

17. In early October, 1995, the Washington County Dept. of Health and Environmental Land Management (HELM) staff reported on an inspection of the wells and septic systems for nine properties adjacent to the Kismet basin. According to the report, all the septic systems, with the exception of the Johnson residence, "were located and judged not to be seriously affected by elevated groundwater conditions." Four of the wells tested positive for total coliform bacteria, but were negative for E. coli, which indicates that there has been no sewage contamination. Only one well was actually in standing water at the Vander Vegte property. The drainfield at the Johnson residence is non-conforming as it does not meet the horizontal and vertical setback and elevation from water**, however, the drainfield did conform at the time of building**.

18. In late October, 1995, the Kismet area residents petitioned Grant Township to undertake the project to relieve the flood levels in the basin. The landowners **initially** agreed to the responsibility to pay 100% of the associated costs for the project, distributed equally among the landowners. This petition also included a waiver of the right to object to the costs and the right to appeal.

19. On October 20, 1995 Grant Township requested the BCWMO to look into a permanent solution to the matter.

20. On January 4, 1996 the BCWMO requested the BWSR for assistance in dispute resolution. BWSR staff began investigation for preparation of a report.

21. On January 8, 1996 nine property owners (Johnson, Gruber, Whaley, Fariss, Leiser, VanderVegte, Jones, Rappa and Rosebud and Wallace), filed a Notice of Claim through attorney Joshua J. Kanassatega, of Leonard, Street and Deinard. The claim was made against the Town of Grant, the Brown's Creek WMO, Washington County and the Board of Water and Soil Resources. All of the foregoing governmental agencies deny any monetary liability to the landowners.

22. During March, 1996, **BWSR staff made** requests for information from the landowners adjacent to the Kismet Basin and from the downstream landowners. Some general information was received from the Kismet landowners. No information from the downstream landowners (McKenzies) was received by the writing of this report.

23. A field site review was conducted on March 21, 1996, by Barbara Ohman and Bruce Sandstrom, BWSR, Mark Doneux, Washington SWCD and Peter Leete, DNR. Photographs were taken of water levels, outlets (frozen solid on Kismet basin), downstream outflow areas and damage to some of the properties. A short piece of video was also shot of an apparent blow-out of the outlet of a pond on William Johnson's property. This pond was outletting directly onto the McKenzie property.

24. On Monday, April 15, Gary Erichson, Grant Town Board Chair, met with Bruce Sandstrom and Barbara Ohman to provide input from the Township's perspective. Mr. Erichson stated that the township lacks **the staff and ability** to remedy the Kismet Basin problem. Grant Township says that if appropriate legal means can be arranged, the Township would be willing to transfer its taxing and project authorities to the BCWMO to enable the BCWMO to affect a solution. **Grant Township wishes to and will cooperate in efforts to enhance the current Joint Powers Agreement (JPA) to affect a solution.** Grant Township also advocates the creation of a watershed district if BCWMO fails to resolve the problem.

25. Kismet Basin is a landlocked area that has experienced high water levels in 1986 and again in 1995. The landowners adjacent to this basin want to protect their properties and relieve the flood situation to return the basin back to the OHW elevation of 943.5. In order to get the project moving, they agreed with their October petition to Grant Township to take on all financial responsibilities with this project and to waive their right to object to project costs or to appeal. **However, the landowners do not want to take on the liability for such a project.**

26. Action was not taken to pump the excess flood waters following the issuance of the DNR appropriations permit on September 18, 1995. Based upon discussions and information in the file, the main problem appears to be with concerns about liability for potential damages to downstream properties. Grant Township does not want to take on what it views as a risk of liability by taking on a project to relieve the flood waters in the Kismet Basin. Grant Township is willing to and prefers to convey its authority to the BCWMO so that the WMO can sponsor a project to lower the water level of Kismet Basin

Conclusions

1. Kismet Basin has experienced high water levels in 1986 and 1995. In addition, Kismet basin is at or near its natural outlet level.

2. The high water has already impacted and has the potential to impact private property in the area and downstream, as well as the natural resources of the area.

3. The emergency declared on September 20, 1995 by the BCWMO in accordance with 103B.252 was valid based upon loss of basic and emergency access endangering health and safety. There are also potential health problems with the Johnson septic system and at least two of the wells. However, the BWSR staff are not certain that the BCWMO had the authority to order Grant Township to take action under this declaration.

4. According to the BCWMO Watershed Management Plan, Kismet Basin is a "water of local importance", and Grant Township is the responsible governmental unit. *This is responsive to Question #1 from the January 4, 1996 BCWMO request for assistance.*

5. There are many options for funding a project to relieve water level problems such as posed by the Kismet Basin. It appears that the use of special assessments to the benefited property owners is the most appropriate, since the landowners have stated a willingness to pay the costs and since other means such as using a township wide tax would lead to further delays in getting anything accomplished. *This is in response to Question #2 from the January 4, 1996 BCWMO request for assistance.*

6. To date, there has been no determination that the BCWMO has failed to implement its plan. Grant Township, has however, not implemented its local plan for various reasons. The BWSR would consider the failure of the BCWMO to implement its plan when it concludes that the BCWMO has been unsuccessful in obtaining implementation by Grant Township. If no resolution of the Kismet Basin problem proceeds within 45 days after a meeting of the affected parties to review this report, the staff of the BWSR would recommend that the BWSR Board make a determination that the BCWMO plan is not being implemented, in accordance with MN Rules Chapter 8410.**0180**.

7. The matter of potential liability for damages to downstream properties could be mitigated through establishment of flowage easements necessary to allow the passage of the overflow from the Kismet Basin. Adequate compensation for these easements must be determined and provided as part of the cost of the project. *This is in response to Question #3 from the January 4, 1996 BCWMO request for assistance.*

8. Grant Township could use a MS 429 proceeding to construct a project thereby assigning benefits and damages to the Kismet Basin landowners. Grant Township could alternatively set up a subwatershed taxing district under 103B.245 and levy a tax across the subwatershed and/or specially assess the benefitted landowners.

9. The BCWMO could only effect a solution to the problem if the WMO is vested with the authority to do such a project either by amending its' current joint powers agreement or possibly a joint powers agreement between Grant Township and the BCWMO to utilize Grant township's authorities to execute a project.

10. If the BWSR determines that the BCWMO is failing to implement its plan (ie. fails to obtain action by Grant Township or takes no action on its own), Washington County becomes the responsible unit for water planning and implementation under 103B.231, Subd. 3(b). The County could take action to implement a project and would likely assess the costs back to the benefitted landowners.

11. If nothing is done, more flooding is likely since it is conceivable that water levels could reach a foot or so higher than the highest recorded. This would cause a natural outflow that could damage downstream properties. To do nothing is an alternative but could result in increased loss in tax base, increased cost of road maintenance, and damages to downstream landowners by erosion and minor flooding of field and pasture.

Recommendations

1. Grant Township should act, **through its own authorities,** to resolve the flooding conditions in Kismet Basin. Before deciding on a course of action, the Township should review the possible alternatives. The alternatives should include a gravity outlet, a pumped outlet, the raising of roads and driveways, the raising of homes, or to do nothing. Grant Township may apportion the costs of the project to the directly benefitted properties through appropriate authorities provided in statute MS 429 or 103B.

2. The best solution and most cost effective option appears to be the construction of a permanent, gravity flow system. A project to solve the problem by pumping should not be considered unless there is an emergency.

3. If Grant Township is unwilling to pursue the project **on its own**, one possibility would be for Grant to seek a short-term joint powers or other appropriate legal agreement with BCWMO to do a project by transfer of existing authorities to the BCWMO. Another option would be to permanently amend the current JPA to give the BCWMO the authorities needed to address future similar situations. Both parties should consult with their legal counsel for implementation of such options.

4. The BWSR will hold a meeting to discuss the recommendations of this report at 7:00 p.m., Monday, May 6, at the Washington County Board Room in the Washington County Government Center in Stillwater. In accordance with MN Rules Chapter 8410.**0180**, Subp. 3(C), the BCWMO shall hold a public hearing to discuss this report within 30 days of the May 6, 1996 meeting sponsored by the BWSR. If the BCWMO does not come up with a means to implement a project under its plan and provide movement toward a resolution within 45 days (by June 21, 1996), BWSR staff will recommend to the BWSR Board to declare that the BCWMO is not implementing its plan. Upon such declaration, the BWSR would request that Washington County a) take appropriate action to implement the plan to remedy the problems on Kismet Basin and b) to take other appropriate action to effect a long term solution to the governance of water management issues of the Browns Creek watershed.

5. If Washington County petitions for the creation of a watershed district as part of the long term solution to the governance issue, such petition should include the consolidation of two or more existing Water Management Organizations and or Watershed Districts. The district petitioned for should include enough tax base to generate the revenue needed to support at least one full time administrator at a low cost to the average homeowner.

Draft report dated April 30, 1996. Minor revisions made based on input received at May 6, 1996 meeting on this matter.
Final report dated this 10th day of May, 1996

Report Prepared by Barbara Ohman and Bruce Sandstrom, BWSR Staff

Board of Water and Soil Resources

Metro Region

Date: August 16, 1996

To: Ron Harnack, Executive Director

From: Barbara W. Ohman, Board Conservationist

RE: Agenda Item for August 28 BWSR Meeting/Complaint of Failure to Implement by Sunrise River WMO

Action Sought: Resolution to establish just cause for Determination of Failure to Implement, with authorization for staff to undertake investigation, under MN Rules 8420.0180

On July 11, 1996, Bruce Sandstrom received a written complaint from Ms. Rita Harrington, resident of Stacy, MN, as an aggrieved party regarding the failure to implement by the Sunrise River WMO (SRWMO). In her letter, Ms. Harrington summarized the issues at dispute and the efforts that have been made to resolve the problem, in accordance with 8410.0180, Subp. 2. Ms. Harrington requests review by the BWSR on this matter.

At issue is the high water level on Fawn Lake, which is threatening private property of the lakeshore residents. Ms. Harrington has made a number of attempts to urge the SRWMO to take up its role in this matter. Representatives of the SRWMO state that this is not a role for the SRWMO, that they only become involved with issues which cross community boundaries. Ms. Harrington provides a number of citations from the SRWMO Plan which indicate very clearly that the SRWMO could provide assistance in resolving the high water problem on Fawn Lake.

Metro staff requested from the SRWMO Chair and the Linwood Township Chair a determination of their roles and responses to this situation. It appears that neither party is taking any responsibility. Direction from the Plan appears to indicate that the WMO is obligated to do a feasibility study and if it only impacts the Township, then the Township has the responsibility to do a project. If it is feasibile, benefitted parties will have to pay. It is unrealistic to expect property owners to do any kind of a ditching/water conveyance project on their own.

Related Facts:

- Tom Hovey, DNR Hydrologist, reviewed the lake situation, and presented a report to the Lynwood Township Board on Feb. 13th, 1996. Mr. Hovey indicated that the highest level of water on Fawn Lake was recorded and that the lake was in flood stage.
- Under the Objectives and Policies section of the current Plan for the SRWMO:

-"to maintain and improve lake level control projects that will solve high and low water problems on the various lakes within the WMO"
-"to minimize loss of public and private property due to high water conditions throughout the WMO".
-"to resolve the current conflict between high water levels and some of the previously established residential developments around the lakes."

With the experience which we hold with similar matters in Washington County, we are prepared to take on the investigation of this matter immediately. The lessons from other similar matters should provide incentive for a quick and timely resolve to this matter. We feel that there is just cause for the determination of failure to implement the Plan, and that an investigation under 8410.0180, Subp. 3 is appropriate. In order to move quickly on this matter, the BWSR must establish just cause and authorize the staff to begin the investigation. According to this part of the Rules, the BWSR staff are required to begin the investigation within 30 days of receiving the written complaint.

Action Sought: A resolution by the BWSR to establish just cause for the determination of failure to implement by the Sunrise River WMO, and authorization for staff to undertake the investigation of the issues relating to the alleged failure to implement, in accordance with Minnesota Rules Chapter 8410.0180.

Attachments: -Copy of the written complaint from Ms. Harrington, which includes the additional information which she provided
-Copy of letters from Bruce Sandstrom to SRWMO Chair and Linwood Twp Chair, requesting their response to the situation
-WMO and Twp responses to the situation

cc: Metro Staff
Doug Thomas
Jim Birkholz

h:sunfail.imp

RECEIVED
JUL 1 1 1996

June 21, 1996

Rita Harrington
24126 Fawn Ct
Stacy, MN 55079
(612)462-4275

MN Board of Water & Soil Resources
Attn:Bruce Sandstrom
One W Water St Ste 2
St Paul, MN 55107

I am making a complaint as an aggrieved party regarding the failure to implement on the part of the Sunrise River Watershed Management organization. In this letter I will summarize the issues at dispute & the efforts that have been made to resolve the problem.

