

Minnesota Board of Water and Soil Resources. Minutes.

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9/25/96

DRAFT

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
SEPTEMBER 25, 1996

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

BOARD MEMBERS ABSENT: Jim Rossman

AGENCY MEMBERS PRESENT:
Jim Anderson, Minnesota Extension Service (MES)
Paul Burns, Department of Agriculture (MDA)
Wayne Edgerton, Department of Natural Resources (DNR)
Wayne Anderson, Pollution Control Agency (PCA)

AGENCY MEMBER ABSENT: Kim Benson-Johnson

STAFF PRESENT:
Ron Harnack, Jim Lemmerman, Wayne Zellmer, Jim Birkholz, Jim Haertel, Greg Larson, Ron Shelito, Doug Thomas, Mary Jo Anderson.

OTHERS PRESENT:
Don Wodek, Hennepin SWCD
Jim Schafer and D'Wayne DeZiel, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Vern Johnson and Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Franklin Denn, Minnesota Association of Townships (MAT)
Bill Hunt and Michael Price, Natural Resource Conservation Service (NRCS)

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

** 96-65 **Adopt Agenda** - Moved by Marv Tripp, seconded by Barb Uppgaard, to approve the agenda as presented. Motion passed on a voice vote.

Minutes of August 28, 1996 - A correction is needed on page one, Glenn Annexstad is listed as an agency member absent, it should read "board member absent" also on page six, MAWD Advisory Comments, the word attending should read "attended". Moved by Barb Uppgaard, seconded by Marv Tripp, to approve the minutes of August 28, 1996 as corrected. Motion passed on a voice vote.

** 96-66

Chair's Report - Chair Cobb attended the Environmental Quality Board (EQB) Retreat; the new chair of EQB is John Hustad; strategic planning was discussed. The Environmental Cluster is meeting regarding agency legislative initiatives. Chair Cobb has attended MASWCD/MES leadership classes. Chair Cobb asked board members and agency members to sign-up for BWSR committees they are interested in.

Executive Director's Report - Ron Harnack visited the BWSR Rochester office to meet with staff, local water planners and SWCDs. Ron has met with Fred Bergsrud regarding the environmental education position for BWSR/MES, there will be continued discussions and meetings on this position. Ron reported that the Minnesota Environmental Trust Fund Coalition, a non-profit organization, is looking for support regarding the constitutional amendment to the Environmental Trust Fund. The Coalition is looking for support to continue the fund dedication to LCMR environmental projects, the commitment ends in 2001; the legislature needs to take action in 1998 and 2000. The Coalition is co-chaired by Elmer Anderson and Mary Sue Perpich-Bifalk. The next meeting is November 13. Another group, the Minnesota Outdoor Heritage Association (MOHA), an outgrowth of an animal rights group, is concerned with the right to hunt and fish, which would take management authorities away from agencies - Wayne Edgerton will send more information to board members on this issue. Ron reported that the "All Staff Meeting" has been scheduled for October 8-10, at Kavanaugh's Conference Center in Brainerd.

Dispute Resolution Committee Report - Kathy Roer stated that there are no present cases; the Birch Lake group met with the Sauk River Watershed District and state and county officials regarding septic upgrades and general lake degradation; the Birch Lake Association and opposing petitioners left the meeting on a congenial note. Chair Cobb thanked Jim Haertel and Ron Shelito for their facilitation work on this appeal.

Agency Reports
Wayne Edgerton, DNR, stated that DNR is addressing the Environmental Trust Fund constitutional amendment. The Conservation Reserve Program (CRP) proposed rules are out; of the 38 million acres, 14 million acres are not eligible; the Governor's office is looking for a coordinated response from agencies.

Jim Anderson, MES, stated he will be meeting with Ron Harnack and Fred Bergsrud on October 4 to discuss the environmental education position. MES will be conducting a phosphorus issues session with multi-agencies involved, relating to agricultural issues. MES is involved in training sessions regarding drainage practices, in coordinated efforts with LGUs.

Paul Burns, MDA, reported that the Division of Planning has been reorganized and is in the middle of moving to another floor within the MDA Building. Paul distributed two handbooks, "Planning and Zoning for Animal Agriculture in Minnesota" and "Planning for Agricultural Land Preservation in Minnesota". Statewide workshops have been held to assist LGUs with planning.

Wayne Anderson, PCA, reported that PCA is through the first phase of strategic planning, changes will be made in PCA through a systems approach -- "GOAL 21" stands for: Goal - Outcomes - Alliances - Learning organization - in the 21st century. The next step in the process is transition. PCA has an open application period for clean water partnership, September - November, with local sponsored projects. Wayne reported that PCA recently announced the Minnesota River impacts and improvements that are happening due to the soil erosion projects on the Minnesota River.

Consent Agenda
Jackson County Request for Water Plan Extension - Doug Thomas reported that the six-month extension request has been reviewed, staff recommend approval. Moved by Marv Tripp, seconded by LeRoy Stensgaard, to approve the Jackson County request for a six-month extension of their water plan. Motion passed on a voice vote.

** 96-67

Nine Mile Creek Watershed District Watershed Management Plan - Kathy Roer introduced Aileen Kulak and Bob Obermeyer, representatives of the Nine Mile Creek Watershed District. Kathy Roer reported that the BWSR review committee reviewed this plan and recommend approval of the Nine Mile Creek Watershed District Watershed Management Plan. Moved by Kathy Roer, seconded by Barb Uppgaard, to approve the Nine Mile Creek Watershed District Watershed Management Plan. Motion passed on a voice vote. Barb Uppgaard stated that this plan could be used as a prototype. Aileen Kulak thanked the BWSR members and Jim Haertel for his great efforts on the plan.

** 96-68

New Business

Policies Relating to Metro Watershed Management - Jim Haertel presented two proposed policies:

Policy #1) Termination of Watershed Management Organization (WMO) or Failure of a WMO to Implement a Plan -- Upon confirmation by BWSR staff that a WMO has terminated itself or has failed to implement its plan pursuant to rule and law, BWSR will sent a letter under the executive director's signature to the affected county or counties, with a copy to the board member representative and to the WMO, notifying them that the WMO is in that status. The letter will notify the county of its responsibilities in accordance with Minnesota Statutes 103B.231, Subd. 3(b). For purposes of this policy, failure to implement means no WMO exists because the Joint Powers Agreement (JPA) has expired, the JPA does not have signatures of all affected parties, or the BWSR has determined a failure to implement in accordance with Minnesota Rules Chapter 8410.0180.

Policy #2: Non-compliant Watershed Management Organization (WMO) Joint Powers Agreement (JPA) -- Upon confirmation by BWSR staff that a WMO JPA is non-compliant with rule and law, BWSR staff shall notify the WMO and pursue working with the WMO to bring the JPA into compliance. If informal attempts to bring the JPA into compliance fail, BWSR will send a letter under the executive director's signature to the WMO notifying them that the WMO has 90 days to adopt a compliant JPA. A copy of the letter will be sent to the affected county or counties. If a compliant JPA is not adopted within 90 days, the BWSR will proceed as if the WMO has failed to implement.

** 96-69 Moved by Kathy Roer, seconded by Marv Tripp to approve these two policy proposals. Motion passed on a voice vote.

Chair Cobb called for a break in the meeting at 10:10 a.m. The meeting reconvened at 10:25 a.m.

Dwain Otte entered the meeting at 10:35 a.m.

Sinkhole Protection and Ground Water Projects - Eric Mohring presented an eight-minute video explaining the cost-share erosion control and water quality improvement programs in and around sinkholes in southeastern Minnesota. Eric also gave a brief overview of the well sealing cost-share program.

Forestry Activities - Jim Lemmerman presented the ongoing forestry activities in Minnesota and distributed the publication, "Agroforestry" for board members' information. Jim reported that he has been presenting a "Windbreak Technology Course" consisting of six training sessions over the past six years, this is continual training for technical staff. Ron Shelito stated that Jim

Lemmerman is the only BWSR staff involved in statewide forestry activities, and does an excellent job.

Red River Project Report - Joe Gibson and Don Buchout, Department of Natural Resources, presented the state generic environmental impact statement (EIS) on flood control impoundments in northwestern Minnesota; recommendations for flood control project coordination; and findings and implications for project-specific review. Chair Cobb thanked Joe Gibson and Don Buchout for coming.

Signing of Memorandum of Understanding - Bill Hunt, State Conservationist, NRCS; Jim Schafer, President, MASWCD; Dwain Otte, NACD North Central Director; and Barb Cobb, Chair, BWSR; signed the "Mutual Agreement" conservation partnership memorandum of understanding. Each briefly commented on the importance of the conservation partnership and the ceremonial signatures of this agreement.

Chair called for a lunch break in the meeting at 11:40 a.m. The meeting reconvened at 12:40 p.m.

1997 Challenge Grants - Wayne Zellmer presented the Local Water Plan Challenge Grant, allocation of $780,000. Moved by Ted Lovdahl, seconded by Glenn Annexstad to approve the
** 96-70 1997 Local Water Plan Challenge Grants. Motion passed on a voice vote.

1997 Wetland Challenge Grant - Wayne Zellmer explained that the BWSR Wetlands Committee met and reviewed the applications and recommend approval for the 1997 Wetland Challenge
** 96-71 Grant, allocation of $120,000. Moved by Ginny Imholte, seconded by Dwain Otte, to approve the 1997 Wetland Challenge Grants. Motion passed on a voice vote.

Red River Valley Emergency Flood Damage Assistance and Northwestern Minnesota Disaster RIM Special Project for Limited Duration Easements - Wayne Zellmer introduced Kathy Zavoral, Beltrami SWCD and Board Conservationist Brian Dwight. Tim Hvidsten explained the extraordinary event of flooding and the damages that have occurred in northwestern Minnesota; pictures were shown of the damages. The first request is for cost-share dollars FY97 special roll-over grant to the Red River Valley Emergency Flood Damage Assistance; and a second request is a Limited Duration RIM Easement in Flood Damaged
** 96-72 Locations. Discussion followed. Moved by Dwain Otte, seconded by Ted Lovdahl, to approve the request for cost-share dollars for FY97 special roll-over grant to the Red River Valley Emergency Flood Damage Assistance; and to approve the request for Limited Duration RIM Easement in Flood Damaged Locations. Motion passed on a voice vote. BWSR requests that the district submit a detailed report listing the use of this allocation.

** 96-73 1997 MPCA Feedlot Challenge Grant - Wayne Zellmer introduced Don Hauge, PCA, who explained the $600,000 allocation for the 1997 MPCA Feedlot Challenge Grant. Moved by Marv Tripp, seconded by Barb Uppgaard, that the 1997 MPCA Feedlot Challenge Grant be processed through the BWSR grant procedures. Motion passed on a voice vote.