According to my understanding, in November of 1995 Frank Kvidera, a representative of the Sunrise River Watershed Management Organization (hereafter referred to as the WMO), met with Tom Hovey, a DNR hydrologist, at Fawn Lake to discuss the high water situation. Tom had been contacted by a number of residents on the Lake concerned about the situation. I believe Tom contacted Mr Kvidera.

On Feb. 13th, 1996, at the DNR's request, the subject of the high water on Fawn Lake was put on the town board agenda. Many lakeshore residents attended. There was concern that homes on not only Fawn Lake, but Pet Lake as well, were in danger of flooding this summer. Tom Hovey from the DNR presented a report to the town board, indicating the highest level of water on Fawn Lake ever recorded and stating that he felt the lake was in flood stage. I do not recall if a representative of the WMO attended that meeting.

On Feb. 16th I called Vernon Boettcher, President of the WMO. I suggested the WMO should certainly be involved in this matter & that their help was needed to keep our homes from flooding & our property from being lost. I stated that the WMO could present plans to the township which could be implemented.

Mr Boettcher told me that the WMO is involved only in disputes that cross municipal boundaries. He said the WMO has no money. He said the town board was aware of the problem in Dec. '95 & no one contacted him. Mr Boettcher also asked who was going to implement the WMO plan.

I contacted Mr Boettcher again May 15, '96. I urged him strongly to reread the plan & evaluate his interpretation of the role of the WMO. I referred him specifically to page 48, that deals with coordination of efforts & the understanding that water problems are not individual

problems. I also referred him to page 52, where lake level control objectives & policies are made clear. I also referred him to page 9 of the joint powers agreement, where works of improvement are discussed. Points A & B discuss recommendations & petitions. I asked Mr Boettcher to at least come to the town board meetings & speak on behalf of the WMO.

Mr Boettcher's response was again to assert that there was no role for the WMO in this matter since it did not cross local government boundaries. He also asked why we should spend money on a private problem.

On May 16th, '96 I contacted Frank Kvidera regarding this matter. His response echoed that of Mr Boettcher, that it was not a WMO problem.

I feel Mr Boettcher has failed to carry out the WMO plan. As just one of a number of residents whose home is endangered by encroaching waters. I am extremely disappointed in the attitude of Mr Boettcher.

I have attached a copy of the June 11th town board agenda. You will note there was an opportunity for the WMO to present a report to the board. No one from the WMO was present.

I am including copies of pages 48 & 52 from the WMO plan & page 9 from the joint powers agreement.

I hope that the board will give this matter prompt & serious consideration.

Sincerely.

Rita Harrington

AGENDA
LINWOOD TOWNSHIP
REGULAR BOARD MEETING
June 11, 1996

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

MINUTES: May 14, 1996, Regular Board Meeting
May 28, 1996, Public Hearing for Waddle
May 28, 1996, Public Hearing for Paggen
May 28, 1996, Public Hearing for Rohde
May 28, 1996, Public Hearing for Cardarelli
May 28, 1996, Public Hearing for Gerdin
May 28, 1996, 4th Tuesday Board Meeting
June 4, 1996, Joing Meeting with Planning

TREASURER'S REPORT:

REPORTS:
Fire Department:
Building Inspector:
Planning and Zoning Commission:
Park and Recreation Commission:
Senior Center:
Senior Transportation Program:
Road and Bridge:
Clerk:
Attorney:
Engineer:
Recycling Program:
Citizens Advisory Board:
Metropolitan Council:
Minnesota Association of Townships:
Anoka County Association of Townships:
Geographic Information Systems:
Sunrise River Water Management Organization:
Linwood Day Committee:
Insurance:

PAYMENT OF THE BILLS:

OLD BUSINESS:
Waddle property split - creates a landlocked parcel
Ordinance #87 - revised wording requires the impossible
Contract for solid waste hauler on an annual basis?
Other -

WATER RESOURCE MANAGEMENT PLAN

SUNRISE RIVER WATERSHED MANAGEMENT ORGANIZATION

1 block culvert on N

DECEMBER 1987

each governmental unit adopted the plan.
It is their place to administer it.

KDA

NEERS ARCHITECTS PLANNERS

TOLTZ, KING, DUVALL, ANDERSON
AND ASSOCIATES, INCORPORATED

2500 AMERICAN NATIONAL BANK BUILDING
SAINT PAUL, MINNESOTA 55101
612/292-4400

IV. PHILOSOPHY, OBJECTIVES AND POLICIES

A. Philosophy of the Managers

1. General

The philosophy of the Managers is based foremost on their acknowledgement of the responsibilities imposed by the Minnesota Watershed Act, Chapter 112. The Managers intend to seek the cooperation and assistance of governmental agencies, municipalities, and citizens within the WMO in order to conserve the WMO's natural resources. It is a primary goal of the Managers to develop the active and affirmative support of these groups. The Managers intend to maintain an advisory committee to advise them on all matters affecting the interests of the WMO.

It is anticipated that by gathering expertise and providing the necessary leadership, the Managers can:

a. Coordinate among the governmental agencies, municipalities, and residents, water management activities within the WMO.

b. Create the overall understanding that water management is a vital matter that cannot be left solely to individual municipalities, and that water-related problems are community problems and not individual problems.

c. Promote the understanding and acceptance of the Water Resource Management Plan.

d. Maintain a general awareness of existing water problems, and the WMO's responsibilities for water management.

e. Solve inter-community water problems.

f. Conserve water and water-related resources throughout the WMO.

g. Become the focal point for the collection of all water-related data within the WMO.

2. Relationship with Other Governmental Agencies

The Managers will make every effort to coordinate their activities with other governmental agencies.

8. Objectives and Policies

The primary objective of the Managers is / out the purposes for which the WMO was formed in cc. a with this Overall Plan.

1. Lake Level Control

a. Objectives

(1) To maintain and improve lake level control projects that will solve high and low water problems on the various lakes within the WMO.

(2) To minimize loss of public and private property due to high water conditions throughout the WMO.

(3) To resolve the current conflict between high water levels and some of the previously established residential developments around the lakes.

b. Policies

(1) If needed, the WMO will acquire water flowage easements, access easements, and/or fee title to land adjacent to these bodies of water to resolve current and future problems of the WMO.

(2) It will be the policy of the Managers to carefully ascertain the costs, benefits, and advisability of any project.

(3) The WMO will take steps to institute lake level control programs for all lakes without an established Normal Ordinary High Water (NOHW) elevation.

2. Water Quality

a. Objectives

(1) To maintain and improve the quality of the WMO's water resources.

(2) To stop the continued degradation of water quality.

Part of Joint Powers Agreement

enter into any such agreements as it deems necessary to make effective any power granted to it by this Agreement. Every contract for the purchase or sale of merchandise, materials or equipment by the Organization shall be let in accordance with the Uniform Municipal Contracting Law, Minnesota Statutes, Section 471.345 and the Joint Exercise of Powers Statute, Minnesota Statutes, Section 471.59. No member or employee of the Organization or officer or employee of any of the parties shall be directly or indirectly interested in any contract made by the Organization.

3.12 **Works of Improvement:** Works of improvement for protection and management of the natural resources of the Area, including, but not limited to, improvements to property, land acquisition, easements or rights-of-way, may be initiated by:

A. Recommendation of the Organization to a party or parties; or

B. Petition to the Organization by the governing body of a party or parties.

Where works of improvement are recommended by the Organization, the Organization shall first determine whether such improvement will result in a local or regional benefit to the Area. Where the organization determines that the benefits from the improvement will be local or not realized beyond the boundaries of the party in which the improvement is to be established, the Organization shall recommend such improvement to the governing body of the unit of government which the Organization determines will be benefited thereby, with the total estimated cost of the improvement and a description of the benefits to be realized by said unit of government. When the Organization determines that benefits from the improvement will be regional or realized beyond the boundaries of the party in which the improvement is to be established, the Organization shall recommend such improvement to each governing body of the units of

Minnesota Board of Water & Soil Resources

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

Field Offices

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

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

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

Southern Region:
Highway 15 S.
Box 756
New Ulm, MN 56073
(507) 359-6074
Fax (507) 359-6018

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

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

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

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Printed on recycled paper

July 23, 1996

Mr. Vernon Boettcher, Chair
Sunrise River WMO
6222 Fawn Lake Dr.
Stacy, MN 55079

RE: Complaint of Alleged Failure to Implement, Sunrise River WMO

Dear Mr. Boettcher:

Attached you will find a copy of a complaint frrom Rita Harrington alleging that the Sunrise River WMO has failed to implement its plan in addressing high water levels on the lake. I am writing to determine what the WMO's response will be to this complaint.

This complaint has been filed in accordance with MN Rules Chapter 8410.0180, Metropolitan Area Local Water Management. This specific section relates to determinations of failure to implement by WMOs. The Rules provide that before the Board of Water and Soil Resources (BWSR) investigates such a complaint the BWSR shall first establish just cause. The written complaint which has been filed (copy enclosed) summarizes the issues at dispute and the efforts the party made to resolve the problem.

It is the BWSR staffs' first impression that there is just cause for the determination of failure to implement. Prior to presenting the information to the BWSR Board at their August board meeting, we would like to provide the Sunrise River WMO with an opportunity to furnish its response to this situation. Please rely in writing by **Friday, August 9.**

Thank you for your attention to this matter. If the BWSR may be of any assistance, please do not hesitate to contact me at 297-4958, or Barbara Ohman, Board Conservationist, at 297-1894.

Sincerely,

Bruce Sandstrom
Metro Region Supervisor

encl.

cc: WMO Board Members
Linwood Township Chair
State Plan Review Agencies
Rita Harrington

s:sunrise.non

Minnesota Board of Water & Soil Resources

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

Field Offices

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

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

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

Southern Region:
Highway 15 S.
Box 756
New Ulm, MN 56073
(507) 359-6074
Fax (507) 359-6018

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

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

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

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Printed on recycled paper

July 23, 1996

Joe Dolphy, Linwood Twp. Chair
7100 Fawn Lake Drive
Stacy, MN 55079

RE: Complaint of Alleged Failure to Implement, Sunrise River WMO

Dear Mr. Dolphy:

Attached you will find a copy of a complaint from Rita Harrington alleging that the Sunrise River WMO has failed to implement its plan in addressing high water levels on the lake. I am writing to determine what, if any, the Township's role and response are to this situation.

This complaint has been filed in accordance with MN Rules Chapter 8410.0180, Metropolitan Area Local Water Management. This specific section relates to determinations of failure to implement by WMOs. As spelled out in the Rules, before the Board of Water and Soil Resources (BWSR) becomes involved in a determination of whether the plan is being properly implemented, the BWSR shall first establish just cause by review of a written complaint from an aggrieved party. The written complaint which has been filed, duly summarizes the issues at dispute and the efforts the party made to resolve the problem.

It is the BWSR staffs' first impression that there is just cause for the determination of failure to implement. Prior to presenting the information to the BWSR Board at the August board meeting, we would like to provide Linwood Township with an opportunity to furnish its response to this situation. Please reply by August 9, 1996.

Thank you for your attention to this matter. If the BWSR may be of any assistance, please do not hesitate to contact me at 297-4958, or Barbara Ohman, Board Conservationist, at 297-1894.

Sincerely,

Bruce Sandstrom
Metro Region Supervisor

encl.

cc: V. Boettcher, Chair, Sunrise River WMO
State Plan Review Agencies
Rita Harrington

s:linwood.non

RECEIVED
AUG 07 1996
Bruce

SRWMO

c/o Vernon Boettcher, Chairperson
East Bethel City Hall
2241 221st. Avenue
East Bethel, Minn. 55011

SUNRISE RIVER WATERSHED MANAGEMENT ORGANIZATION

August 5, 1996

Bruce Sandstrom
Metro Region Supervisor
One West Water Street
Suite 200
St. Paul, Mn. 55107

In regards to the letter you sent us concerning Rita Harrington's complaint against the Sunrise River WMO, on July 11, 1996, the Sunrise River WMO had a meeting to discuss this very matter. In fact if it had not been for an article that was in the June 21, 1996 Anoka County Union, the majority of this board would not have known that the problem of high water in Fawn Lake even existed, as we on the WMO had not received a formal complaint from Rita Harrington nor from Linwood Township.