** 96-74 **Release of Acres** - Tim Fredbo explained the requested proposal to release 3.5 acres from the easement. Discussion followed. Moved by Kathy Roer, seconded by Darrell Bruggman, to approve the request, with the stipulation that the landowner be required to pay $2,051 to the state, the remaining 1.5 acres under a limited duration easement be converted to a perpetual easement without compensation to the landowner, and current and/or future landowners enter into a management plan for pasturing, ensuring that the acreage doesn't get overgrazed and eroded. A roll call vote was requested: Affirmative: Kathy Roer, Glenn Annexstad, Tim Hvidsten, Ted Lovdahl, Darrell Bruggman, Marv Tripp, Ginny Imholte, Barb Cobb. Opposed: Barb Uppgaard, Dwain Otte, LeRoy Stensgaard. Motion passed.

Public Road Mitigation - John Jaschke presented the new program proposal and the four options available. The Wetland Team recommended Option 4; this is for board information at this time, action will be taken at the October board meeting.

Drainage Training - John Jaschke distributed a public drainage training grant, appropriated to AMC through BWSR; a proposed final work plan will be brought before the BWSR for action at the October board meeting.

The November/December BWSR meeting has been scheduled for December 18; there will not be a November meeting. The next BWSR meeting is October 23.

** 96-75 **Bylaws** - Ron Harnack reported that the Attorney General's office reviewed the BWSR Draft Bylaws and recommended some minor changes. Moved by Ginny Imholte, seconded by Barb Uppgaard, to approve the bylaws as presented. Motion passed on a voice vote.

Chair Cobb requested that the position of vice-chair be opened as an opportunity to all board members. The bylaws state that the vice-chair shall be elected to a two-year term from the regular membership of the BWSR. The vice-chair shall be elected by majority vote every even calendar year. Now that the bylaws have been approved, Chair Cobb opened nominations for vice-chair. Marv Tripp nominated Barb Uppgaard as vice-chair. Nominations ceased. Barb Uppgaard is the newly elected vice-chair. Chair Cobb will write a letter of thanks to Jim Rossman for his years of service as vice-chair.

Legislative/Budget Initiatives - Ron Harnack asked board members to rank the budget initiatives. There are two policy issues: agency voting; and changing term of SWCD supervisors from six to four years. Discussion followed.

Strategic Planning - Ron Harnack stated that Esme Evans had been working on the strategic plan but has now returned to the Department of Revenue as her mobility assignment has ended. Staff (Jim Birkholz, Bruce Sandstrom, Al Kean, Greg Larson, Doug Thomas and Ron Harnack) have worked on the outline of the strategic plan for months. Board members comments are requested; submit comments to Ron Harnack. A complete document will be in draft format for the October board meeting.

Advisory Comments
Minnesota Association of Soil and Water Conservation Districts (MASWCD): Jim Schafer reported that the MASWCD executive committee met yesterday; they are in support of the four year term for supervisors.

Minnesota Association of Townships (MAT): Franklin Denn reported that the MAT annual conference will be held at Cragun's in Brainerd on October 21-22.

Chair Cobb adjourned the meeting at 3:10 p.m.

Respectfully submitted,

Barbara Cobb

Barbara Cobb
Chair

BRIEFING PAPER: BOARD OF WATER AND SOIL RESOURCES, 9/25/96
FEDERAL TIER 1/STATE GENERIC EIS:
FLOOD CONTROL IMPOUNDMENTS IN NORTHWESTERN MINNESOTA

RECOMMENDATIONS FOR FLOOD CONTROL PROJECT COORDINATION

(From FEIS Section 6.4, page 6-6)

A. The regulatory agencies and project proposers should meet annually to discuss proposed project plans and identify impediments to and opportunities for implementation of those plans and permit requirements.

B. Agencies should identify an interagency project review team to work with project sponsors and provide regular point of contact persons for issue resolution.

Joint Corps of Engineers and Department of Natural Resources environmental review documents and permit processes, when required.

FINDINGS AND IMPLICATIONS FOR PROJECT-SPECIFIC REVIEW

(From FEIS Section 6.1.1, page 6-1)
The Tier 1/Generic EIS lays the groundwork for evaluating cumulative effects at the project specific (tier 2) level of review. Environmental review documents (EAs and EAWs) will have to identify the following regarding cumulative effects of flood control impoundment projects:

1) Identify the subbasin in which the project is located.

2) Identify the resources in the subbasin and MN-basin that have the potential to be significantly affected according to the Tier 1/Generic EIS.

3) Determine whether the proposed project would contribute either beneficially or adversely to each of the potential cumulative effects.

4) Identify the mitigation that would be applied and the alternatives that have been considered to reduce or eliminate any significant adverse cumulative effects identified in step 3.

5) Describe the significant adverse cumulative effect(s) that cannot be avoided or mitigated.

The information from items 1 through 5 regarding cumulative effects, along with the analysis of site-specific effects, the proposed mitigation, the practicability of alternatives, and the project benefits, will be considered by the regulatory agencies in making decisions about environmental review and permits for specific projects.

Table 1-1. Potential for Significant Beneficial or Adverse Cumulative Effects by Subbasin and MN-basin.

Potentially Affected Resource	ROSEAU	TWO	MIDDLE SNAKE	RED LAKE	SAND HILL	WILD RICE	BUFFALO	BOIS DE SIOUX	MAIN STEM	MN-BASIN
Streamflow										
Flood Flow	Yes +	0	0	0	Yes +	0	0	Yes +	0	0
Average Monthly Runoff Volume	0	0	0	0	0	0	0	Yes -	0	0
Low Flow (July 1988)	Yes -	0	0	0	0	0	Yes -	Yes -	0	0
Groundwater Quantity and Aquifer Recharge Areas	0	0	0	0	0	0	0	0	0	0
Water Quality										
Assimilative Capacity	Yes -	0	Yes -	Yes -	Yes -	0	Yes -	Yes -	Yes -	Yes -
Mercury	Yes -	0	Yes -	Yes -	Yes -	0	Yes -	Yes -	Yes -	Yes -
Other Parameters	0	0	0	0	0	0	0	0	0	0
Archeological and Architectural	Yes -	0	0	0	0	0	0	0	0	Yes -
Tribal Trust	0	0	0	0	0	0	0	0	0	0
Woodland and Grassland Habitat										
Woodland Habitat	Yes -	0	0	Yes -	Yes -	Yes -	0	0	NA	0
Grassland Habitat	Yes -	Yes -	Yes -	Yes -	Yes -	Yes -	Yes -	0	NA	Yes -
Lake and Stream Habitat										
Lake Habitat	0	Yes -	0	0	0	0	0	0	NA	0
Stream Habitat	Yes -	0	0	Yes -	Yes -	Yes -	Yes -	0	0	Yes -
Wetland Habitat	Yes -	Yes - (*)	Yes -	0	Yes -	Yes -	Yes -	Yes +	NA	Yes -/+
Wildlife	Yes -	Yes -	Yes -	Yes -	Yes -	Yes -	Yes -	Yes +	0	Yes -
Fish	Yes -	Yes -	0	Yes -	Yes -	Yes -	0	0	Yes -	Yes -
Threatened and Endangered Species	0	0	0	0	0	Yes -	0	0	0	0
Land Use	0	0	0	0	0	0	0	0	NA	0
Land Value and Development Potential	0	0	0	0	0	0	0	0	NA	0
Agricultural Production and Productivity	Yes +	0	0	0	Yes +	0	0	0	NA	0
Transportation Systems	0	0	0	0	0	0	0	0	0	0
Recreation and Tourism	0	0	0	0	0	0	0	0	Yes -	Yes -
Community Cohesion and Controversy	ND	ND	ND	ND	ND	ND	ND	ND	NA	0

NOTES: "Yes" indicates potential for significant cumulative effect; "0" indicates no potential significant cumulative effect.
A "+" indicates a significant beneficial cumulative effect; "-" indicates a significant adverse cumulative effect. See Section 5.3 and Appendix A for discussion.
ND - Community Cohesion and Controversy Not Determined at subbasin level.
NA - Not Applicable. The Main Stem only refers to the channel itself.
The Joe, Tamarac, and Otter Tail subbasins are not listed because there are no impoundment projects proposed for these subbasins and therefore, no effects at the subbasin level
(*) If Nationwide and no jurisdiction projects are deleted from the evaluation, the conclusion would change to no potential cumulative effect (0) for this resource for this subbasin.

EXECUTIVE SUMMARY

FINAL Federal Tier 1 / State Generic
Environmental Impact Statement of Flood Control
Impoundments in Northwestern Minnesota

BACKGROUND

The St. Paul District, Corps of Engineers (COE) and the Minnesota Department of Natural Resources (DNR) have jointly prepared an Environmental Impact Statement (EIS) to analyze the potential cumulative effects of impoundments with a flood damage reduction purpose needing an individual COE permit in the Minnesota portion of the Red River of the North basin (MN-basin). There were 33 impoundment projects identified during scoping as being representative of the types, locations, sizes, and operation of projects expected to be constructed during the next 10-15 years in the MN-basin. The need for an EIS was prompted by the concern that the construction and operation of these impoundments may have the potential for significant cumulative effects on MN-basin resources.

This Executive Summary contains the primary conclusions about potential cumulative environmental effects of the proposed projects and presents selected issues from public comments on the Draft EIS. It also includes information about the next level of environmental review for these projects--tier 2.

MAJOR CONCLUSIONS AND FINDINGS

The following statements are the major conclusions from the analysis of potential cumulative environmental effects that would result from the proposed flood damage reduction projects.

The evaluation of cumulative effects includes the incremental effects of the proposed projects in the context of the effects of all past, present, and other future actions. The EIS describes cumulative effects at two levels--for the overall MN-basin and for the 11 subbasins and the main stem. Cumulative environmental effects may be beneficial, adverse, or both.

A. There is potential for the construction and operation of the proposed impoundments to have significant beneficial and adverse cumulative environmental effects on resources at the MN-basin and subbasin levels.

Resources with potential for significant beneficial cumulative effects:

MN-basin level:
- *Wetland Habitat*

Subbasin level:
- *Streamflow: Flood Flow*
- *Wetland Habitat*
- *Wildlife*
- *Agricultural Production and Productivity*

Resources with potential for significant adverse cumulative effects:

MN-basin level:
- *Water Quality: Assimilative Capacity and Methyl Mercury*
- *Archeological and Architectural Resources*
- *Grassland Habitat*
- *Stream Habitat*
- *Wetland Habitat*
- *Wildlife*
- *Fish*
- *Recreation and Tourism*

Subbasin level:
- *Streamflow: Average Monthly Runoff Volume and Low Flow*
- *Water Quality: Assimilative Capacity and Methyl Mercury*
- *Archeological and Architectural Resources*
- *Woodland and Grassland Habitat*
- *Lake and Stream Habitat*
- *Wetland Habitat*
- *Wildlife*
- *Fish*
- *Threatened and Endangered Species*
- *Recreation and Tourism*

B. For some resources, the construction and operation of the proposed impoundments are not expected to have significant adverse or beneficial

cumulative environmental effects at either the MN-basin or subbasin level.

Groundwater Quantity and Aquifer Recharge Areas
Water Quality: Other Parameters
Tribal Trust Resources
Land Use
Land Value and Development Potential
Transportation Systems
Community Cohesion and Controversy

For more information on potential cumulative effects, see the Final EIS text.

SUMMARY OF SELECTED EIS COMMENTS AND RESPONSES

More than 50 different commenters submitted over 650 written comments on the Draft EIS. FEIS Appendix G contains all the comments received and the COE and DNR responses to each one. Several major themes from the comments are listed here along with a summary of the responses provided.

SCOPE OF A TIER 1/GENERIC EIS

Comment: The EIS does not provide enough detail about the potential effects of proposed projects and alternatives.

Response: The federal and state environmental review process for these projects has been divided into two levels or tiers. This tier 1/generic EIS document discusses the cumulative environmental effects of proposed impoundment project types and the general effects of other flood damage reduction alternatives in northwestern Minnesota. Tier 2 review will focus on projects that need individual Federal Clean Water Act permits and will require preparation of site-specific environmental assessments (EAs), environmental assessment worksheets (EAWs), or EISs. Both tier 1 and tier 2 documents provide information about project impacts and alternatives to help guide federal and state permit decisions.

USE OF PRE-SETTLEMENT CONDITIONS AS THE BASELINE FOR EVALUATION

Comment: The EIS uses pre-settlement conditions as a basis for evaluation of the effects on natural resource habitats.

Response: The baseline for measuring the incremental cumulative effects of the proposed projects on *all* resources is the existing condition of the resource, *not* the pre-settlement condition. By definition, a cumulative impact analysis must consider the effects of all past actions on the resources being studied (Fed. Reg. 40 CFR §1508.7). So the EIS analysis of effects on natural resources does include an evaluation of the change in habitat abundance since pre-settlement times, but this is only one of several factors used.

SIGNIFICANCE CRITERIA AND CONCLUSIONS

Comment: The determination of significance is based on criteria that are arbitrary, that rely too much on professional judgement and that are not consistent for different resources.

Response: The COE and DNR acknowledge that criteria used to determine significance are controversial. The criteria are explained and justified in FEIS Appendix C. The criteria vary depending on the type of resource being analyzed, the condition of the resource, legal requirements, and the importance of the resource, as identified during scoping. Also, significance criteria will vary depending on whether there have been increases or decreases over time in the quantity or quality of the resources. It would be arbitrary to assign the same significance criterion to the wide variety of resources evaluated in this EIS.

IMPOUNDMENT PROJECT BENEFITS

Comment: The EIS ignores the beneficial effects of proposed and existing impoundment projects. Project benefits include wildlife habitat, flood flow reduction and low flow augmentation.

Response: The EIS clearly states that there is the potential for significant cumulative beneficial effects on flood flows, agricultural production and productivity, wildlife, and wetland habitat from the proposed projects. Information about existing projects was used where available. The evaluation of natural resource effects included investigation of two existing projects for their effects on vegetation and wildlife and of eighteen existing projects for summarization of operating plans. Fish and wildlife managers familiar with operation of existing impoundments were consulted regarding the impoundment benefits and impacts that have

occurred. In estimating wildlife effects of proposed projects, evaluators considered both the adverse effects to wildlife currently inhabiting project sites as well as beneficial effects which could result from the new project. Net habitat benefits tend to accrue when an impoundment converts a site from a degraded or cropland condition to a restored natural condition. The response to comments acknowledges that impoundments could provide water supply benefits. However, only two of the existing and none of the proposed impoundments include a low flow augmentation purpose, so this effect was not evaluated. Furthermore, the EIS identifies a potential loss of streamflow during low flow periods due to evapotranspiration from permanent pools.

PROJECTS' BENEFIT TO COST RATIO

Comment: The EIS lacks an analysis of project benefits versus costs.

Response: Benefit-cost analysis is not a requirement of regulatory EISs, such as this one, or Federal and State permits. The relationship of a project's benefits to costs, as well as the economic feasibility of the projects, is most appropriately addressed by project funding and sponsoring agencies and organizations.

EVALUATION OF ALTERNATIVES

Comment: The effects of alternatives have not been assessed at the same level of detail as the effects of the proposed impoundments.

Response: The magnitude and extent of the flood damage reduction effects have not been determined for most of the proposed impoundments. Therefore, it is not possible to identify the extent and location of alternatives that would be necessary to achieve equivalent flood damage reduction effects. The environmental effects of alternatives to impoundments are identified in generic, non-site specific terms in this EIS. A detailed evaluation of the flood damage reduction effects of alternatives, including combinations of alternatives, compared to proposed projects will be addressed in any tier 2 documents.

COMPARISON OF IMPOUNDMENT PROJECT EFFECTS TO EFFECTS OF OTHER FUTURE PROJECTS

Comment: The potential effects of the proposed projects are insignificant when compared to the effects of other actions on the same resources.

Response: The purpose of the EIS is to evaluate the potential cumulative incremental effects of the proposed projects in the context of other actions but not in comparison to other actions. The effects of other actions, if they result in a decrease in the quantity or quality of a resource, could increase the significance of the incremental effect of the proposed projects on the same resource. This EIS assumed that future resource conditions would not change, apart from impoundment project effects. Consequently, the incremental effects are based on a comparison to the existing resource conditions. Other major actions in the future could also have significant effects on the resources evaluated in this EIS, but those effects would have to be evaluated in another document.

USE OF A "WORST CASE" ANALYSIS

Comment: The EIS uses a "worst case" analysis of environmental effects, meaning any adverse effect is significant.

Response: The EIS does *not* use a worst case analysis, as defined above. There are potential adverse effects on natural habitat and water quality described in the EIS which were determined to be not significant. A true worst case analysis, which is no longer allowed in Federal EISs, would assume maximum adverse environmental effects in cases where information about a project is unavailable. For example, a worst case analysis of flood control impoundments would assume the loss of all existing habitat within the flood pool area. It would assume the loss of individuals of a threatened or endangered-listed species at every site with suitable habitat and the loss of a National Register eligible archeological or architectural site at every unsurveyed location with potential for such sites to occur. The EIS does not use these or similar assumptions for any resources.

NEED FOR FLOOD CONTROL IMPOUNDMENTS

Comment: There have been comments received on both sides of the issue regarding the need for these impoundment projects.

Response: An EIS does not address the need for a project. That is the responsibility of project

proposers who must justify to those providing the project funding that the projects do provide a solution to an identified problem or meet a particular economic or environmental need. The responsibility of the COE and DNR in preparing the EIS was to identify the potential environmental effects as information for subsequent regulatory decisions.

TIER 2: WHAT'S NEXT?

Tier 2 is the next stage of environmental review for individual flood damage reduction impoundments. Tier 2 will include a site-specific analysis of the effects of projects that require individual Clean Water Act permits and the opportunity for public review. It will also include an identification of that project's contribution to the potential cumulative environmental effects that were identified in this tier 1/generic EIS. FEIS Section 6.1.1 explains the implications of a finding of significance as related to scoping those cumulative effects which need to be examined and which do not need to be examined in project-specific documents. Both alternatives and mitigation will be examined in more detail in tier 2.

Corps of Engineers, St. Paul Dist.
190 Fifth Street East
St. Paul, Minnesota 55101-1638
CENCS-PE-M

The COE and DNR recognize the need to improve the working relationships among all parties involved in flood damage reduction projects. The EIS recommends that agencies form an interagency project review team, including project sponsors, which would meet regularly to discuss proposed project plans and facilitate coordination of the environmental review and permit application review process for proposed flood damage reduction impoundments.

EIS AVAILABILITY

Copies of the Final EIS are available for review at DNR offices, county courthouses, watershed district offices, and most libraries in the area. Copies of the Final EIS may be requested from the COE at the address listed below.

District Engineer
St. Paul District, Corps of Engineers
Attn: Environmental Resources Section
190 5th Street East
St. Paul, Minnesota 55101-1638

Bulk Rate
U.S. Postage
PAID
Permit No. 171
St. Paul, MN

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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M E M O R A N D U M

September 20, 1996

TO: Barb Cobb, BWSR Chair
Kathy Roer, DRC Chair

FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Birch Lake Meeting

Yesterday we held a meeting at the Sauk River Watershed District Office in Sauk Center. The major goal was to attempt to bring the opposing parties back together to facilitate an open dialogue so the lakeshore owners could plan for future water quality efforts in a unified manner. The meeting proved to be quite successful, however, a few of the petitioners for the central sewer system are still very disappointed. You two, and Ron Harnack, are likely to get a letter that elaborates on that disappointment. Further, the letter may include how local government has failed and how the state should step in on this one--and only this one--issue.

The meeting was attended by 29 people (see enclosed list). My efforts to keep the total under 20 failed when the petitioners had most of the board of the Big Birch Lake Association attend along with a few additional petitioners. There were three lakeshore owners present that represented the non-petitioners. Also in attendance were representatives from PCA, Health and Extension, along with Todd and Stearns County's SWCD's and Environmental Services (Planning and Zoning). The WD was represented by their Chair, Administrator, and Environmental Technician.

Ron Shelito did a good job of facilitating the meeting. In his opening remarks, Ron stressed keeping comments on a positive note and spoke of developing a list of options available to improve the water quality of the Birch Lakes. These options would be discussed by the various state and county people present.

The PCA representative spoke of the major Clean Water Partnership Project

that is underway. One item of note here is that Big Birch Lake funded a $100,000 diagnostic study themselves and then applied for a Phase 2 grant. Some water quality data from the past two years and budget information on the project was distributed.

The Todd County SWCD representative spoke about the good landowner participation in land use practices along Fish Creek, the main contributor to Big Birch Lake. He spoke of BWSR grants being utilized, riparian plantings being done and conservation practices on highly erodible land. He spoke of RIM and how limited duration easements would help get lands enrolled as opposed to permanent easements.

The Todd County Zoning Official spoke of MR 7080 being adopted in its entirety and being enforced, along with shoreland rules. In a Big Birch Lake funded study that was conducted through the WD, 80% of the septic systems were determined to be non-conforming. It is unknown how many are actually failing. The new County Attorney is good at following through with enforcement of non-conforming septic systems. Also, the county board will continue to scrutinize lake areas for non-conforming septic systems.

The Stearns County Environmental Services representative pointed out that there are differences of opinion on what a "bad" septic system is, such as discharge to open water or improper setback from shoreline or water well. Stearns County has no zoning but does have shoreland rules. Stearns has no date for bringing non-conforming septic systems into compliance. A major point was that the county needs to be on board and the lakeshore owners should meet with the board.

The Stearns County SWCD distributed a handout on the various programs available which mostly pertain to soil erosion.

The MDH representative made an excellent point that setback distances between wells and septic systems should be analyzed on lots with difficult septic system design problems. It is easier to share a well than a septic system.