On July 11, 1996 Rita Harrington was present at our meeting to discuss the problem of high water in Fawn Lake. Ms Harrington stated that a high water ditch could be developed in two possible directions, she had no idea of the cost of this project, but was hoping that Sunrise River WMO would provide some assistance. At the present time the WMO has never taxed residents for projects of this nature, thus we do not have the funds.

It's noted that the WMO objectives include: maintenance andimproving lake level control projects that will solve high and low water problems on various lakes within the WMO. additionally,the WMO is directed by policy to take steps to initiate lake level control programs for all lakes without an established normal ordinary high water elevation. Following an extensive discussion, the Sunrise River WMO recommended to Linwood Township that they advertise, possibly through the Department of Natural Resources, for an environmental engineer to do a feasibility study of cost and recommendations to solution to this high water problem on Fawn Lake, the cost of this study and the solution to be paid for by the residents of Fawn Lake as this is a private lake with no public access and it lies totally within Linwood Township boundaries, and therefore, the responsibility of the Township. If the Township should require the WMO's assistance to determine the possible effect on down stream properties of lowering Fawn Lake, we would be willing to address this problem, but this should all be determined by a feasibility study.

On one last note, Ms Harrington provided the Linwood Township agenda for the June 11, 1996, which indicated that the Sunrise River WMO was to have made a presentation. It is Linwood Township's standard practice to list all possible organizations that could make a presentation and in what order. The Sunrise River WMO was not expected to make presentation that evening.

In conclusion, thank you for contacting us so that we could clarify this issue. We did take what we thought was appropriate action when we were finally made aware of the problem. Please don't hesitate to contact the Sunrise River WMO if you should have any further questions.

Cordially,

Diane Jacobson
Sunrise River WMO
Secretary

SUNRISE RIVER W.M.O.
JULY 11, 1996

The regular meeting of the Sunrise River W.M.O. was called to order by Chairperson Boettcher, at 7:00 p.m. July 11, 1996.
Members present were:

Vernon Boettcher-----Linwood Township
Frank Kvidera--------Linwood Township
Michael Hill---------Columbus Township
John Serpico---------Columbus Township
Diane Jacobson-------City of East Bethel

Members absent:

Verna Findorff-------City of East Bethel (excused)
Bill Larson----------City of Ham Lake

Motion by Kvidera, seconded by Hill, to approve minutes from the November 16, 1995 meeting as written, motion carried

James Gerber, from the engineering firm of Rieke, Carroll, and Muller Associates, Inc. was present, representing Anoka County Highway Department, with sketches of the proposed salt/sand storage building, that will be built at the present county garage in Columbus Township on County Road 17. Gerber described the building and the drainage collection site. Motion made by Jacobson, seconded by Hill to except the concept of the building proposal as explained by Gerber, motion carried.

Fawn Lake has been experiencing a high water table. The DNR has been informed of this as has made some recommendations, but they could prove to be very costly to the residents who live on Fawn Lake. One measure would be to dig a ditch from the lake to the Sunrise River, another would be to dig ditch to an existing county ditch, once again, very costly, or they could just do nothing and hope that the water in the lake goes down. Rita Herrington, a resident of Fawn Lake was present to present her views of the situation and to ask for our help. Jacobson expressed her views as that the residents of the City of East Bethel are not willing to pay for a solution to a problem in Linwood Township. Boettcher and Kvidera told a little of the history of how some of the development took place around the lake and they felt that at one time along the southeast side of Fawn Lake there might have been a drainage area, but due to development of the property around the lake to area may have been covered up. Motion by Jacobson, seconded by Kvidera, was to have Linwood Township hire an environmental engineer, one that is recommended by the Department Of Natural Resource, to do a feasibility study of cost and recommendations to a solution to this high water problem on Fawn Lake with the cost of this study to be paid for by the residents of Fawn Lake, motion carried.

Boettcher received from BWSR and DNR comments to our second generation writing of the 509 PLAN. These comments have been passed on to Brian Miller, of MSA, and we are requesting his

presents at our next meeting. Motion by Kvidera, seconded by Hill, next meeting will be held August 1, 1996 at 7:00 P.M. motion carried.

Jacobson opened nominations for Sunrise River W.M.O. annual election of officers. Motion by Serpico, seconded by Kvidera, was to return all officers to their elected positions with the exception of treasurer, nomination of Hill to this position, motion carried with one objection, Jacobson. Officers are as follows:

Vernon Boettcher----Chairperson
Frank Kvidera-------Vice-chairperson
Diane Jacobson------Secretary
Michael Hill--------Treasurer

Serpico questioned the good of the joint powers agreement. It was explained to him that it gave all communities in the Sunrise River W.M.O. equal power and the right of this board to settle disputes of water of our communities, also we have a say in the writing of the 509 plan and not a higher authority of government.

NEXT MEETING AUGUST 1, 1996 7:00 P.M. at EAST BETHEL CITY HALL.

Respectfully submitted by,

Diane Jacobson

Diane Jacobson
Recording secretary

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MINUTES
LINWOOD TOWNSHIP
4TH TUESDAY BOARD MEETING
July 23, 1996

The meeting was called to order at 7:10 p.m. by Chairman Joe Dolphy. Present were Supervisors Brent Lee, Dave Tryon, Gary Wettschreck, Mike Budde, and Joe Dolphy; and Clerk Marcia Fabricius.

OLD BUSINESS:

Don Waddle, 9170 245th Avenue, was present to request permission to be issued a building permit before the road to the property is completed. Waddle explained that the engineer had approved the off-set cul-de-sac, but he discovered the north of it would be in the swamp. The engineer had viewed it now, and he wants the standard cul-de-sac with the "bubble" in the center and the south part dipping into the new parcel. He also wants cross-sections and elevations. Hult will have everything in Koshak's hands by Friday for his approval. Planning had recommended Waddle post a bond to guarantee completion of the road. Dolphy said the Township will own the road, so the acreage on the parcel will be reduced. Waddle said it would be about 3000 square feet less than 5 acres. Carroll Broadbent thought metes and bounds parcels were measured to the center of the road; Fabricius agreed. Tryon moved to allow Waddle a building permit before the road is completed provided he post a bond for 150% of the cost of the road. Lee seconded. Waddle said Ron Bowman had estimated the cost at $3,000 to $5,000. Wettschreck cautioned that this should not be a precedent-setting action. All ayes. Carried. Wettschreck said Waddle should bring in a written contract from Bowman so the amount of the bond can be calculated.

Building Official Dave Thompson was present for further discussion and clarification of building site requirements for proposed ordinance #86. He explained that the minimum separation required by the uniform building code is 3' between mottled soil and the bottom of the lowest floor. Footings must go down 42" and even with a split level the lowest floor has to be in the ground; that would put it right in the water if the water table came back up to its highest known level. Septic regulations require a 3' separation between mottled soil and the bottom of the drainfield; that would put the drainfield on top of the ground if the building site only had 3' above mottled soil, so every system would have to be a mound system with a mechanical pump. Every house would have to have fill brought in and footings would have to go down to virgin soil. Septic systems cannot be installed on fill at all. Dolphy said Planning recommended requiring 36" between mottled soil and final grade. Thompson said that would not allow for a septic system, and more fill would have to be brought in for the house. Every house would be on a little hill. There can be more problems if the building is on non-compacted fill. The soil has to be compacted in lifts and tested. The restriction placed on the

Olympic Oaks development was that each building site must have an 11,000 square foot area with a 5' vertical separation from mottled soil, and it must be delineated on the plan. Even that won't allow for a full basement unless fill is brought in. Columbus and Oak Grove both require 5' above mottled soil now. Wettschreck said Planning was concerned that mottled soil does not run on a level plain, so they changed the term to "wetlands." Thompson said "wetlands" is only used in the wetlands act. Mottled soil is consistent as an indication of the highest known water table, and all the regulating agencies use that term. Tryon didn't think 20,000 square feet was necessary for a house, garage, and septic system. Thompson said ideally there would be one acre with 3' above mottled soil, and within that one acre there would be 11,000 square feet 5' above mottled soil. Tryon was concerned that the 11,000 square feet would not be placed on the lot such that setbacks could be met. Thompson felt that with the one acre requirement that would not be a problem, but he felt requiring only the bare minimum for a building site was just creating problems for everyone; he couldn't even issue a building permit on such a site. He said people assume that, if the Board allows a property division, the lots that are created are buildable. So these site requirements should be looked at before any division is allowed. Pat Collova felt that some fill could be allowed; Thompson said a lot of things would have to be done to it, and you'd end up with mediocre land with little hills with houses on them. He explained that mound systems used to be an alternative that did not have to be accepted; now they are a standard system because of the shortage of high ground. Broadbent said some of the most expensive houses on Martin Lake wouldn't qualify to be built with the restrictions Thompson described; they don't even have a full acre in the whole lot. Thompson said these restrictions would only apply to newly created lots, not to existing lots. Collova said he and some other builders felt mound systems were actually better. Thompson said they can be but they can also develop problems that are harder to correct. Dolphy didn't like the term "finished grade," and preferred the term "natural grade." He suggested incorporating some of Thompson's suggestions into the proposed ordinance and then referring it to Planning again. Wettschreck said the way the ordinance is worded now paragraph 3 contradicts paragraph 1. Thompson said eventually the lots on Martin Lake will be found to have non-compliant septics, and the only alternative will be city sewer. This ordinance would prevent that from happening all over the Township. A mound system requires a 1' separation from mottled soil, and that would be the only alternative if only a 3' separation is required for a building site. Wettschreck moved to refer the proposed ordinance to the Planning and Zoning Commission again with the new information from the Building Official. Tryon seconded. Thompson said the current code does not have a clear definition of a buildable lot, so people assume every lot is buildable. Tryon felt that most people know that a majority of Anoka County is swamp and they can't put everything they want on any lot they see. He said you don't need 20,000 square feet to

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have a house, a well, and a septic system if the lot is 2.5 acres. Thompson said lots in Paradise Point are about 10,000 square feet, and FHA won't allow loans on them because there isn't room for a house, garage, well, and septic system. Ed Kramer said the size of the house depends on the size of the lot. Fabricius said Planning already had the Building Official's recommendation in June and rejected it. Wettschreck said they didn't have the new information from the Building Official. Lee agreed with Thompson and thanked him for coming. All ayes. Carried.

Pat Collova was present regarding his proposed development of Maureen's Linwood Estates. The attorney had advised the Board to consider Section 806.05 of the Town Code regarding premature subdivisions. Collova said he's always known 217th had to be improved; three issues were tied up waiting for a decision on the road - the rezoning, the variance for the long cul-de-sac, and the preliminary plat. Koshak had provided updated figures for the cost of upgrading the road; he now estimates $157,000. Dolphy said if the Township participates in the upgrade of 217th, Miller could later develop his property without building any road at all. Collova said upgrading 217th would benefit the other property owners. Lee said other roads have a higher priority need for upgrade, such as Hornsby and Jodrell. Collova said he has always indicated his willingness to share the cost of the upgrade. He added that no one knows whether the area that abuts his property is public road or not. He's done all this preparation for the plat with the assumption that 217th would be upgraded. The Board granted another property split on 217th a short time ago. Dolphy said that one additional lot was created with a variance; this plat would add 18 new lots. Dolphy said it is not the Township's obligation to improve the road to provide the developer access to his plat. The current road supports the current minimal traffic. Wettschreck maintained that one way or another this would end up in court. Alice Pickering asked if Collova had indicated to what extent he would share in the cost of upgrading the road. Collova said he had not. Lee said the price of land is increasing faster than the cost of building roads. Dolphy said the Board has two choices, to deny the plat as premature or to look into sharing the cost of the road improvement. Lee felt purchasing the Miller property even at more than Collova wanted to pay would be cheaper than building the road. Collova said Miller wants $217,000 for 34 acres, and then there would still be costs to build the roads. Dolphy moved to deny the preliminary plat due to inadequate road access. Lee seconded. Four ayes; Wettschreck voted no. Carried.

Wettschreck said he was still waiting for information he requested from other operators of handicap accessible areas. Fabricius said she and Vicki Miller had the necessary information. Dolphy said Libby and Marlys also had the information from the County. This will be tabled until the end of August.

Budde explained the Township has insurance to protect the Township when employees use personal vehicles on Township business, but not to protect the employees personally if they are sued. Fabricius understood the Township has coverage for damage to personal vehicles but not excess liability. Tryon moved to add coverage for Township officers and for Hanna, Doberstein, Budde, and Thompson as employees. Lee seconded. All ayes. Carried.