A Big Birch Lake Association representative spoke about the near-future and long range planning being done. The association is now non-profit. The association feels the Fish Creek monitoring should continue and three other

streams and two lakes should be added to the monitoring effort. The association wants to check into septic system maintenance agreements. Since Stearns County has no zoning, the association wants to look at the runoff from some salvage yards and other waste disposal sites near the lake. They also want to check into riparian ordinances, fencing ordinances, fisheries improvement, and possible sensitive land purchases through RIM or Nature Conservancy.

Pete Waller presented a planning matrix which should prove useful in some of the planning efforts.

A general discussion revealed a couple of items to note. It is obvious that maintenance of septic systems is essential for the systems to function properly. Possible ways to accomplish this are to form a sanitary district, a subordinate sewer district or a wastewater management district. Also, try to educate septic system users on maintenance, possibly through the installers and/or by offering a coupon for a discount on pumpouts. Another item was the complaint that seasonal lakeshore owners have no voice in local government because they have no vote there. A possible remedy was suggested that these people could work with the advisory committee for the local water plans.

The WD would like ideas on how to reach people better through their educational efforts, especially in the areas of septic system maintenance, lawn care and riparian buffers.

The meeting closed with the Big Birch Lake Association inviting the three non-petitioners to the next association meeting.

Enclosure - List of Attendees

c: Ted Lovdahl
Marv Tripp
Jim Rossman
Glenn Annexstad
Ron Harnack
Doug Thomas
Ron Shelito
Pete Waller

Big - Little Birch Lake
W. Q. mtg

Name	Representing	Phone
Ron Shelito	BWSR	218-828-2604
JIM HODGSON	MPCA - BRAINERD	218-828-2495
Dave Gustafson	U of M - Ext. Specialist	800-955-8636
Bob Mosloh	SRWD	320-352-2231
Jim Hammond	BBL assn	320-836-2892
GENE WALDORF	BBLA - PRES.	612/771-0919
Marvin A. Kollodge	BBLA/Self	320-285-2519
Lynn Ribon	SRWD	320-352-2231
Timothy Maguire		885-5489
Nora Sanford	Little Birch Lake	612-645-2617
Connie Schriver	Big Birch Lake	320-285-7321
ROGER PLOMBON	Big Birch Lake	320-252-4816
George Tiemann	Big Birch Lake Assn.	320-285-7871
John Silbernagel	Stearns Electric	320-256-4241
Ed Tannis	Little Birch Lake	320-285-5712
ROD MILEY	B. BIRCH	285-3233
Bob Meyer	BBL	320-285-5752
KEN MEYER	BBL	612-653-0802
KEN SACKETT	LBL	612-645-2297
LARRY SCHRIVER	BBL ASSOC.	320-285-7321
N. Curtis Wunderlich	MDH	320 255 4216
Jim Handel	BWSR	612-297-2906
Lee Mooring	BBL	(320) 285-4293
PETE WALLER	BWSB	218-828-2564
Dennis Fuchs	Stearns - SWCD	320-251-6718
Greg OSTROWSKI	Todd - SWCD	320-732-2644
Ron PETERSON	T.C. P+Z	320-732-4420
Ed Weir	STEARNS COUNTY ENV. SERV.	320-656-3613

Meinrad Torborg - SRWD

NEW BUSINESS #1.

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

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

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M E M O R A N D U M

September 13, 1996

TO: Board Members

FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Policies Relating to Metro Watershed Management

For the past few months staff have been discussing several issues relating to watershed management in the metropolitan area. As a result of these discussions, it is evident that some policies are needed to enable staff to carry forth the agency mission. To date, two policies (attached) have unanimous agreement among staff and they are urgently needed. Two or three more policies will likely be coming before the Board in the next couple of months.

When there is a problem with a WMO, BWSR staff will always work with the affected parties in an attempt to resolve the issues informally. However, if resolution is not occurring, policies are needed on what direction staff should take in a more formal process.

Policy 1: Termination of WMO or Failure of a WMO to Implement a Plan

This policy is needed to establish how we will proceed when a WMO has terminated itself or has failed to implement a watershed management plan. This policy is also needed to define what our position is on Joint Powers Agreements (JPA's) that have expired or lack signatures of all the parties.

Policy 2: Non-compliant WMO Joint Powers Agreement

This policy is needed to provide staff direction on working with WMO's that have not updated their JPA's to be compliant with rule and law. Presently, Minnesota Rules require WMO JPA's to be updated by July 27, **1993**. To date, several WMO's have not updated their JPA's.

Attachment

c: Harnack, Birkholz, Larson, Thomas, Sandstrom

BWSR Policies Relating to Metro Watershed Management
September 25, 1996

Policy 1: Termination of Watershed Management Organization (WMO) or Failure of a WMO to Implement a Plan

Upon confirmation by BWSR staff that a WMO has terminated itself or has failed to implement its plan pursuant to rule and law, BWSR will send a letter under the executive director's signature to the affected county or counties, with a copy to the WMO, notifying them that the WMO is in that status. The letter will notify the county of its responsibilities in accordance with Minnesota Statutes § 103B.231, Subd. 3 (b).

For purposes of this policy, failure to implement means no WMO exists because the Joint Powers Agreement (JPA) has expired, the JPA does not have signatures of all affected parties, or the BWSR has determined a failure to implement in accordance with Minnesota Rules Chapter 8410.0180.

Policy 2: Non-compliant Watershed Management Organization (WMO) Joint Powers Agreement (JPA)

Upon confirmation by BWSR staff that a WMO JPA is non-compliant with rule and law, BWSR staff shall notify the WMO and pursue working with the WMO to bring the JPA into compliance. If informal attempts to bring the JPA into compliance fail, BWSR will send a letter under the executive director's signature to the WMO notifying them that the WMO has 90 days to adopt a compliant JPA. A copy of the letter will be sent to the affected county or counties. If a compliant JPA is not adopted within 90 days, the BWSR will proceed as if the WMO has failed to implement.

September 25, 1996

Dear Soil and Water Conservation District Chair:

RE: MUTUAL AGREEMENT

The "PARTNERSHIP", represented through National Association of Conservation Districts (NACD), National Association of State Conservation Agencies (NASCA), and Natural Resource Conservation Service (NRCS) completed the initiative to enhance the way we do business together and to lay a framework for cooperation, coordination, and to facilitate effective and efficient delivery of conservation programs. This Mutual Agreement, the first step in the three step process, affirms the state and federal commitment to support the efforts of the Districts as the primary mechanism to put conservation on the ground. The Mutual Agreement is being signed by all Districts in the United States and sets the stage for the development of the COOPERATIVE WORKING AGREEMENT, step 2, and the OPERATIONAL AGREEMENT, step 3. This process reaffirms the guiding principles for the conservation partnership:

* Decision-making at the local level, District
* Maintain and enhance our grassroots delivery system
* Build new alliances
* Teamwork
* Empowering people
* Quality and improvement

The Mutual Agreement (replacing the Basic Agreement) has been signed by the Secretary of Agriculture, and the Chair of the Board of Water and Soil Resources (BWSR). The final signature, and most important signature is that of the District. We encourage your District to sign the attached agreement and return the fully executed Mutual Agreement to Bill Hunt, State Conservationist, NRCS.

Thank you for your continued commitment and leadership in soil and water conservation.

Yours truly,

Barb Cobb	Jim Schafer	Dwain Otte	Bill Hunt
Chair	President	NC Director	State Conservationist
BWSR	MASWCD	NACD	NRCS

Minnesota Board of Water & Soil Resources

USDA

Agroforestry

Working trees for agriculture

Imagine for a moment a farm product that could control wind erosion, increase crop yields, and reduce home energy costs. What if it could also protect livestock from cold winter winds and hot summer heat, improve weight gain, and increase milk production? And what if this product could increase water-use efficiency, protect wildlife, absorb water-polluting runoff, improve water quality, keep winter roads clear of snow, and at the same time provide long-term profits for farmers? Most of us would rush out to purchase it!

Of course, no such product exists. However, there is an agricultural program that has contributed its share to doing these very things for decades. It's agroforestry — putting trees to work for agriculture. *Working trees.* Agroforestry's goal is to use working trees to help make agriculture sustainable by conserving natural resources, increasing crop and livestock production, and improving human environments.

Agroforestry puts trees and shrubs to work in both rural areas and communities. Working trees are conservation trees planted in the right place, in the right design, for a specific purpose. The tree plantings can be designed to serve as a windbreak, living snowfence, buffer strip to protect water resources, high-value crop, enclosure for livestock, fuelwood plantation, or wildlife habitat.

The ultimate success of agroforestry depends on the willingness of landowners to care for the land and pass on profitable and sustainable natural resources to future generations.

FOREST SERVICE
USDA
DEPARTMENT OF AGRICULTURE

Living Snowfences

Rows of trees near roads reduce dangerous cross-winds, limit snow drift onto roads, lower snow removal costs, and increase driving safety. A living snowfence can also be designed to distribute snow evenly across a field. This will provide uniform soil moisture in the spring.



Field, Farmstead, and Livestock Windbreaks

Narrow rows of trees spaced at regular intervals throughout a field minimize wind erosion and increase crop yields. Rows of trees near the farmstead provide wind protection, catch blowing snow, reduce home heating and cooling costs, and improve aesthetics. Windbreaks located near feedlots and calving areas protect livestock from harsh, cold winds and hot, summer heat. Feed costs can be reduced by 10 to 50 percent.



Filter Strips and Riparian Areas

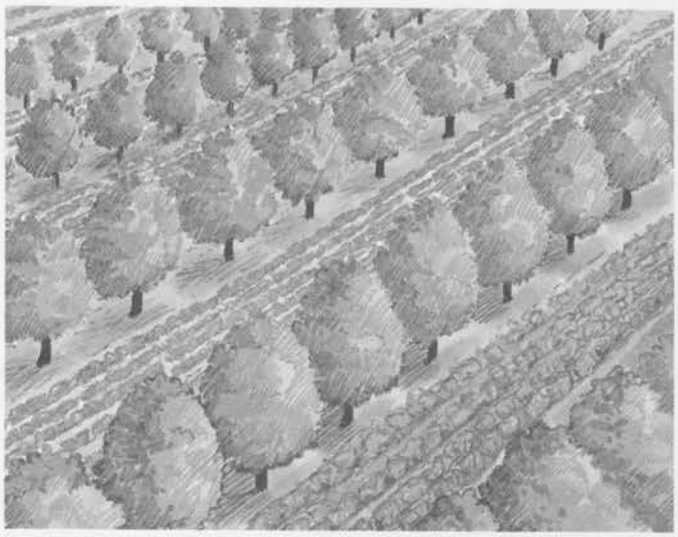
Natural or re-established streamside forests made up of trees, shrubs, and grass plantings buffer pollution of streams and rivers from adjacent land, reduce bank erosion, protect aquatic environments, enhance wildlife, and increase biodiversity.