Dolphy said SRWMO addressed the Fawn Lake water level issue and recommended the Township do a feasibility study and assess the cost to the Fawn Lake property owners. Lee had heard from Joe Gibson of the DNR regarding the flood hazard mitigation grant program. In order to apply for a grant they need a great deal of information, including a damage assessment and mitigation measures. The list of applicants is already long, so any help would be slow in coming if at all. Wettschreck still had nothing in writing from the Corps of Engineers. He was told that chances were slim, as other areas have greater flooding problems. Rita Harrington said she talked with Tim Fell with the Corps of Engineers, who told her they would not get involved with a project of this type; they should just be kept informed. Wettschreck said water is high all over. Dolphy said assessed projects must follow lengthy and expensive legal procedures; he suggested the property owners could more easily do this through their lake association. Harrington feared the problem would return next year or in ten years. She said it is too big a problem for individuals to deal with; they don't have the means or the authority to put in culverts or take the measures indicated by the study. She said the Township would have to take the lead. She said the hydrologist Blain Shroyer said the whole area would benefit from any measures that are taken. She suggested some pumping might be a short-term solution. Lee said that could be addressed if the situation requires it. Harrington said the groundwork should be laid before it is required. Lee said the ditch from Mud Lake is flowing now at 25% capacity. Dolphy asked where the water could be pumped. Lee said it would go to the Sunrise River but he didn't know if there was a path through the marsh or if it would affect water levels elsewhere. Ron Kleinvachter asked what is really known about this. He felt no taxpayer money should be spent on this project. Lee said there was no harm in investigating where the ditches are. Ed Kramer said the ditch goes to the back of his property and all around and back up to Fawn Lake Drive. It would change the level of Mud Lake and would affect a lot of private property. Kleinvachter cautioned against tampering with nature. Bob McCormick said the ditches are badly filled. Dolphy said cleaning the ditches might drain the wetlands and that's illegal. Wettschreck said the water comes from below; digging a ditch on top won't help. He would not feel justified spending taxpayer money on a problem in a small local area. He suggested the affected residents pursue a solution. Harrington said it is impossible to address their concerns without a feasibility study. Dolphy said if the Township starts controlling water it becomes responsible for the water, and that

brings trouble. Harrington said the Township adopted the WMO plan. The Township often does things that affect just one area. Tryon said the Township has no authority to artificially adjust water levels on landlocked lakes. Dolphy noted also that there is no public access to Fawn Lake. Dolphy moved that until such time as there is a public access on Fawn Lake there should be no public money expended on it. Wettschreck seconded. Harrington objected to the wording of the motion in that the lack of a public beach is a trivial point. The DNR said "private lake" is a misnomer. Kleinvachter wanted the motion worded the way it was. Two ayes; Budde, Tryon, and Lee voted no. Failed. Wettschreck moved to appropriate no funds to lower the water level on Fawn Lake at this time. Tryon seconded. Tryon said as of now there has been no property damage. Lee felt the situation would remedy itself, but if there is damage the State is willing to act. All ayes. Carried.

Vehicle needs of the Township were discussed. Lee proposed a 28000 lb. truck with plow and wing that would relieve 50% of our plowing needs; it could have an auger on the back and be used for sanding and other tasks. Cost is about $70,000 on the State procurement program, which costs $350 a year. Wettschreck proposed a 1-ton minimum, plow, dump-box, dual wheels, 4-wheel drive, diesel. Diesel is necessary on a 2-ton, but optional on a 1-ton. Dolphy preferred a 2-ton; 1-tons break down too often. All agreed, but Lee felt we needed both. Dolphy felt the truck could be a used one; that would be about $32,000. Additional staff and personnel would be needed if the Township is to be doing its own road work. All agreed independent contractors are getting harder to find and eventually we will have to do our own work. Wettschreck suggested this be brought up at an annual meeting. Dolphy felt dollar figures were needed. Tryon moved to add this to the agenda for the August annual meeting. Budde seconded. All ayes. Carried.

NEW BUSINESS:

Brad Hanson was not present with his sketch plan. Wettschreck moved to take no action at this time. Tryon seconded. All ayes. Carried.

Jeff Lynch had asked to be on the agenda regarding lot 16 block 1 Grant's LInwood Shores, but he was not present. Fabricius said this was last discussed in November, when it was determined the lot is not buildable in its present state. There would have to be a wetland mitigation plan in order for fill to be brought in. Dolphy said nothing has changed. No action is necessary.

Budde moved to appoint as election judges for the 1996 primary and general elections Ilene Hudak as Head Judge, Janice Erickson, Jan McTavish, Annette Helgeson, Lucy Pfaffendorf, Shirley Doberstein, Sheila Bien, Janet McDonough, Joyce Bagaus, Tammy Anderson, Marcia Fabricius, and Rudi McCurdy. Tryon seconded. Fabricius said all will be trained the first week in August. All ayes. Carried.

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Lee moved to reappoint Gary Smith and Frank Kvidera to the Planning and Zoning Commission. Tryon seconded. Dick Fabricius had requested he not be reappointed. Dolphy noted the file should be checked to see if others have expressed an interest. All ayes. Carried. Tryon asked for a letter of resignation from Linda Hurtley, who had announced her resignation at the Planning meeting.

Wettschreck moved to reappoint Ron Kleinvachter to the Park and Recreation Commission. Tryon seconded. Dolphy said Sandy Lathrop did not wish to be reappointed. All ayes. Carried.

Wettschreck moved to leave the levy recommendation at the amounts they were in March. Tryon seconded. Dolphy said the Fire Department would like their levy to be at $52,850, the same as their budget, because of the need for changeover for the vehicles. Fabricius said they should increase their budget rather than the levy. Fabricius had prepared projections for end-of-the-year figures. Because of expenditures on the west Martin Lake area project and the high cost of snowplowing, the Road and Bridge fund will be left with $12,000 to last till July of 1997 instead of $84,000 as earlier projected. All noes. Failed. Tryon moved to increase the Road and Bridge levy recommendation to $275,000 and to increase the Fire Department levy recommendation to $52,850. Lee seconded. All ayes. Carried.

Tryon moved to hold the regular business meeting on August 13 following the Annual Meeting. Lee seconded. All ayes. Carried.

Wettschreck and Dolphy thanked Alice Pickering for her well-written, fair, and accurate newspaper articles.

Tryon asked for a policy on the use of the video camera for taping of Township events. Fabricius said the equipment is available and may be checked out by Township personnel. Tryon was anxious to get something besides verbiage on channel 10.

ADJOURNMENT: Wettschreck moved to adjourn. Tryon seconded. The meeting was adjourned at 10:10 p.m.

_____
Marcia A. Fabricius, Clerk

ADDITIONS/CORRECTIONS _____

APPROVED _____

_____
Joseph E. Dolphy, Chairman

RECEIVED
AUG 09 1996

LINWOOD TOWNSHIP

ANOKA COUNTY
22817 Typo Creek Drive N.E.
Stacy, Minnesota 55079
(612) 462-2812

August 6, 1996

Bruce Sandstrom
Metro Region Supervisor
Minnesota Board of Water & Soil Resources
One West Water Street
Suite 200
St. Paul, MN 55107

Dear Mr. Sandstrom:

Linwood Township has been involved in discussions regarding the high water level on Fawn Lake for over six months. Former Board member Ken Olson referred the problem to Tom Hovey of the DNR in late January or early February. It was at Mr. Olson's invitation that Mr. Hovey appeared at the February 13, 1996, Town Board meeting. Mr. Hovey indicated at that meeting that the current water level was a natural peak in the 30-year cycle. He offered technical assistance but indicated the responsibility for any correction would lie with the property owners, the Township, or the watershed organization. It was also at that meeting that Mr. Olson offered to arrange for sand and sandbags, which he subsequently did. I agreed to discuss the situation with Mr. Boettcher of the SRWMO and to contact other agencies as well.

Township records indicate the situation was discussed at length at Town Board meetings on February 27, March 26, May 14, May 28, June 11, and July 23. In general, Board members agreed that expending Township levied funds on a localized problem, especially where all of the shoreline is privately owned, would not be in the best interest of the Township. In spite of that, the Township has been billed $603.50 by the Township engineer for the survey the Board ordered, and $151.88 by the Township attorney for his review of the situation and research into statutes and historical precedents.

Ms. Rita Harrington has been in the Town Clerk's office on numerous occasions over the last six months requesting information on properties and property owners. She was provided with names, addresses, maps, legal descriptions, and access to manuals, ordinances, and archival files.

In May the Town Clerk researched building permits for properties in the affected area and found that most of the homes were built in 1970 or before, and that many which were built or remodeled since that time had been granted variances by Anoka County to encroach on the minimum lakeshore setback.

The preliminary report from Mr. Hovey indicated that Fawn Lake is reacting normally to above normal precipation. In March it was 3" above OHW. The options he offered beyond flood proofing, flood insurance, and sandbagging included emergency pumping, constructing an outlet, impounding water for slow release, and increasing the storage. He saw those options as very expensive and he was uncertain as to their liability and long-term need. He did recommend that the WMO should look at those options.

Tony Brough of the Anoka Conservation District indicated an interest in becoming involved or at least being kept informed regarding this situation. His recommendation on February 27 was that a licensed surveyor take elevations at various points and consult with DNR, ACD, and members of the Township, and that the results of the survey be analyzed with technical assistance from ACD.

The Township engineer determined through his survey that only a couple of houses may be in danger of flooding and that there was no serious problem. Sand and sandbags were supplied and only one resident made use of them, placing them by his temporary storage shed.

It is interesting to note that Ms. Harrington's letter of complaint, dated June 21, coincided with the Anoka Union front page article outlining her plight, and it preceded by several weeks the WMO's July 11 meeting in which they recommended the Town Board have a study done and bill the cost to the Fawn Lake residents.

Subsequently, at the Town Board's most recent meeting, a motion was made and passed to expend no Township funds at this time to lower the water level on Fawn Lake. It was felt that assessing the cost of a feasibiliity study would be expensive and time-consuming, while the property owners association could much more easily arrange for an environmental engineer to do such a study.

The Town Board's assessment of the situation at this time is that no homes have been damaged and the water is now receding. It seems redundant to take corrective action now, in that the problem has been solved by nature itself.

Sincerely yours,

Joseph E. Dolphy Jr

Joseph E. Dolphy
Town Board Chairman

cc: Vernon Boettcher

New Business #3

August 28, 1996

TO : Board Members

FROM : Wayne Zellmer, Grants Coordinator

Subject : **FY 97 Non Point Engineering Assistance Grant**

BACKGROUND

Non Point Engineering Assistance Grant (NPEAG) funds were first appropriated to the BWSR for FY 95, coinciding with the launching of the State Revolving Loan Fund for non point pollution abatement. These funds were granted to the 11 newly organized SWCD Joint Powers Boards (JPBs). These funds were to be used by each JPB to employ an engineer and a technician to assist landowners to implement a variety of erosion control and water quality improvement practices. The BWSR originally estimated JPB annual costs to employ an engineer and technician at $105,800 (This estimate has proven to be a reasonably accurate statewide average).

Fiscal Year Funding History

FY 95 - The first NPEAG was $75,500 to each JPB in February of 1995, plus computer aided drafting and surveying equipment . With prompt hiring of staff, each JPB would spend approximately $26,500 during the remainder of the FY, leaving a balance of $49,000. Anticipating a legislative appropriation shortfall in FYs 96 and 97, the BWSR advised JPBs to utilize the $49,000 balance as follows:

$11,300 - To be reserved for FY 96 budget expenses
$11,300 - To be reserved for FY 97 budget expenses
$26,400 - To be earmarked for transportation and eligible "start-up" expenses

FY 96 - The second NPEAG occurred six months later, and was $94,545 to each JPB. The $11,300 reserved from the FY 95 NPEAG supplemented this grant to $105,845.

ISSUE

Because of several factors, the allocation procedure for the FY 97 NPEAG is proposed to be changed. Factors that have prompted this proposal include: the reluctance or difficulty in hiring or retaining JPB staff, the uneven statewide allocation of SRF loan funds and associated workloads, differences in fiscal management in the JPBs, the present surplus of NPEAG funds in some JPBs and the anticipated shortage of funds in others, legislative scrutiny of BWSR grant administration. The proposed change in the allocation procedure is expected to increase the efficiency and effectiveness of this appropriation by providing more engineering assistance in high workload areas.