Agroforestry Practices

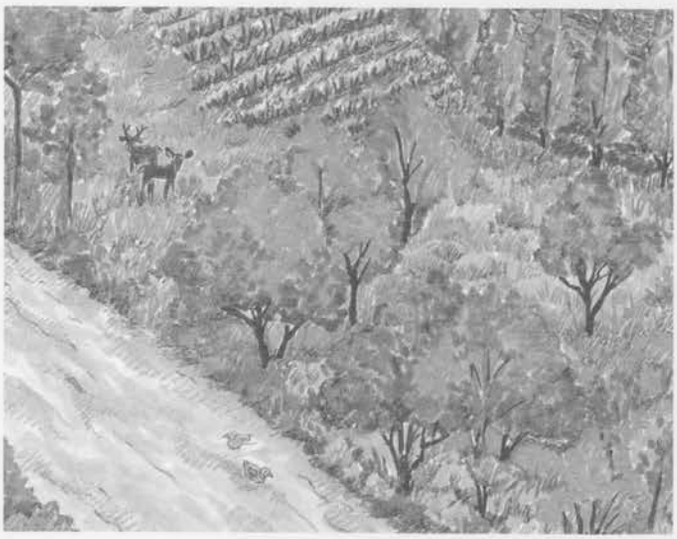


A land area without trees, like the one above is not cost efficient, not environmentally friendly, and not aesthetically pleasing. Applying appropriate agroforestry practices to this particular area, as shown in the illustrations to each side, will increase agricultural productivity, promote natural resource conservation, and enhance natural and human environments.



Alley Cropping

An agricultural crop is grown simultaneously with a long-term tree crop to provide income from the land while it's being converted to woodland. Fine hardwoods like oak, ash, and walnut are favored species in alley cropping systems and can potentially provide substantial income if harvested for lumber or veneer logs.



Wildlife Habitat

Well designed plantings of trees, shrubs, grasses, and feedgrains provide havens for wildlife, especially in areas dominated by agriculture. Vegetation provides necessary food, shelter, and breeding and nesting sites.



Woodlots and Fuelwood Plantations

Unsuitable cropland can be planted with evergreens or fine, sought-after hardwoods like walnut, ash, or oak to provide products such as lumber logs, fine-quality furniture wood, and fuelwood, or specialty items such as Christmas trees, wild nuts, and fruits. Tracts of hardwood trees can also be grown for solid fuelwood or woodchips. The decline in timber production and logging from public forestland will soon result in increased demands for forest products produced on private land.

Agroforestry...

...For Profit

Fluctuating markets, unpredictable weather patterns, and international competition are all a part of today's modern agricultural world. Diversification can make the difference between success and failure for a farming or ranching enterprise. Agroforestry practices can provide a long-term safety net for landowners by providing them with additional income when the value of traditional farm products is low. Fuelwood and hardwood plantations can provide a diversified income for a farm or ranch while still working every day to increase crop yields and conserve natural resources.

Valuable products that can be harvested from agroforestry plantings include sawlogs, fuelwood, woodchips, landscaping chips, fruits and nuts, animal bedding material, Christmas trees, and high-value timber products such as furniture-quality wood and veneer logs.

...To Enhance Productivity

Studies show that farm productivity can be increased substantially when agroforestry practices are introduced. Windbreaks protect crops and livestock, provide shelter for feedlots, and filter out harmful chemicals that pollute sensitive waterways.

Livestock protected by trees show improved weight gains of as much as 10 percent and require up to 50 percent less feed. Milk production can increase by 8 to 20 percent and survival rate of newborn lambs can increase by 90 percent when compared to open lambing in a treeless environment.

Furthermore, tree systems can successfully protect sensitive crops such as vegetables, vines, orchards, herbs, and soft fruits and flowers from cold wind and weather damage.

During severe weather years, tree windbreaks have increased crop productivity by as much as 33 percent. Alfalfa yields have increased by 12 percent and native tall grass yields by 100 percent!

...To Conserve Energy

Agroforestry practices can reduce energy use significantly. For example, woodlots provide an alternate source of farm fuel. Living snowfences reduce the need for snow removal, thus saving fuel and field windbreaks improve crop water-use efficiency thereby reducing irrigation costs.

Shade trees reduce energy costs. Homes protected by windbreaks can expect heating costs to be cut by as much as 30 percent, especially in the high wind, low temperature regions of the United States.

...For Conservation

A major goal of agroforestry's working trees is to help conserve natural resources and assist modern agriculture in becoming more sustainable. Field windbreaks minimize wind erosion and loss of valuable topsoil. They also serve as natural waterways to assist with surface runoff from heavy rains.

The roots of trees and shrubs along rivers, streams, and ditches filter contaminated shallow groundwater and harmful surface runoff laden with sediments, nutrients, and chemicals before they reach the water course. This helps to keep our water clean and more suitable for recreational use, domestic water use, and fish and wildlife habitat.

...To Diversify the Environment

Agroforestry practices may use only five percent of the productive land area of a farming system yet account for over 50 percent of the biodiversity. Agroforestry practices provide habitat and improve water quality. Trees and shrubs grown near crops and gardens harbor birds and beneficial insects that feed on pest insects and mammals.

Populations of valuable wildlife species also increase with the addition of trees and shrubs into agricultural areas. This increase provides opportunities for both hunting and nonconsumptive uses. Finally, tree-induced biodiversity adds variety to the landscape and the environment and improves aesthetics.

...To Enhance the Environment for People

People and communities are an important part of agroecosystems. Agroforestry addresses human needs by improving quality of life, health, comfort, enjoyment, security, and recreation. Agroforestry practices not only apply to rural farms, but communities as well. In fact, many agroforestry practices are fully adaptable for use in cities and communities. These practices protect soil, water, wildlife, roads, buildings, and recreational areas.

Most agroforestry practices can be supported by cost-share incentives provided by the government through programs like the Conservation Reserve Program (CRP), Agriculture Conservation Program (ACP), and the Stewardship Incentives Program (SIP). Contact your State Forester or the Soil Conservation Service (SCS) for information about the various incentives presently available.

Prepared by: USDA Forest Service, Rocky Mountain Research Station, Center for Semiarid Agroforestry (CSA), East Campus-UNL, Lincoln, NE 68583-0822. For more information on the Center, contact Jerry Bratton, 402-437-5178, ext. 24.

CSA's Mission: The Agroforestry Center integrates the activities of the Research, State and Private Forestry, and International Forestry branches of the USDA Forest Service. The Center's programs focus on the needs of conservation forestry in agroecosystems.

Our purpose is to conduct research, develop technologies, establish demonstrations, and transfer technologies and information to natural resource professionals for improving agricultural productivity and sustainability, mitigating the environmental impacts of agriculture, and enhancing environments for people and wildlife.

The Center works through cooperation and partnerships with federal and state agencies, universities, and conservation organizations. Partnerships provide an avenue for cooperative ventures between agencies and organizations to share resources and expertise to attain common goals.

CSA is administered through the Rocky Mountain Research Station, headquartered in Fort Collins, Colorado.

USDA policy prohibits discrimination because of race, color, national origin, sex, age, religion, or handicapping condition. Any person who believes he or she has been discriminated against in any USDA-related activity should immediately contact the Secretary of Agriculture, Washington, DC 20250.

Draft Work Plan
AMC Public Drainage Training Grant
August 28, 1996

DRAFT

I. Project Components

1. Conduct approximately 10 one-day sessions around the state for approximately 600 county commissioners, watershed district managers, city officials, state agencies, interest groups, and LGU staff. The goals of the sessions are to be educational and practical and to avoid controversy and site-specific discussions. The scope of the sessions will be on the basics of the drainage law from a project sponsor's point of view.

   Topics to be covered:

   - Roles and responsibilities of drainage authorities.
   - Connection to other laws such as the Wetland Conservation Act; Federal Farm Bill and Environmental Review requirements.
   - Redetermination of benefits. Legal and practical and factors to be considered
   - History of drainage law.
   - Types of projects: a) Maintenance; b) Minor repair; c) Major Repair; d) Improvement.
   - Bonding and hearing requirements.
   - Record keeping.
   - Financial management.
   - Experts/consultants: Engineering, viewing, legal.

2. Develop users guide to the drainage law/manual resulting in a short, user-friendly, simple guide that would allow county commissioners and watershed district managers, in particular, to get a quick understanding of the law.

3. Update the drainage manual to include relevant items from changes made since it was produced in 1993.

4. Develop a training video tape such as the one developed by the Red Lake Watershed District and Red River Watershed District for potential project participants.

II. **Budget**

Assets: $50,000 grant plus an attendance fee of $20 per person (to cover facility, food, materials). Total available = $62,000.

Expenditures:

1.) A.) hiring via contract a facilitator for logistics as well as someone to moderate the sessions = $15,000.
B.) Hiring expert presenters for training sessions = $10,000.

2.) Develop, print and distribute user's guide to drainage law/manual = $20,000.

3.) Update drainage manual = $2,000.

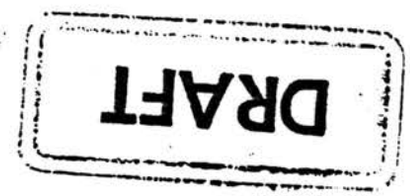
4.) Develop and distribute videotape = $10,000

5.) Evaluation/Followup/Report = $5,000

III. **Evaluation/Report/Followup**

A report describing the outcomes and evaluations of the project components as well as pointing out shortcomings of the drainage law as identified through the training sessions will be developed. Also, followup information to session participants will be provided to address information requests not fulfilled at the training sessions or by another component of the project.

Draft workplan prepared by John Jaschke



s:draftwp.jj

RECEIVED
AUG 29 1996

STATE OF MINNESOTA

Office of the Attorney General

TO : RON HARNACK
JOHN JASCHKE
GREG LARSON
Board of Water and Soil Resources

DATE : August 27, 1996

FROM : MATTHEW B. SELTZER
Assistant Attorney General
Agriculture and Natural Resources Division

PHONE : 296-0692 (Voice)
296-1410 (TDD)

SUBJECT : **McLeod County**

Attached for your information is a copy of the Order of the Minnesota Supreme Court denying further review in the McLeod County case. This marks the completion of the case.

AG:37674 v1

OFFICE OF
APPELLATE COURTS

AUG 20 1996

FILED

STATE OF MINNESOTA

IN SUPREME COURT

C5-95-2024

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

Appellant,

vs.

State of Minnesota, Department of Natural
Resources,

Respondent.

ORDER

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the petition of McLeod County Board of Commissioners as the Drainage Authority for McLeod County Ditch No. 8 for further review be, and the same is, denied.

IT IS FURTHER ORDERED that the request of the Central Minnesota Audubon Society to serve and file a brief as amicus curiae is accordingly denied.

Dated: August 20, 1996

BY THE COURT:

Chief Justice

STRATEGIC AUTHORITIES AND RESPONSIBILITIES OF BWSR
(Minnesota Statutes 103C.401)

1. Coordination of water and soil planning activities of counties, soil and water conservation districts, watershed districts, water management organizations, and any other local units of governments through its various authorities for approval of local plans, administration of state grants, and by other means.