ALLOCATION PROPOSAL

The FY 97 NPEAG is related to and based on the length of time a JPB has employed an

engineer and technician. BWSR estimated employment costs during this time period are compared to FY 95 and 96 NPEAGs allocated. Each JPB will receive a base grant to bring their cash balance to the annually needed $105,800. This base grant does not penalize JPBs with long employment periods who have exercised fiscal constraint in actual expenditures. In addition, each JPB will receive $20,000 for a two month operating reserve to provide cash flow between NPEAGs. Please refer to the enclosed table for the formulation of these grants. The FY 97 NPEAG Agreement will end August 31, 1997. The FY 98 NPEAG will be scheduled to be allocated at the June 1997 BWSR Meeting, allowing for a two month grant overlap.

FY 97 NPEA Challenge Grant

The above allocation proposal allows for a remaining $315,009 fund balance. This amount will be offered as a challenge grant opportunity for all JPBs to provide additional needed engineering assistance. Parameters of this grant will include the following:

* One-time grant only
* Competitive two month application period from November 1, 1996 - January 2, 1997; Board approval requested at January 1977 Meeting
* Grant agreement will be for two years
* Local match is not required
* Applications will be evaluated based on workloads and needs. Proposals will be developed between BCs and the JPBs and will be performance based.

ADDITIONAL CONSIDERATIONS

* Future grant agreements will be updated with additional detail of JPBs' duties for program compliance, including reporting.

* The BWSR staff will be conducting NPEAG program reviews of JPB fiscal performance and grant agreement compliance. It is intended that these reviews will provide valuable information to BWSR for an evaluation of the effectiveness of this program and determinations of future program improvements. (The implementation of the BWSR computerized reporting system (LARS) will also provide valuable information regarding program accomplishments.)

* The BWSR will be seeking additional legislative funding for FY 98. However, JPBs have been advised that without additional legislative funding, future NPEAGs will need to be augmented with local funds to bring annual funding to the $105,800 or beyond.

* For the FY 98 NPEAGs, all JPBs should be "on their feet" and SRF Loans generally allocated statewide, BWSR staff will investigate the need to relate grant amounts to statewide variations in the actual cost to employ staff.

RECOMMENDATION

Staff recommends that the Board approve the FY 97 NPEAGs and allocation procedures, and authorize staff to implement the FY 97 NPEA Challenge Grant.

(PROPOSED)

FY 97 NON POINT ENGINEERING ASSISTANCE GRANTS

JPB		A MONTHS EMPLOYED	B ESTIMAT. MONTHLY RATE	C EMPLOY. COSTS (A x B)	D ESTIMAT. TOTAL COSTS	E FUNDS GRANTED	F FUNDS REMAINING (E – D)	G BASE GRANT ($105,800 – F)	H OPERATING RESERVE	I TOTAL GRANT (G + H)
1	ENG	13	$5,375	$69,875	$97,411	$170,045	$72,634	$33,166	$20,000	**$53,166**
	TECH	8	$3,442	$27,536						
2	ENG	8.5	$5,375	$45,688	$45,688	$170,045	$124,358	($18,558)	$20,000	**$1,443**
	TECH	NONE								
3	ENG	15.25	$5,375	$81,969	$133,599	$170,045	$36,446	$69,354	$20,000	**$89,354**
	TECH	15	$3,442	$51,630						
4	ENG	16	$5,375	$86,000	$127,304	$170,045	$42,741	$63,059	$20,000	**$83,059**
	TECH	12	$3,442	$41,304						
5	ENG	15	$5,375	$80,625	$84,067	$170,045	$85,978	$19,822	$20,000	**$39,822**
	TECH	1	$3,442	$3,442						
6	ENG	14.75	$5,375	$79,281	$130,051	$170,045	$39,994	$65,806	$20,000	**$85,806**
	TECH	14.75	$3,442	$50,770						
7	ENG	13	$5,375	$69,875	$121,505	$170,045	$48,540	$57,260	$20,000	**$77,260**
	TECH	15	$3,442	$51,630						
8	ENG	15.75	$5,375	$84,656	$130,263	$170,045	$39,782	$66,018	$20,000	**$86,018**
	TECH	13.25	$3,442	$45,607						
9	ENG	15	$5,375	$80,625	$87,509	$170,045	$82,536	$23,264	$20,000	**$43,264**
	TECH	2	$3,442	$6,884						
10	ENG	15	$5,375	$80,625	$115,045	$170,045	$55,000	$50,800	$20,000	**$70,800**
	TECH	10	$3,442	$34,420						
11	ENG	15.5	$5,375	$83,313	$139,245	$170,045	$30,800	$75,000	$20,000	**$95,000**
	TECH	16.25	$3,442	$55,933						
	TOTALS							$504,991	$220,000	**$724,991**
	FY 97 CHALLENGE GRANT									**$315,009**
	TOTAL FY 97 APPROPRIATION – $1,040,000									**$1,040,000**

COLUMN

- A THE MONTHS EACH JPB HAS EMPLOYED AN ENGINEER AND TECHNICIAN, RESPECTIVIELY, SINCE 2/1/1995.
- B THE BWSR ESTIMATE OF MONTHLY COSTS TO EMPLOY AN ENGINEER AND TECHNICIAN, RESPECTIVELY.
- C COLUMN A MULTIPLIED BY COLUMN B – TOTAL COSTS TO DATE FOR AN ENGINEER AND TECHNICIAN, RESPECTIVELY.
- D THE BWSR ESTIMATED SUM OF THE ENGINEER AND TECHNICIAN COSTS TO DATE. ACTUAL COSTS MAY BE LESS.
- E THE SUM OF $75,500 AND $94,545 PREVIOUSLY GRANTED IN FY 95 AND FY 96, RESPECTIVELY.
- F FUNDS PREVIOUSLY GRANTED MINUS ESTIMATED TOTAL COSTS. (JPBs WHICH HAVE EXERCISED FISCAL CONSTRAINT MAY HAVE LARGER AMOUNTS REMAINING.)
- G $105.800 MINUS FUNDS REMAINING.
- H APPROXIMATE 2 MONTH OPERATING RESERVE TO PROVIDE CASH FLOW BETWEEN GRANTS.
- I BASE GRANT PLUS OPERATING RESERVE.

H:97NPEA1

FY 98-99 Legislative Initiatives

BUDGET

1. INFORMATION MANAGEMENT & COMMUNICATION

RATIONALE:

Maintaining the State's and BWSR's capability in electronic commutations, information management systems, and data base management will result in the most efficient use and allocation of state resources. Investing in technology will reduce long term expenditures in the area of fiscal oversight, communication and reporting by the State's 91 soil and water conservation districts, 42 watershed districts, and 87 county water planners. Improvements in BWSR's data base management and information management systems will allow for the reporting of resource protection efforts in measurable and quantifiable terms consistent with Minnesota Milestones. If this initiative is nor funded it is likely that the gap between BWSR's information management and communication capabilities and those of other public and private organizations will grow resulting in greater future expenditures than what are currently being requested.

PROGRAM OUTCOMES:

On-line electronic communication with 91 soil and water conservation districts, 42 watershed districts, and 87 county water plan coordinators.

Electronic repository and distribution of forms, eliminating printing and handling of paper forms.

Integrated program reporting and data base functions within BWSR allowing for the determination of measurable outcomes of local water resource protection and management programs supported by the state through the BWSR.

Development of an integrated accounting software package for the states 91 soil and water conservation districts, resulting in improved fiscal oversight and reduced personnel costs for both the soil and water conservation districts and
BWSR.

Provide additional staff support to BWSR's 50+ staff, improving the current ratio of 1:50 to 1:10. This change will allow BWSR staff to adopt and implement technological changes at a pace equivalent to our local government clientele, private industry and other state agencies, resulting in the most efficient and productive workforce possible.

LONG-TERM IMPACT:

This initiative will result in the ability of BWSR to maintain its information management and

communications systems at a level equivalent or just slightly behind current industry standards into the future. BWSR will also be able to report in measurable terms the natural resource protection and management measurable accomplishments of local units of government and BWSR in the state of Minnesota. Long term this accountability will assist BWSR in targeting limited state resources to those areas of the state where we will receive the most environmental protection for the resources spent.

2. EROSION DAMAGE DUE TO FLOODING IN THE RED RIVER VALLEY A PROPOSAL TO PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO REPAIR AG. RELATED SITES.

Recommendation: The BWSR temporarily recognizes an approved practice to the existing cost share program for the identified disaster counties in the FEMA-DR 1116-MN Mitigation Strategy Report 7/3/96. This practice would be the repair and reshaping of badly eroded areas due to floods of the Spring of 1996.

This practice would provide technical and financial assistance to landowners to repair and reshape these areas. The program would be administered locally by the Soil and Water Conservation Districts. Procedures, forms for application, and funding processing, along with project oversight would be that of the already existing state cost share program.

The practice would be comprised of two components:

1) Cost sharing on the repair and reshaping activities. Rates would be limited to an amount based on lineal feet of repair or on an acreage basis. I have attached a page of calculations, provided by Tim Finseth of the Marshall SWCD, which shows an average cost to repair an area based on $4/ft. basis cost shared at 75% which then could be converted to a per acre cost.

2) A temporary land retirement component to this practice. The purpose of the limited use and duration retirement is to allow time for these areas to stabilize and build up fertility. Based on a plan prepared by the local SWCD, the landowner would be required to establish a vegetative cover of this area which would include a buffer area on both sides of the eroded area. The length of time, cover type and the limited use (haying and/or grazing) of the area would be included in the management plan prepared by the local SWCD. The length of retirement would be 5 to 15 years. The payment rate for this acreage would be consistent with the RIM limited duration payment rate which would be pro rated based on the duration of the retirement. Again, estimated costs for this component have been prepared by Tim Finseth and are contained on the attached sheet. This is based on an average RIM payment for Marshall County.

3. SOIL AND WATER CONSERVATION DISTRICT FORESTRY/AGROFORESTRY INITIATIVE

Project Description

This program would ensure the natural resources management of non-industrial private forest lands on ownerships of 20 acres or less. It would also accelerate windbreak establishment and maintenance, and thereby enhance energy conservation and control soil erosion. The funds would be used to place a staff person in the local soil and water conservation district office to develop management plans on these smaller tracts of land and to assist with the implementation of the plans. In the areas of high wind erosion the staff person would provide technical assistance for both field and farmstead windbreaks. It would also provide an incentive program targeting landowners/occupiers in need of wind protection not eligible for other programs.

4. EDUCATIONAL COORDINATORS

PROJECT DESCRIPTION

Three educational coordinators will continue the effective partnership between BWSR and MES to strengthen water resource education at the local level. Coordinators will be located in the north, south, and metro regions to assist and expand the capacity of SWCDs, Extension offices, county water plan coordinators, WD's, and other local resources that provide water resource education.

The educational coordinators will address regional issues and maintain statewide coordination. They will enable the staff of Local government units to educate their target audiences in water quality issues. Implementing activities in county water plans is a priority. While some educational initiative such as those in the Minnesota River, Lake Superior Basin, and Red River Watershed have a specific regional focus, they often revolve around common themes and issues that have broad application across the state. Through increased communication and coordination, programs and projects developed in one area of the state will be applied elsewhere, reducing duplication and increasing efficiency. Educational programs will include erosion control and sedimentation, manure management, wetland functions and values, urban sprawl and development concerns, wastewater treatment, lake and river quality, and groundwater protection. Educational programs will be developed for both youth and adult audiences.

5. MINNESOTA RIVER BASIN INITIATIVE

The Minnesota River is severely polluted and, as a result, has been designated as one of the ten (10) most endangered rivers in the United States. The total basin drains some of the most productive farmland in the United States, with almost 90 percent of the acreage in the basin used for farming. Several studies have identified significant amounts of nonpoint source pollution from agriculture and urban sources within the basin.

Three areas of activity will accelerate the implementation of water quality practices: coordination and communication at the local government level, education and information activities, and financial assistance to landowners for installing water quality best management practices. A short explanation of each follows.

- Coordination and Communication at the Local Unit of Government Level: In 1995 the Minnesota River Basin Joint Powers Board (MRBJPB) was created to enhance cooperation at the local level and coordinate with other state and federal agencies. Continued financial support will ensure that the efforts started in 1995 will continue, with a strong emphasis placed on local government implementation.

- Education and Information Activities: An education specialist will be hired to assist local units of government in promoting the message of the importance of cleaning up the Minnesota River basin and how to accomplish it. There has been a great deal of experience and research done on water quality practices; what we need is to get the information out to the landowners.

- Financial Assistance to Landowners for Installing Water Quality Best Management Practices: Through the application of conservation practices, nutrients and sediment can be kept from entering the river system. The amount requested will increase the financial incentive to landowners through the BWSR/SWCD cost-share program. The cost-share rates and technical assistance will be administered consistent with the current rules and M.S. 103C.501.

6. LAKESHED COST-SHARE

PROJECT DESCRIPTION

This initiative will provide funding to apply land treatment practices to control sediment and nutrient loading in lake watersheds.

Since 1977 Soil and Water Conservation Districts have applied conservation practices to improve water quality. Additional funds are needed to accelerate the treatment of known critical impact sites in order to protect lake water quality; one of Minnesota's most valuable economic assets. Seventy-two of Minnesota's eighty-seven counties have identified lake water quality as an important issue in their local water plans.

Installation of riparian buffer strips, animal waste management systems, stormwater basins, shoreland stabilization, and grass waterways in targeted lake watersheds will reduce sediment and nutrient loading to Minnesota lakes. With the exception of animal waste systems, the great majority of conservation practices cost less than $10,000. The rate of financial incentives for landowners will be up to 75%. BWSR proposes that up to 205 of the allocation be used for the technical assistance necessary to survey and design the projects, which is consistent with M.S. 103C.501.

7. NONPT ENGINEERING

PROPOSAL:

To increase funding to cover 100% of costs of the engineer and technical team in each JPA.

8. POLICY LEG:

- Agency voting
- Gift and donation authority for BWSR
- Changing SWCD supervisor terms from 6 to 4 years

Minnesota Board of Water & Soil Resources

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

Field Offices

Northern Region:

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

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

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

Southern Region:

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

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

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

Metro Region:

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

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July 1, 1994

TO: Soil Conservation Advisory Committee
Others interested in soil conservation in Minnesota

FROM: David H. Behm, committee facilitator
BWSR Programs & Policy Analyst

RE: Report of the Soil Conservation Advisory Committee

The attached document reflects the culmination of discussions of members of the Soil Conservation Advisory Committee convened by the Minnesota Board of Water and Soil Resources. The committee was initially convened in 1991 to prepare a model ordinance for adoption by counties and townships to address agricultural erosion. The BWSR was prompted to do so because of the numerous references made within county local water plans to either revise existing or adopt new local ordinances to address erosion and sediment control -- many counties have specifically identified agricultural sources as an immediate concern.

The model ordinance will be distributed to all counties, townships, and soil and water conservation districts later this summer.

In 1993, the committee reconvened to review available information regarding the status of erosion in Minnesota. Upon discussing the available information, specific recommendations were presented to the committee for its consideration. Those recommendations are contained within this report. The member organizations and agencies will review this document and individually report back to the BWSR regarding their degree of support for the recommendations contained therein.

During the summer and fall of 1994, the BWSR Board will discuss these recommendations amongst its members and develop a legislative initiative for the FY96-97 biennium. As a reader of this document, you are encouraged to submit written comments or suggestions to me which may assist the Board in its deliberations and preparation of this important legislative package. Please submit your written comments to me at the address listed above. Feel free to call me with any questions you may have; my phone number is 612-296-0880.

Thank you for your interest in sustaining the fundamental natural resources of Minnesota's diverse agricultural productivity: its soils and waters.

A REPORT OF THE SOIL CONSERVATION ADVISORY COMMITTEE
to the Minnesota Board of Water & Soil Resources

JULY 1, 1994



The following agencies and organizations participated on the Soil Conservation Advisory Committee. None of the members have endorsed this report or any specific recommendation contained herein.

- *Bret Anderson, Minnesota Department of Natural Resources*
- *Greg Anderson, USDA-Agricultural Stabilization & Conservation Service*
- *C. Merle Anderson, farmer*
- *Wayne Anderson, Minnesota Pollution Control Agency*
- *Julie Bleyhl, Minnesota Farmers Union*
- *Paul Burns and Mark Dittrich, Minnesota Department of Agriculture*
- *John Dooley, Minnesota Association of Townships*
- *Lowell Franzen, Minnesota Association of Conservation District Employees*
- *Rick Hanna, Minnesota Association of County Planning & Zoning Administrators*
- *Owen Knutson, Minnesota Association of Soil & Water Conservation Districts*
- *Roger Mussetter, USDA-Soil Conservation Service*
- *Howard Peterson, Minnesota Association of Watershed Districts*
- *Steve Reckers, Minnesota Planning*
- *Todd Rongstad, Minnesota Farm Bureau Federation*
- *Dave Weirens, Association of Minnesota Counties*

- *David Behm, Minnesota Board of Water & Soil Resources (staff facilitator)*

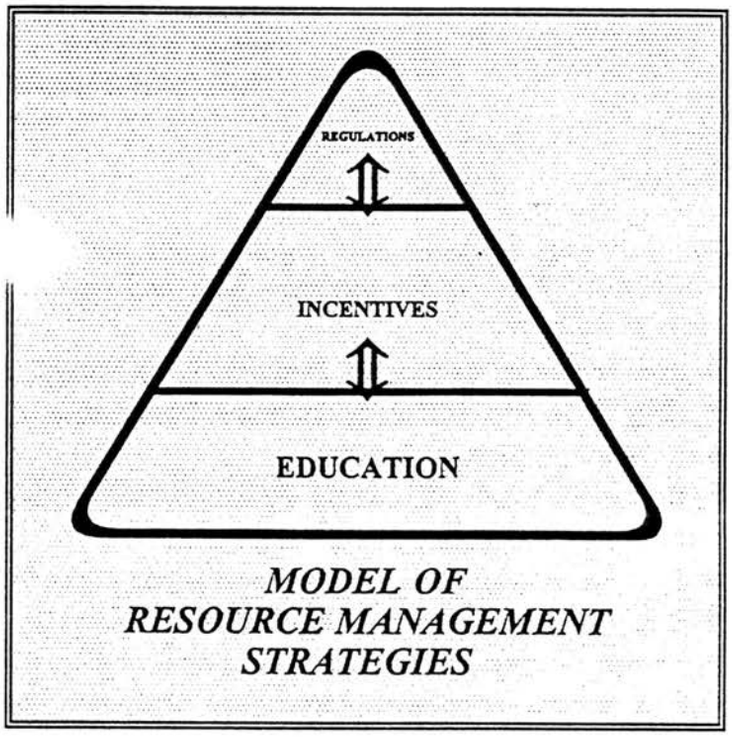
PREFACE

Maintaining high quality soil is fundamental to sustaining agricultural productivity. Society must continue to reinvest in the land management measures necessary to sustain the soil's productive capacity and overall quality in order to reap the public benefits of a safe and abundant food and fiber supply as well as prevent further degradation of our air and water resources. The reinvestment necessary in agriculture is not unlike similar private and public reinvestment in other industries.

Agricultural producers acknowledge their individual responsibilities to adequately protect the public's interest in soil and water resources for present and future generations. Similarly, the general public acknowledges the inherent and essential need for agricultural producers to have access to the tools and resources necessary to ensure the sustainability of agriculture.

To ensure the economic viability of agriculture while also providing the public goods of water quality protection and sustainability of soil productivity, the Soil Conservation Advisory Committee suggests that a clear restatement of the state's goals for soil protection be made and a balanced approach of resource management strategies (i.e., education-incentives-regulations) be employed in a comprehensive menu of options to address agricultural erosion. The recommendations build upon the voluntary program. The following figure illustrates a conceptual model of an appropriate balance of the recommended initiatives.

In response to many counties identifying the need to revise or adopt ordinances to address erosion and sediment control (especially on agricultural lands), the Minnesota Board of Water and Soil Resources (BWSR) convened an advisory committee in June 1991 to draft a "model" ordinance to assist interested counties. It was the initial intent of the BWSR to then encourage the adoption of the "model ordinance" by all counties, pursuant to their statutory planning and zoning authorities. BWSR staff believe that several counties will likely begin adopting such ordinances in the near future and that some guidance materials relating to existing planning and zoning authorities are needed as soon as possible to assist these counties in their deliberations.



MODEL OF RESOURCE MANAGEMENT STRATEGIES

The advisory committee met several times in 1991 and reconvened in 1993 to complete its review of the model ordinance. In late 1993, the BWSR requested the advisory committee to prepare a brief report outlining the fundamental needs of a comprehensive soil conservation program for Minnesota. Based on the recommendations contained in this report, the BWSR will seek a legislative initiative for the FY96-97 biennium to implement an improved and more comprehensive voluntary program to address agricultural erosion.

The BWSR anticipates distributing the model ordinance to all counties, townships and soil and water conservation districts (SWCDs) in the summer of 1994.

EXECUTIVE SUMMARY

Upon review of the information referenced herein or contained in the Appendix of this report, the Advisory Committee finds the following:

- Continuation of current trends of agricultural erosion threaten the long-term productive capability of the soil to provide an abundant food and fiber supply.
- Ample evidence suggests that agricultural erosion and off-site deposition of sediment have impacted (i.e., impaired and threatened) many of Minnesota's surface waters.

Consequently, the Advisory Committee recommends the following:

- An accelerated reduction of agricultural erosion and off-site deposition of sediment and, preferably, an improvement in the overall quality of Minnesota's soil resources must be achieved.
- The federal/state/local/private partnership of delivering soil and water conservation assistance to agricultural producers must be strengthened in the very near future by:
  (1) accelerating the availability of technical and financial assistance,
  (2) providing agricultural producers with current soil survey and erosion control information for specific soil types and crops,
  (3) enhancing statewide resource inventories to ensure that such information is statistically reliable on a countywide and minor watershed basis, and
  (4) promotion of the adoption of county ordinances to control agricultural erosion.
- Minnesota should establish a "nondegradation" policy for the protection and enhancement of the quality of its soil resources.
- Minnesota should identify the necessary components of a balanced and comprehensive voluntary program and to prescribe a reasonable timeframe for achieving the erosion rate goals identified in *Minnesota Milestones: A Report Card for the Future*.

FINDINGS AND RECOMMENDATIONS

A. Priorities of the State

(1) Soil Conservation for Soil Quality Protection & Improvement

As reported in *Minnesota Milestones: A Report Card for the Future* --

- Statewide average annual soil erosion rates must be reduced so as not to exceed 5 tons per acre per year by the year 2000.

As illustrated in the Appendix to this report, the Advisory Committee found --

- More acres of cropland need erosion control than are adequately protected (refer to "Erosion Control Needs on Minnesota's Cropland: 1967-1987"); and
- Average annual wind erosion on cultivated cropland exceeds the soil's capability to sustain long-term production to produce food and fiber (refer to "Soil Erosion on Minnesota Cultivated Cropland").

Therefore, the Minnesota Board of Water and Soil Resources is advised to:

- Consider legislative amendments to *Minnesota Statutes*, section 103A.209 ("soil and water conservation policy") to add a "nondegradation of soil quality" clause;

- Consider legislative designation of the Lester soil as a state symbol;
- Seek state and matching local funding to prepare updated county-level and minor watershed-level maps of high priority erosion areas; and
- In consultation with the Minnesota Department of Agriculture (MDA) and the U.S. Department of Agriculture-Soil Conservation Service (USDA-SCS), produce maps of highly productive agricultural areas most at risk of suffering reduced soil productivity due to soil erosion rates exceeding soil loss tolerances.

(2) Soil Conservation for Water Quality Protection & Improvement

As reported in *Minnesota Milestones: A Report Card for the Future* --

- 30% of river miles and 19% of lake acres will meet fishable and swimmable water quality standards by the year 2000 -- these will increase to 40% and 29%, respectively, in the year 2010 and to 50% and 39%, respectively, in the year 2020.

As illustrated in the Appendix to this report, the Advisory Committee found --

- Erosion and runoff from agricultural land impairs and threatens a greater number of river miles than any other source of nonpoint water pollution and is also a significant source which impairs or threatens several hundred thousand lake acres (refer to "Summary of Nonpoint Source Water Pollution Sources Impacting Minnesota's Surface Waters").

Therefore, the Minnesota Board of Water and Soil Resources is advised to:

- Encourage local governments to use watershed assessment and planning to develop implementation approaches that address local priority water quality protection and improvement goals;
- Seek state and matching local funding to prepare updated county-level and minor watershed maps of high priority sedimentation sources; and
- In cooperation with the USDA-SCS and the Minnesota Pollution Control Agency, establish an auditing process to conduct on-site reviews to determine where best management practices for the control of agricultural erosion and sedimentation are being properly installed/operated/maintained, and whether or not they are effective.

B. Accelerate Availability of Information and Technical Assistance

As illustrated in the Appendix to this report, the Advisory Committee found --

- While SWCD and USDA-SCS staffing levels have remained relatively stable throughout the 1980s, the availability of one-on-one technical assistance to landowners has declined over the last decade (refer to the compendium of staffing level graphs); and
- The state has contributed nearly $11 million for the preparation of soil surveys, yet not all counties have a published soil survey and those prepared initially are now in need of technical updating to improve their use for land use assessments of soils.