2. Facilitation of communication and coordinating among state agencies in cooperation with EQB, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible.

3. Development of information and education programs designed to increase awareness of the water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them.

4. Providing a forum for the discussion of local issues and opportunities relating to water and soil resources management.

5. Reporting to the Governor and the legislature each even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

Minnesota Board of Water & Soil Resources

Board Member Update

September 1996

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

Northern Region

Wetland Conservation Act (WCA) workload continues to be a steady part of the northern field staff diet. WCA activities are still bountiful but the workload does seem to be stabilizing as local government units (LGUs), BWSR staff, and landowners familiarize themselves with the latest amendments. A few tidbits:

Dale Krystosek, board conservationist (BC), continued assisting Cass County with its Wetland Management Plan development. The plan is utilizing GIS and computer modeling to evaluate wetland function and values in the county. Dale reports that the plan shows great promise as a model for northern Minnesota counties. Mark Nelson, board conservationist, says that wetland banks have come to fruition northeastern Minnesota. The banks are providing an alterative to landowners who can't avoid wetland impacts. Mark also states that the 1996 WCA amendments are providing a reasonable approach to wetland conservation in the north land. Mark thinks that BWSR has built some good bridges for future partnerships with local governments.

A few interesting WCA stories: BC Bill Best recently participated in a technical evaluation panel (TEP) on a delineation that Dan Ecklund of the Army Corps said was the most difficult he had ever done in Minnesota. The site (in Polk County adjacent to Maple Lake) had been the local dumping ground for the last 50 years. This, combined with alterations and tilling of the site by the landowner, made for a complex of wetland pockets and upland pockets. They all ended up agreeing on a line that they thought was defensible, afforded the lake protection, and allowed the landowner to develop some lots. Some good old wetland horse trading in the real world. Brian Dwight, Bemidji BC, points to yet another interesting wetland tale in which he and the LGU requested the assistance of the local conservation officer (CO) to gain access to some property to develop a restoration order. Once on the site, the CO questioned his authority to enter the property. They did not enter the property and the CO is checking with his superiors regarding authority to enter private property.

Barb Liukkonen, water resources education coordinator, announced her resignation in August and confirmed it in September. We will miss Barb's enthusiasm and good ideas. Barb has recently spent time working on a shoreland video series and progressed with marketing and distribution of the first two in the series, while script development and challenge grant applications are being prepared for the final two. Judging from the number of sales, there seems to be a niche

for good videos like this.

Jim Lemmerman worked with the (Minnesota Association of Soil and Water Conservation District (MASWCD) Forestry Committee in developing a BWSR legislative initiative for forestry and agro-forestry. This initiative, if funded, will provide increased technical assistance and grant funding to SWCDs for forest best management practices (BMP) work. A resolution from Area 7 came through in support of this effort.

BCs Dan Steward, Dale, and Pete Waller worked with several SWCD folks and the Minnesota Lakes Association (MLA) in drafting up the lakeshed cost-share proposal. This proposal is aimed at securing increased cost-share dollars to target land management practices in lake watersheds. This initiative enjoys wide support from the MASWCD and MLA.

Mark reports that the Coastal Zone Management (CZM) Program along Lake Superior is now in the committee stage. Mark is the BWSR representative to the Operation and Implementation Work Group. Mark indicates that there is still significant local opposition to the CZM process. Perhaps the committee work will break down some of this resistance. This CZM effort is being led by DNR staff.

Ron Harnack made his annual summer jaunt to Bemidji. The Bemidji staff toured some sites with Ron and bent his ear on a few issues, such as State Revolving Fund (SRF) grants and the state of wetland activities in the north.

Southern Region

Highlighting August in the south was the second Comprehensive Local Water Planning Conference held July 23, 24, and 25 at the Holiday Inn in New Ulm, Minnesota. The conference, sponsored by the South Central Minnesota County Comprehensive Water Planning Project and the Board of Water and Soil Resources, included opening remarks from Jane Starz (Brown County water planning coordinator and conference chair), Char Kaler (Martin County commissioner), Doug Thomas (state water planning coordinator), Ron Harnack (director of the Board of Water and Soil Resources) and Senator Steve Morse. Numerous breakout sessions were held the afternoon of the first day and the morning of the last day of the conference. On Wednesday the conferees took buses their separate ways on five different hands-on tours. Humorist and motivational speaker Jolene Brown provided the attendees with an inspirational message to close the conference.

Following the Local Water Planning Conference on Thursday was the first annual Minnesota River Basin Joint Powers Board (JPB) Summer Conference. JPB Executive Director Steve Hansen kicked off the conference with a "State of the River" address. Following Steve was a panel discussion on where the Minnesota River has been and where it is going. Speakers included Paul Wotzka of the Minnesota Department of Agriculture (MDA), Mike Meyer of the Metropolitan Council, Wayne Anderson of Pollution Control Agency (PCA), and Ron Harnack of BWSR. Concurrent panel discussions on "Policy and Regulation" and "Outreach and Education," followed by an economics presentation from Steve Taft of the University of Minnesota, concluded the afternoon session.

On Thursday evening an awards banquet featured Lieutenant Governor Joanne Benson, Senator Dennis Frederickson and Representative Roger Cooper. Supporters of

the Minnesota River Basin Joint Powers Board were recognized at the banquet. On Friday Scott Faber of "American Rivers" spoke on plans his organization and the joint powers are making for floodplain restoration. One idea is to begin an alternative cropping program such as hybrid poplar plantings.

Board Conservationists Tom Fischer and Chris Hughes, along with Ken Luttner and Doug Miller of the Natural Resources Conservation Service (NRCS) Area VI office, recently facilitated a "Wetland Vegetation Identification and Hydric Soils Training Session" for LGUs and NRCS staff. This two-day field and classroom session was attended by forty staff from NRCS, SWCDs, and counties from the thirteen counties within south central Minnesota who work with WCA and/or Swampbuster. Eight instructors presented information and techniques on vegetation and soils. Our own Greg Larson, BWSR Land and Water Management administrator, was one of the soils instructors. Other instructors were from NRCS, the U.S. Fish and Wildlife Service (USFWS), the Army Corps of Engineers (ACOE), and DNR. The Nicollet Conservation Club and a DNR wildlife management area were the sites for the session. Course evaluations completed by the attendees showed that an overwhelming majority considered the session and materials very worthwhile.

BC Tom Fischer attended the Prairie Country RC&D meeting and tour held on August 14. The tour centered around a demonstration plot located in a Renville County park along the Minnesota River. The plot, now in its second year of growth, has been planted to many varieties of poplar and cottonwood to study the feasibility of an alternative crop for the Minnesota River basin. This project is a cooperative effort of Prairie Country RC&D, Renville SWCD and NRCS, and DNR foresters from Wisconsin and Minnesota.

Tom continues to be active with the McLeod County WCA TEP and its busy wetlands activity workload. Activities include private driveways, drainage ditches and building sites that require coordinating ACOE, WCA, Swampbuster and local planning and zoning. County and SWCD staff are doing a very good job of administrating WCA in McLeod County. One side note: McLeod County's law suit against the State of Minnesota was heard at the district court and appeals court level, both finding in favor of the State of Minnesota. McLeod County (commissioners, county attorney) next took action to have the case heard at the supreme court level. As of late August, the Minnesota Supreme Court decided not to hear the appeal as requested by McLeod County. Thus, after three years, the matter of the constitutionality of WCA has been affirmed.

Tom gave a presentation to the Minnesota Ditch Viewers Association regarding the new amendments to the WCA. This group meets quarterly to keep abreast of activities, legislation, and information regarding ditch law in Minnesota. The group has been quite interested in WCA and requests an update from the BWSR from time to time.

Marshall BC Tabor Hoek reports that the transfer of staff assistance to the Area II Minnesota River Basin project has been completed, and that he will be providing day-to-day administrative assistance that was previously provided by St. Paul.

Tabor reports that the 319 proposal to fund the Tillage Transect Program in Minnesota received a ranking of number two; since it is expected that the top 14 projects will be funded, BWSR will receive adequate funding to implement this program statewide by 1998. The PCA, Minnesota Extension Service (MES), SWCDs, and

NRCS will all play a large part in bringing this program to Minnesota.

Tabor also reports that there will be five additional students attending the Conservation Technician Program at Canby Southwestern Technical College (STC) this fall. BWSR and STC will be developing a marketing strategy to get the word out to potential students in an effort to increase enrollment. A total of seven students from last year successfully completed their internships this past summer and will be going back for their final year of education before joining our workforce.

Engineering and Technical Services Section

Lakeshore Engineering

Gene Clark, shoreline engineer, assisted North Shore SWCD staff with 21 erosion site investigations this past month. An additional 20 sites are scheduled for the remainder of September and October. A total of over 50 requests for assistance have come from attendees of the half dozen shoreline BMP workshops conducted this past spring and summer. We expect a good share of the site investigations to result in cost-share requests this coming winter and spring.

BC Mark Nelson, Gene and Ron Shelito (northern supervisor) have been involved in drafting a Lake Superior funding initiative to help address the increasing number of requests for funding assistance in that priority area. We have seen an increasing demand for cost-share assistance in the Lake Superior area as the BWSR and SWCD SRF technical staffing has helped fill the technical assistance needs. We've been encouraging applications for SRF loan funding via the Clean Water Partnership Program, and continue to seek federal funding via the EPA 319 program and Great Lakes Commission. Speaking of which, we are working through the paperwork to hire a part-time technician to work with Gene via a recent EPA 319 grant.

Gene has been pushing to complete plans and specifications for the Sucker Bay phase II and Benson projects that the involved partners hope to have constructed yet this fall. Al Kean, chief engineer, provided internal review in the usual manner, and Gene is working with SWCD staff and the landowners to provide technical assistance for getting bids and permits.

Conservation Easements

The Conservation Reserve Program (CRP)-Reinvest in Minnesota (RIM) Reserve pilot program for conservation farming easements is in full swing. The five pilot SWCDs (Fillmore, Lac qui Parle, Clay, Pope and East Polk) are all in the process of publicizing the program and soliciting applications from landowners.

Many SWCDs are currently taking applications for the Reinvest in Minnesota/Permanent Wetland Preserves fall sign-up. About $4.6 million will be allocated during the '96 sign-up. The deadline for SWCDs to have completed and locally prioritized easement applications to their board conservationist is December 13, 1996. Program staff have been fielding questions about the sign-up from SWCDs and potential applicants.

As program staff continue to process easements that are in the works and anticipate the next wave, they are keeping tabs on the status of easement packages and providing reminders to SWCDs and landowners who need to follow through. Polly Remick, easement processing

specialist, has begun to implement a procedure to ensure that SWCDs are contacted at least once a month regarding the status of their easements in process. We are also paying close attention to internal processing status and look forward to a new program database (currently being developed) that will help us monitor easement processing status and identify potential areas for improvement.