Therefore, the Minnesota Board of Water and Soil Resources is advised to:

- Establish an interagency technical advisory committee to evaluate and retool the delivery of technical assistance from the conservation partnership of federal/state/local agencies;
- Seek state funding to reestablish a soil and water conservation specialist position within the Minnesota Extension Service (MES) of the University of Minnesota (UofM);
- Upon reestablishing the MES/UofM soil and water conservation specialist position, seek state funding to:
  (a) develop (in cooperation with USDA) a minimum data set of soil quality indicators as suggested by the National Academy of Science, and
  (b) add regional education specialists (joint appointments with MES and the BWSR) to implement the strategies related to agricultural producers and the control of agricultural erosion, as described in *A Green Print for Minnesota* (state plan for environmental education);
- Seek state funding to ensure county-by-county coverage of soil conservation data items (including soil quality parameters) of high priority to the state for all future National Resources Inventories conducted by USDA-SCS, beginning in 1997;
- Seek state and matching local funding to ensure the availability of soil survey information to all agricultural producers in the state by:
  (a) preparing soil surveys for all counties,
  (b) updating existing soil surveys in high priority soil productivity areas, and
  (c) digitizing soil survey information in high priority soil productivity areas;
- Seek state and matching local funding to employ additional SWCD technicians to provide accelerated availability of one-on-one assistance to landowners necessary to achieve the soil erosion and related water quality goals identified in *Minnesota Milestones: A Report Card for the Future*; and
- Seek state funding to establish a certification/training program for erosion and sediment control specialists from state/local governments and a fee-based certification/training program for private consultants to ensure that the capability of the existing and accelerated technical assistance provided is adequate.

C. Accelerate Availability of Financial Assistance

The Advisory Committee found --

- Since 1978, inflation has reduced the purchasing power of the annual appropriation to the state cost-share program by approximately 50%; and
- Since 1980, Iowa and Missouri have each appropriated *nearly five times more than* the amount of funding appropriated for Minnesota's cost-share program.

Therefore, the Minnesota Board of Water and Soil Resources is advised to:

- Seek additional state funds for the cost-share program authorized by *Minnesota Statutes*, section 103C.501 to:
  (a) recover inflationary reductions that have occurred since 1978,
  (b) accelerate the application of best management practices to control agricultural

erosion and sedimentation for the purposes of meeting the anticipated increase in requests for assistance that will be necessary to achieve the soil erosion and related water quality goals identified in *Minnesota Milestones: A Report Card for the Future*;

- In cooperation with MDA and USDA, seek accelerated state funding to convert high priority Conservation Reserve Program contract acres to perpetual RIM Reserve conservation easements;
- Ensure the long-term availability of the new State Revolving Fund loan program to complement other existing and future incentive programs offered to agricultural producers to apply best management practices for the control of agricultural erosion and sedimentation; and
- Seek state funding for a local property tax credit program to encourage agricultural producers to apply best management practices to control agricultural erosion and sedimentation.

D. Accelerate Adoption of Local Official Controls

The Advisory Committee found --

- Forty-two Greater Minnesota counties have indicated in their comprehensive local water plans their intent to consider or propose a new ordinance to address erosion and sediment control;
- Twenty Greater Minnesota counties have indicated in their comprehensive local water plans their intent to propose revisions to existing ordinances which address, at least in part, erosion and sediment control;
- Six Greater Minnesota counties have an ordinance which specifically addresses erosion and sediment control; and
- No Greater Minnesota county or township has adopted an ordinance pursuant to *Minnesota Statutes*, section 103F.401 to 103F.455.

Therefore, the Minnesota Board of Water and Soil Resources is advised to:

- Consider legislative actions to:
  - (a) amend *Minnesota Statutes*, section 103C.405 ("duties of the state board -- program plan") to --
    - (1) identify the components of a comprehensive voluntary program,
    - (2) prescribe a reasonable timeframe for achieving the erosion rate goal identified in *Minnesota Milestones: A Report Card for the Future*, and
  - (b) repeal *Minnesota Statutes*, section 103F.401 to 103F.455;
- In cooperation with USDA and the Minnesota Association of County Planning and Zoning Administrators, assess landowners' compliance with existing federal, state and local regulations addressing agricultural erosion;
- Encourage counties (or townships) to voluntarily adopt the model agricultural erosion control ordinance prepared by the Advisory Committee -- seek state and matching local funding to provide an incentive to do so until the year 2000;
- Seek state and matching local funding to accelerate assistance to counties which have identified in their respective local water plan an intent to revise or develop ordinances

addressing agricultural erosion;

- Request biennial reports from those state agencies which own or manage agricultural land or that administer programs affecting the management of private agricultural lands regarding the compliance of those lands with the erosion rate goal identified in *Minnesota Milestones: A Report Card for the Future*; and
- Upon receipt of these reports, the BWSR should include an assessment of statewide soil conservation achievements and needs in its biennial report to the Governor (pursuant to *Minnesota Statutes*, section 103B.101, subdivision 9, clause (7).

Lastly, two organizations represented on the Soil Conservation Advisory Committee raised concerns about the following initiative. This potential initiative was retained in the body of this report because it was discussed by the committee and the Minnesota Board of Water and Soil Resources must further discuss and determine if it will consider incorporating the idea within its legislative initiative for the FY96-97 biennium.

- Consider legislative amendments to *Minnesota Statutes*, section 394.25, to enable counties to assess "excessive erosion fees" to agricultural lands on which average annual erosion rates exceed soil loss tolerances with the fees collected to be used exclusively for local education or incentive programs to encourage agricultural landowners to apply best management practices.

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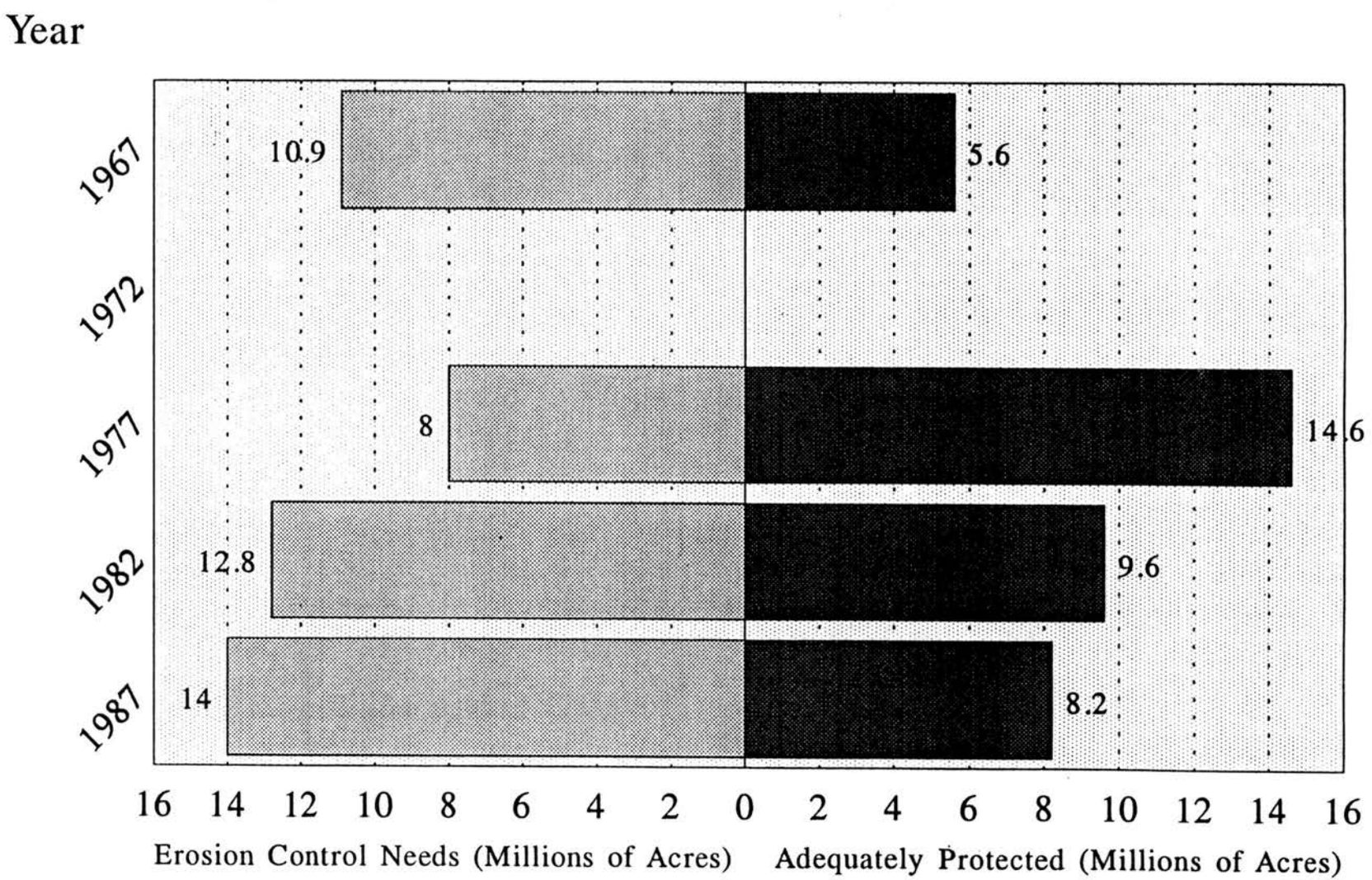
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APPENDIX

TO THE

REPORT OF THE SOIL CONSERVATION ADVISORY COMMITTEE
to the Minnesota Board of Water & Soil Resources

EROSION CONTROL NEEDS ON MINNESOTA'S CROPLAND:
1967 - 1987



NOTE: Since 1987, nearly 2 million acres have been enrolled in the federal Conservation Reserve Program and approximately 20% of all cropland is under conservation tillage in Minnesota.

SOURCE: USDA-SCS

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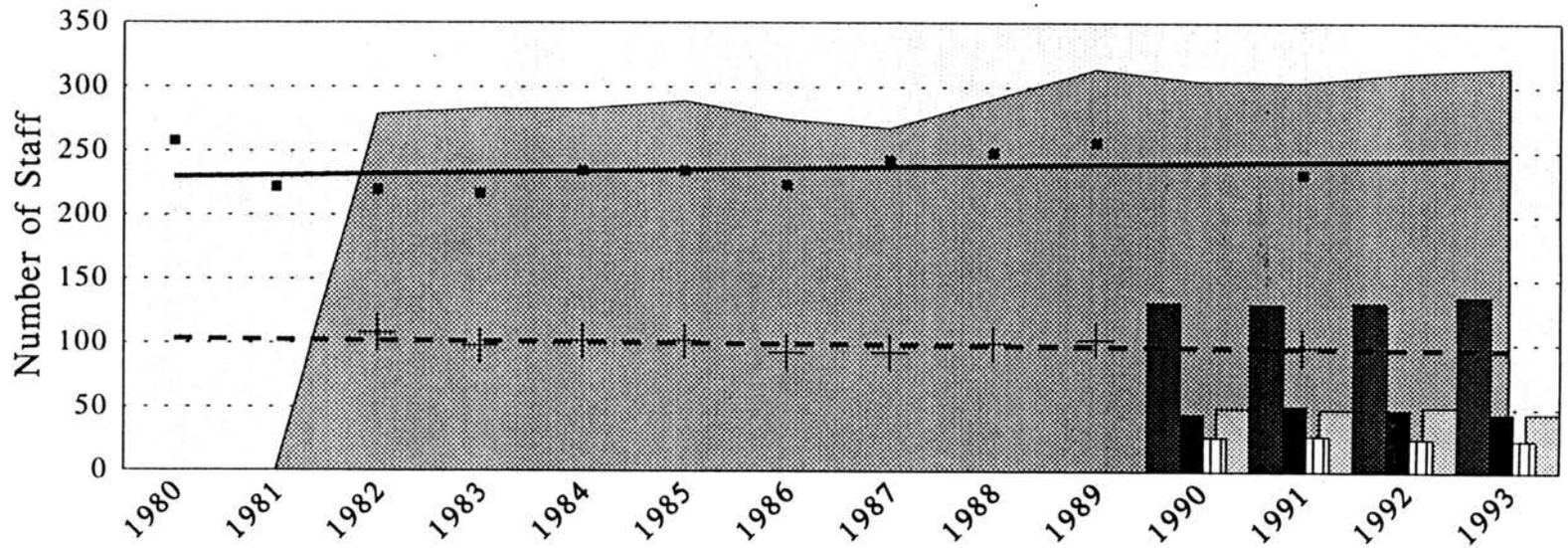
Conservation Tillage in Minnesota, 1987-1993
(All Crops)

YEAR	TOTAL PLANTED (acres)	NO-TILL (acres) [% of total planted]	RIDGE-TILL (acres) [% of total planted]	MULCH-TILL (acres) [% of total planted]	TOTALS (acres) [% of total planted] {U.S. rank}
1993	17,737,678	809,306 [5]	569,097 [3]	3,449,875 [19]	4,828,278 [27] {N/A}
1992	18,297,222	531,027 [3]	572,799 [3]	2,971,651 [16]	4,075,477 [22] {10}
1991	18,190,002	309,994 [2]	559,903 [3]	2,699,398 [15]	3,569,295 [20] { 8}
1990	18,258,603	230,100 [1]	535,904 [3]	2,597,012 [14]	3,363,016 [18] { 8}
1989	18,105,232	188,944 [1]	478,247 [3]	2,533,506 [14]	3,200,697* [18] { 9}
1988	17,410,093	164,953 [<1]	460,184 [3]	3,653,217 [21]	4,352,324* [25] { 6}
1987	22,990,000	20,600 [<1]	149,200 [<1]	2,068,800 [12]	2,701,100* [12] {N/A}
AVERAGE [%]	18,712,690	322,132 [2]	475,048 [3]	2,853,351 [15]	3,727,170* [20]

*Total also includes those crop acres under "strip tillage."