The Northern Tallgrass Prairie Restoration Project grant proposal, which involves 19 counties in northwest Minnesota, has received tentative approval for funding via the North American Wetland Conservation Act (NAWCA). This grant will be administered by the Nature Conservancy. As a project partner, the BWSR will receive $150,000 for easement acquisition and $25,000 for wetland restoration.

It's been a good year for construction, which has kept engineering staff members Jeff Hedtke, Tom Wenzel and Jim Luniewski busy helping SWCDs with design and construction of numerous wetland restorations. Two large restorations (the 90 acre Koob/Anderson/Zellmer restoration in Cottonwood County and the 32 acre Arndt restoration in Waseca County) have been particularly demanding, but are progressing well. Our recent upgrade of Jim's computer to a Pentium 166 has helped make the BWSR design team more efficient.

Tom and Jeff recently attended the annual wetland tour sponsored by the USFWS (Fergus Falls office). This year's tour included the Harvey K. Nelson wetland dedication ceremony. Harvey is a retired waterfowl biologist with a very distinguished career.

Area II

Interested parties met on September 19 at the BWSR St. Paul office regarding the Redwood River pilot project. The primary focus was on selecting the best hydrologic model to use to evaluate the potential runoff reduction that could be achieved via a comprehensive plan of wetland restoration, road retention and other BMPs in a subwatershed of the Redwood River. Many state and federal agencies involved in hydrologic and water quality modeling attended the meeting. The World Wildlife Fund (specifically Connie Hunt, who attended the meeting) continues to promote ACOE involvement in this type of project. Representatives of the Corps' Institute for Water Resources (IWR) and the Hydrologic Engineering Center attended the meeting. The IWR reportedly is using Redwood River basin information to investigate the potential for more Corps involvement in wetland and river basin restoration work.

The latest development regarding the proposed RW-22 reservoir project is that the Area II Board of Directors has recommended to Lyon County, the local sponsor of the project, that the DNR, ACOE and PCA be contacted and asked to provide a decision on the permit applications as submitted in December 1995, with no modifications (i.e., with the proposed 72" diameter principal spillway conduit). In a letter to the Lyon County commissioners, Kerry Netzke, Area II coordinator, indicates that this recommendation is a reflection of the frustration of the Area II board with the permitting process and agencies, and that the project with twin 8' x 6' principal spillway conduits suggested by the DNR does not meet their flood control objectives. Because Lyon County is the official project sponsor, we'll have to see how they decide to proceed.

Technical Coordination and Training

Al Kean and John Brach, NRCS, are

scheduled to meet with the Minnesota Association of Conservation District Employees (MACDE) board of directors later this month to discuss the Technical Advisory Committee recommendation to identify technical experts within SWCDs, BWSR, NRCS and other agencies/organizations who could provide input and review for updates of technical design standards. The intent is to develop a list of people by nomination and invitation and thus avoid having to identify people each time a standard is updated.

Tom Wenzel recently participated on a technical investigation team to help review problems with a series of water and sediment control basins constructed in Polk County using ACP and state cost-share. The team included Paul Krabbenhoft, Clay SWCD board chair, and Brad Grant, Becker SWCD administrator, as well as NRCS staff. The investigation report will be forthcoming.

BWSR Training Engineer Justin Jeffery continues to develop draft course descriptions, a course catalog and a technical training system handbook in preparation for a meeting on September 23 with the steering committee for the technical training initiative. Justin also continues to serve as a consultant to the SRF joint powers agreement engineers, and along with Al Kean, help coordinate technical policy with the NRCS and SWCDs. The primary questions of late continue to be related to feedlot pollution abatement.

The more user-friendly version of the Feedlot Evaluation Model developed by Bryan Alpaugh and Justin received some compliments by SWCD field staff recently. The PCA has provided the new version to others outside the NRCS, SWCDs and BWSR.

Metro Region

Matt Moore, metro BC, has been reviewing the east metro joint powers agreements (JPAs) for watershed management organizations (WMOs) to determine compliance with rule and law. This is part of an ongoing effort by the metro region to bring WMOs up to speed in preparation for the development of the second generation plans. Many of the JPAs are not in compliance and will need to be updated and approved by the member communities. The metro region will continue to work with the WMOs; however, BWSR will be looking for significant progress in the near future to prevent further action. The metro region has been meeting with the county staffs to determine a course of action if the JPAs are not brought into compliance.

David Johnson, metro BC, recently met with the staff from Scott and Carver counties to discuss the current status of the JPA WMOs and potential county responsibilities. Carver County has sent a letter to several WMOs notifying them that their JPAs have expired. Carver County is currently discussing alternatives to comply with the Metropolitan Surface Water Management Act.

David continues to work with the Middle Mississippi River WMO (Minneapolis) to move forward with the development of the JPA and eventually a surface water plan. Several potential opportunities continue to arise for cooperation between the cities of St. Paul and Minneapolis regarding revitalization of the Mississippi River corridor.

Several comprehensive wetland plans are also in development in the west metro and the Metro region has been actively working with the various local government units (LGUs) in developing these plans.

WMO plan reviews continue and several second round reviews are expected this fall. Only one plan is moving towards the third stage of review (approval) at this time; others should follow this winter.

Washington County currently demonstrates the gamut of metro water planning approaches available. In central Washington County, the Browns Creek WMO was recently declared non-implementing and was terminated. In southern Washington County, cities are petitioning to establish a watershed district, and the county itself is considering petitioning to create a watershed district in northern Washington County, despite the fact that it is already covered through an existing WMO.

Twin Cities Water Quality Initiative Update

In the spring of 1995, the Metropolitan Council gave BWSR a $100,000 grant to develop two model metropolitan surface water management plans. In the fall of that year BWSR reached an agreement with the Credit River and Carver Creek WMOs to develop their second generation 509 plans and to use these plans as model water management plans. Once they are completed, it is hoped that other WMOs will use the model plans as a guide.

This project has presented several challenges for metro staff. In May 1996, the Carver Creek WMO was unable to reach consensus on their joint powers agreement and, effectively, terminated. Additionally, as staff met with project WMOs to write their goals and policies, a paradox developed. On one hand BWSR wants a model plan that gives the WMOs a meaningful and active role managing surface water. On the other hand, the WMOs want plans that limit their oversight and involvement in surface water management.

BWSR is continuing to work through these difficulties and is hoping to complete the model plans by December of this year. In September an agreement was signed with Desotelle Consulting to work with Burnsville to assess where city storm water plans need to be amended to meet Rule 8410 requirements and to develop a guide book for local (city and township) water management plans. Also this past year PCA and DNR agreed to complete flow and loading models for the project WMOs.

Personnel Changes

Barbara Ohman was promoted to the wetland specialist position in the Land and Water Management Section. Congratulations Barbara! The metro region will miss having Barbara as part of the team, but will look forward to continued work with her in her new position.

Matt Moore has been assigned as the board conservationist for the East Metro area. Interviews for Matt's former position will be conducted soon.

Land and Water Management Section

Doug Thomas, water planning coordinator, has been involved in agency budget preparation and working with local government on development of stormwater utilities.

Bryan Alpaugh, computer specialist, has been involved in hiring two people, a geographic information system specialist and computer support technician, who will contribute to computer and database support of BWSR and LGU staff. This additional staff should help Bryan with his workload.

Grants Coordinator Wayne Zellmer has been leading the effort to process the water

planning challenge grants. In addition, Wayne is beginning an effort to streamline the manner in which we process federal grants.

Jim Haertel, water policy specialist, has been involved in the development of policy related to non-compliant water management organizations.

Nichole Ross, student intern, summarized activities from many water plans and local government reports.

Marybeth Block, special projects coordinator, edited and was co-author of the report Developing a Lake Management Plan.

Barbara Ohman, wetland specialist, has been involved in several controversial wetland technical evaluation panels and is participating in the state wetland banking study.

Hydrogeologist Eric Mohring co-authored the interagency groundwater monitoring and water quality trends report.

John Jaschke, WCA program manager, has been involved with the (final stages) of the state wetland plan and wetland simplification study. In addition, John co-taught a wetland delineation session for elected local officials organized by our Bemidji office and Beltrami County.

Greg Larson, manager of the Land and Water Section, has been involved as project manager for an LCMR project related to the digitization of soil surveys and has assisted Kevin Lines, DNR Section of Wildlife (who is on a mobility assignment with BWSR) in drafting a proposal seeking federal funding under the 1996 Conservation Reserve Enhancement program.

10/23/96

DRAFT

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
OCTOBER 23, 1996

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

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

OTHERS PRESENT:
Jim Schafer, MASWCD
Franklin Denn, MAT
Don Wodek, Hennepin SWCD

STAFF PRESENT: Ron Harnack, Wayne Zellmer, Jim Haertel, Dale Krystosek, John Jaschke, Barbara Ohman, Ron Shelito, Mary Jo Anderson.

Chair Cobb called the meeting to order at 9:10 a.m.

** 96-76 **Adopt Agenda** - Moved by Ted Lovdahl, seconded by Dwain Otte to adopt the agenda as presented. Motion passed on a voice vote.

** 96-77 **Minutes of September 25, 1996** - Moved by Darrell Bruggman, seconded by Barb Uppgaard, to approve the minutes of September 25, 1996 as circulated. Motion passed on a voice vote.

Reports

Chair's Report - Chair Cobb sent a letter to board members prior to the meeting; nothing further to report at this time.

Executive Director's Report - Ron Harnack reported that the all staff meeting went well, and provided a good opportunity for staff to interact formally and informally. Ron commented on the nonpoint engineering grants program; communications have been addressed, meetings are being scheduled to address administrative issues and future communication. Ron reported that he, Barb Cobb, and Tom Schwanke had their first meeting with the Executive Budget Team (EBT) (Commissioner of Finance, Deputy Commissioner of Revenue, Governor's staff). Focus on reallocation of base budget; prioritization; and acknowledgment that dollars are very limited. The EBT will look to the environmental cluster for recommendations and priorities.

Ron Harnack met with Fred Bergsrud, Minnesota Extension Service (MES) regarding the shared MES/BWSR water resources education position in Duluth; the position will continue through the next fiscal year and will be addressed annually. Barb Luikkonen will work with Ron Shelito on details.

Ron Harnack reported that he and Mark Nelson met with Joel Maggert and county commissioners in International Falls to discuss the WCA comprehensive plan. Many issues raised were not new.

Ron Harnack reported that Greg Larson and Kevin Lines are working on the Conservation Reserve Enhancement Program proposal being submitted to USDA for consideration. It would significantly accelerate permanent easements for flood prone areas, buffer strips and wetland restoration in the Minnesota River basin.

Dispute Resolution Committee Report - Kathy Roer reported that a Wetland Conservation Act (WCA) appeal has been received regarding the Minnehaha Creek Watershed District.

Cost Share/Soil Conservation Committee Report - Dwain Otte reported that the committee decided that it is appropriate at this time to "put on hold" all efforts to reexamine the cost share allocation formula until budget initiatives are concluded. The committee will meet in January and look at allocations.