SOURCES:
Conservation Tillage Information Center
1987 National Resources Inventory, Soil Conservation Service

Staffing Levels:
Soil Conservation Service and Soil & Water Conservation Districts
1982 - 1993



	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
SCS Technicians	N/A										50	49	51	46
SCS Engineers											27	28	26	25
SCS Soil Scientists											45	52	49	46
SCS Soil Conserv'ists											132	131	132	137
SCS Total Staff			279	283	283	289	275	268	291	314	305	304	311	315
SWCD Technicians			108	98	102	102	93	93	100	103	N/A	97.5	N/A	N/A
SWCD Total Staff	258	222	220	217	235	235	224	243	249	257		232.25		

Years

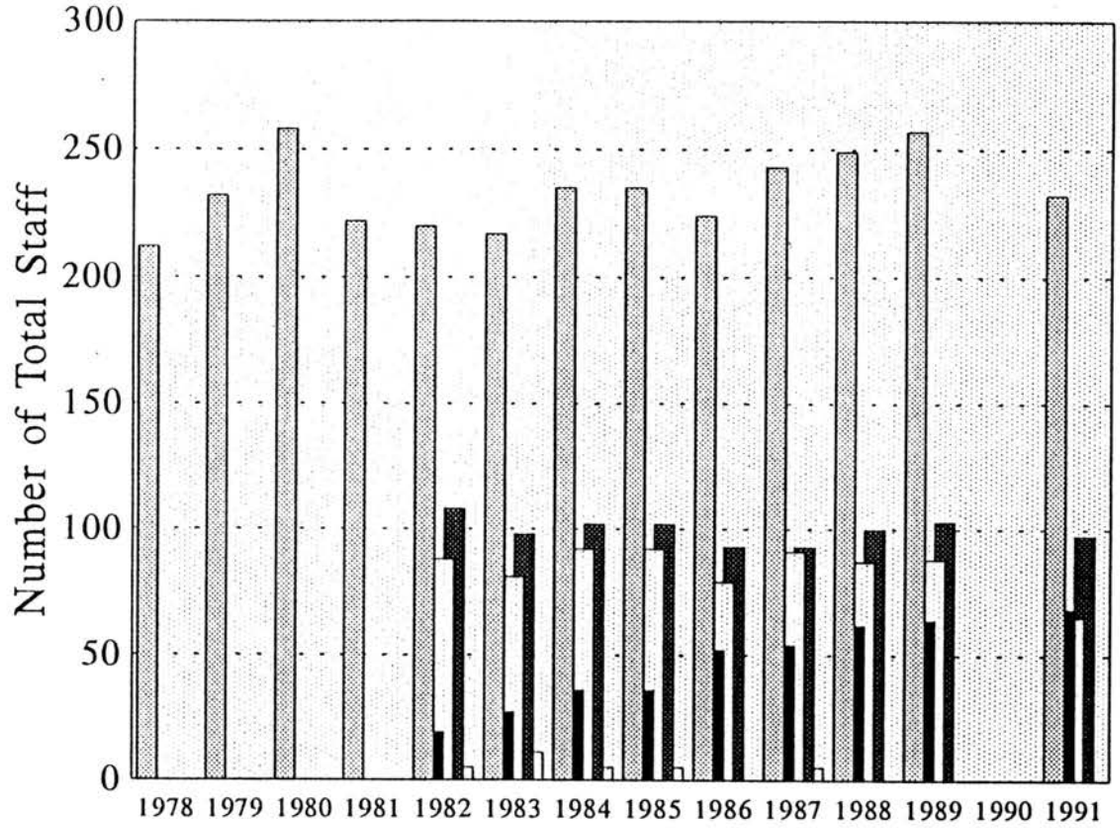
Type of Staff

SWCD Total Staff, SWCD Technicians, SCS Total Staff, SCS Soil Conserv'ists, SCS Soil Scientists, SCS Engineers, SCS Technicians

N/A = Not Available

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STAFFING LEVELS OF SOIL & WATER CONSERVATION DISTRICTS:
1978 - 1991



	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Total Staff	212	232	258	222	220	217	235	235	224	243	249	257	N/A	232.25
Managerial	N/A	→	→	→	19	27	36	36	52	54	62	64	↓	68.5
Secretarial/Clerical	↓				88	81	92	92	79	91	87	88		65.25
Technical					108	98	102	102	93	93	100	103		97.5
Equipment Operators					5	11	5	5	0	5	0	0		0

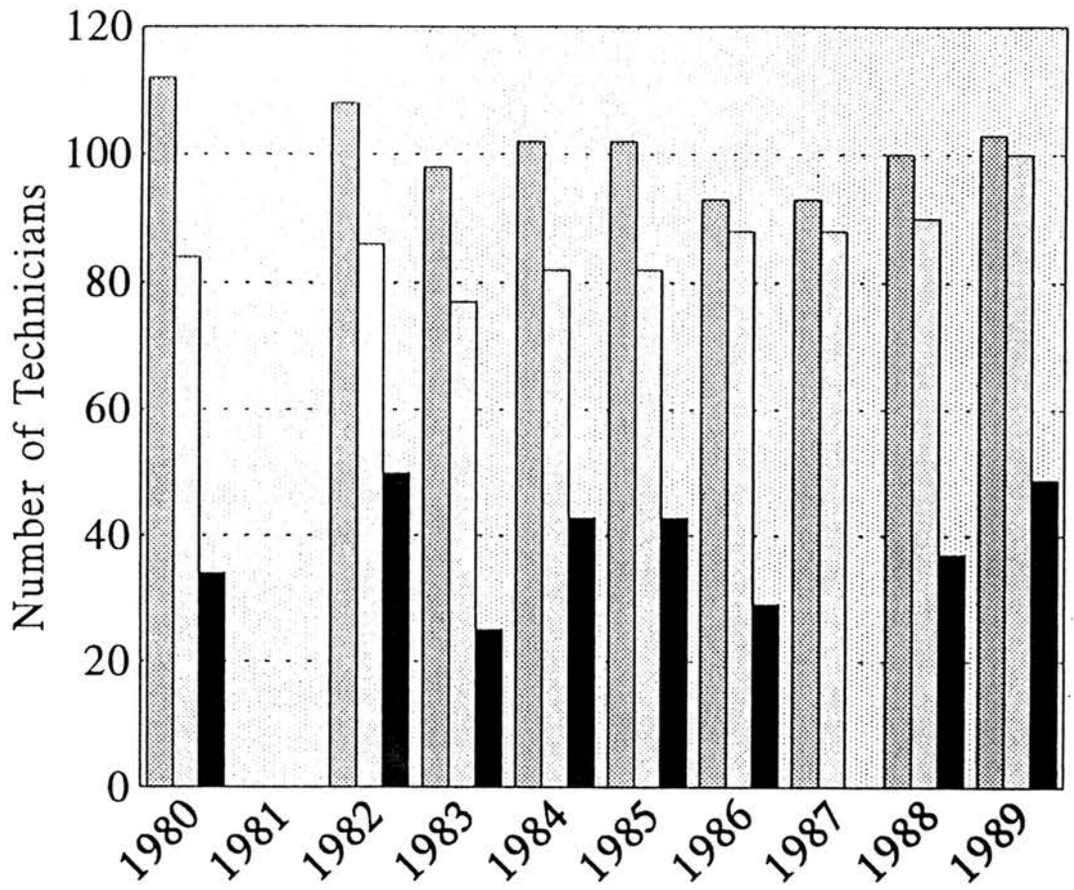
Years

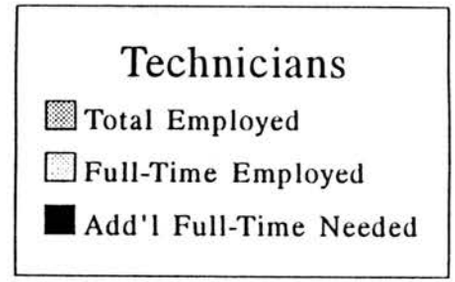
Staffing Levels
- Total Staff
- Managerial
- Secretarial/Clerical
- Technical
- Equipment Operators

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N/A = Not available

TECHNICIANS EMPLOYED AND NEEDED BY SOIL & WATER CONSERVATION DISTRICTS:
1980 - 1989





Total Employed	112	N/A	108	98	102	102	93	93	100	103
Full-Time Employed	84	↓	86	77	82	82	88	88	90	100
Add'l Full-Time Needed	34	↓	50	25	43	43	29	N/A	37	49

Years

N/A = Not Available

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SOIL & WATER CONSERVATION DISTRICT
Expenditures on Personal Services:
1984 - 1993

Years	*Total Expenditures: Personal Services*	*Total Staff*	*Cost per Staff*
1984	*3,595,000*	*235*	*15,298*
1985	*3,766,000*	*235*	*16,026*
1986	*3,984,000*	*224*	*17,786*
1987	*4,599,000*	*243*	*18,926*
1988	*5,506,000*	*249*	*22,112*
1989	*6,054,000*	*257*	*23,556*
1990	*6,573,000*	*	*
1991	*7,083,000*	*232.25*	*30,497*
1992	*7,729,000*	*	*
1993	*8,187,000*	*252*	*32,488*

* = Not Available

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SOIL & WATER CONSERVATION DISTRICT
Expenditures on Personal Services:
1984 - 1993

- Soil and water conservation districts have increased their expenditures on personal services, yet overall staffing levels have remained relatively flat over the past 10-year period. There are several reasonable explanations for this apparent discrepancy between the relationship of the growth of expenditures and staffing levels. They are as follows:

- Double-digit inflation occurred during much of the mid- to late-1980s, which was largely responsible for the signif[illegible]nt increase in overall personal services expenditures.

- Begi[illegible]he late 1970s and early 1980s, soil and water conservation districts across the state bega[illegible]ease the number of their employees to meet increasing demands from local landowners to ap[illegible]nd water conservation practices to control erosion and protect water quality. These [illegible]e profession at relatively low wages, many without fringe benefits.

- [illegible] of the employees hired in the late 1970s and early 1980s were retained by their respective [illegible]CDs for many years. Consequently, these employees gained seniority within their positions which resulted in increased wages over time. Now, these employees are at or near the top of their respective payscales.

- Beginning in the mid-1980s, many SWCDs began to add employee benefit programs in efforts to retain these dedicated employees. Also, most SWCDs recognized the findings of comparable worth studies and incorporated payscale adjustments accordingly. These adjustments resulted in greater expenditures for personal services.

- Most SWCDs now have a manager directing the daily activities and programs of the district. These individuals are compensated at the highest payscale levels.

- Cumulatively, these actions are responsible for the significant increase in personal service expenditures by SWCDs and also explains why there has been no comparable increase in overall levels. It is also noteworthy to mention that as SWCDs have promoted from within, many of the technicians who previously provided one-on-one technical assistance to landowners are now less available to meet these requests. Consequently, as the SWCDs have increased their capacity to accept the delegation of many state (and federal) programs since 1984, their overall capacity to provide one-on-one technical assistance to their constituents has actually been reduced.