Agency Reports

Department of Natural Resources (DNR) - Wayne Edgerton reported that DNR is working with the Farm Bureau on the community outreach program to develop working relationships with the agricultural community. Wayne reported that the new trespassing law went into effect in August and is being strictly enforced. The firearm deer season beings on November 9.

Minnesota Extension Service (MES) - Fred Bergsrud reported that he is filling in today for Jim Anderson while Jim attends the Individual Sewer Treatment Systems (ISTS) meeting. Fred has been chairing a group on whole farm planning discussing the outcomes for the producer and society and what should be expected of the Environmental Quality Incentive Program (EQIP). MES is working with DNR and MDA on an environmental education initiative. Fred stated that its a significant advantage for MES and BWSR to work together.

Department of Health (MDH) - Kim Benson-Johnson reported that the assistant commissioner Mike Moen has left the agency for private industry, his position has been replaced by Kelly Johnson. Kim reported that wellhead program does not receive general funding, fee oriented only; MDH is working on options to gain funds for this program.

Pollution Control Agency (PCA) - Marge Velky reported that the Clean Water Partnership (CWP) application period is open until mid-November; $4.2 million is available for projects through CWP. The basin effort on the Minnesota River, Red River of North, and Lake Superior is moving along, proceeding on draft basin plans. PCA is working on policy legislation to help watershed districts more easily access the State Revolving Fund (SRF) loan program. They use watershed districts as a major client for nonpoint initiatives. PCA's strategic planning effort is taking shape; structure team and transition team to address the strategic plan, structure proposals will be presented to the Commissioner in mid-November.

Minnesota Department of Agriculture (MDA) - Paul Burns reported that an e-mail message was sent statewide regarding the Agricultural Best Management Practices (AGBMP) loan program application period; $7 million available for the program; $6 million has been spent to date.

Old Business

Financial Oversight Committee - Ginny Imholte reported that the Financial Oversight Committee's (FOC) charge is to "comprehensively examine BWSR's local government (LGU)

financial oversight and accountability systems and develop performance-oriented recommendations for improvements which deter problems or find them quickly when they occur". Ginny stated that the FOC has had four meetings and have examined the BWSR's authorities and responsibilities; researched the state constitution, applicable statutes, rules which BWSR has promulgated and administrative guidelines issued by the BWSR to local governments. Dwain Otte commended the committee on the final written report which summarizes the findings and recommendations of the committee. Ron Harnack stated that a work plan will be developed to prioritize and implement the recommendations of the committee.

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

Policies Relating to Metro Watershed Management - Jim Haertel reported that although citizens have a right to appeal, some appeals could be meritless, trivial, or brought soley for the purposes of delay. Also, upon receipt of alleged failure to implement plans, BWSR must decide within 30 days of receipt of the complaint on whether just cause has been established (Minn. Rules Chapter 8410.0180, Subp. 2 and Subp. 3.A.). The executive director would establish just cause in failure to implement complaints. Approval of this policy would allow BWSR to react in a timely manner in accordance with Minnesota Rules. Further, precedence has been established in the WCA rules for this type of procedure in processing WCA appeals. Moved by Barb Uppgaard, seconded by Marv Tripp, to hereby delegate the to executive director the authority to determine *just cause* in failure to implement Watershed Management Organization Plan complaints, pursuant to Minn. Rules Chapter 8410.0180. Motion passed on a voice vote.

** 96-78

Sunrise River Watershed Management Organization Failure to Implement A Plan Investigation - Ron Harnack informed the board of this investigation, no action needed.

Ron stated that board members need to be informed of subsequent appeals before the board takes action on an issue. The Carnelian-Marine Watershed District Watershed Management Plan amendment will be brought up at the December meeting.

Public Road Mitigation Program - John Jaschke presented four options; the wetlands team recommended Option #4 -- to have local governmental units submit proposals based on the attached criteria. Discussion followed. Moved by Dwain Otte, seconded by Darrell Bruggman, to approve and accept Option #4 as recommended by the wetlands team. Motion passed on a voice vote.

** 96-79

Proposed Work Plan for Drainage Training - John Jaschke presented the proposed work plan for drainage training. John stated that AMC will be meeting to review the proposed work plan,

** 96-80 and may have possible minor changes. Moved by LeRoy Stensgaard, seconded by Jim Rossman, to approve the proposed drainage training work plan, based on the executive director's discretion as to the possible minor changes by AMC. Motion passed on a voice vote.

Barbara Ohman briefed members on the drainage inventory pilot to fund three to five projects using the $100,000 grant to assure that a quality/complete inventory is developed for each selected local governmental unit. This item will be brought before for the BWSR for action at the December meeting.

Barbara Ohman briefed members on the LGU delineation policy guidance and BWSR staff policy on wetland delineation involvement needed to clarify proper roles and avoid conflict of interest circumstances in WCA program implementation. This item will be brought before the BWSR for action at the December meeting.

Chair Cobb asked that staff present today introduce themselves: Mark Nelson, board conservationist in Duluth; Barbara Ohman, wetland specialist; John Jaschke, WCA program manager; Ron Shelito, northern region supervisor in Brainerd; and Dale Krystosek, board conservationist in Bemidji.

1997 Natural Resources Block Grant (NRBG) - Wayne Zellmer presented the NRBG that is formulated to assist local governments in the following programs: implementing comprehensive local water plans; administration of the Wetland Conservation Act; DNR shoreland management; and the local MPCA Feedlot Permit Program. A county may apply for any or all program components. Staff recommends approval of the 1997 NRBG and authorize staff to issue these

** 96-81 grants to counties meeting the application requirements. Moved by Marv Tripp, seconded by Ted Lovdahl, to approve the 1997 NRBG grant as presented. Motion passed on a voice vote.

Minnesota Erosion Control Association (MECA) Presentation - Mark Nelson introduced Leo Holm, President of MECA. Mr. Holm explained that MECA was created in 1988, and strives to communicate erosion and sediment control techniques and practices, and encourages the use of those practices. MECA is comprised of contractors, suppliers, engineers and government agencies; their goal is to promote erosion control through existing and new technological developments. Mr. Holm stated that MECA has appreciated the support of BWSR staff and looks forward to working together in the future. Chair Cobb thanked Mr. Holm for coming before the board today.

Convention Attendance
Association of Minnesota Counties (AMC), December 1-3, in Duluth. Members attending are: Ted Lovdahl, Glenn Annexstad and Dwain Otte.

Minnesota Association of Watershed Districts (MAWD), December 5-7, in Alexandria. Members attending are: Tim Hvidsten, Kathleen Roer.

Minnesota Association of Soil and Water Conservation Districts (MASWCD), December 8-10, in Bloomington. Members attending are: Barb Uppgaard, Marv Tripp and LeRoy Stensgaard. Chair Cobb will attend portions of all three conventions.

The next BWSR meeting will be December 18 in St. Paul.

Budget and Legislative Update - Ron Harnack reported that staff is waiting for comments back from the Department of Finance on the budget; but doesn't expect to hear anything on our budget initiatives until after the election and the November forecast. Staff is working on revisions based on input received from the EBT to date.

Advisory Comments
Minnesota Association of Townships (MAT): Franklin Denn reported that MAT anticipates a lot of new legislation and looks forward to working with the new legislators. MAT is looking at infrastructure of townships and rural areas.

Minnesota Association of Soil and Water Conservation Districts (MASWCD): Jim Schafer briefly commented on forestry issues; the federal memorandum of understanding; taking care of resources; permitting issues; and septic systems.

Don Wodek, Hennepin SWCD, went on record of stating that the nonpoint engineering grant program is a great program in the metro area; communication is essential. The MASWCD Metro Urban Committee is partnering with MECA on erosion workshops and education.

Dwain Otte stated that the National Association of Conservation Districts (NACD) board meeting adjourned yesterday. NACD is open to invitations for the October 1997 meeting; BWSR would be happy to host in cooperation with MASWCD.

Chair Cobb adjourned the meeting at 12:10 p.m.

Respectfully submitted,

Barbara Cobb

Barbara Cobb
Chair

FINAL REPORT

BWSR-LGU FINANCIAL OVERSIGHT COMMITTEE

September 25, 1996

I. Introduction

The Board of Water and Soil Resources appointed a Financial Oversight Committee at its February 28, 1996 meeting. The charge of the committee was to "comprehensively examine BWSR's local government (LGU) financial oversight and accountability systems and develop performance-oriented recommendations for improvements which deter problems or find them quickly when they occur". Recommendations of the committee are to be made to the full board.

The BWSR members of the committee are:

Ginny Imholte, Committee Chair
Ted Lovdahl
Jim Rossman
Barb Cobb (ex-officio)

In addition a number of individuals and organizations volunteered to be advisors and participants with the committee:

Marilyn Bernhardson, MN Assn. of Soil and Water Cons. Districts
Vern Johnson and Ray Bohn, MN Assn. of Watershed Districts
Judy Goodman, MN Department of Finance
Ramona Skogman, MN Department of Finance
Tom Karlson, Office of the State Auditor
Renee Redmer, Office of the Legislative Auditor
Ron Shelito, BWSR staff
Doug Thomas, BWSR staff
Matt Moore, BWSR staff
Sara Johnson, BWSR staff
Tom Schwanke, BWSR staff
Jim Birkholz, BWSR staff

The committee held 4 meetings between April 4 and July 12. The committee examined the BWSR authorities and responsibilities for oversight of state grants which it makes to local governments. Grants are made primarily to soil and water conservation districts (SWCDs) and counties. It also examined other fiscal responsibilities for which BWSR has ties to local governments such as watershed districts (WDs), watershed management organizations (WMOs), and joint powers associations (JPAs). As part of this effort, staff researched the state Constitution,

applicable statutes, rules which BWSR has promulgated and administrative guidelines issued by the BWSR to local governments. The draft report was reviewed by committee members during the month of August. This report summarizes the findings and recommendations of the committee.

II. Findings

The committee found that it was very valuable and informative to have BWSR members, BWSR staff, representatives of local government, representatives of audit agencies, and Finance staff around the same table. The sharing of perspectives helped solidify the understanding that all the organizations share common goals of effective, accountable and efficient administration of government programs at all levels. The committee found that:

1. The existing financial oversight systems used by BWSR to insure that local governments comply with statutory and contractual requirements have been put together somewhat piecemeal over the years. As new programs were added it was sometimes assumed that an existing oversight system would provide all required information for the new program. Workload decisions have limited the amount of time BWSR staff spends on followup with local governments. Grants administered by BWSR to local governments have increased in number and local government budgets are becoming larger and more complex. While the existing oversight systems are not broken (problems are rare), they are fragmented and incomplete.

2. There is a great amount of misunderstanding within the BWSR/LGU delivery system regarding the purpose of a financial audit--what an audit is and what an audit actually accomplishes. There is a tendency for LGUs and the general public to view financial audits as an absolute check and verification of accuracy on all aspects of financial operation. This assumption is inconsistent with the established guidelines for auditors. While financial audits may uncover fraud, they are not specifically designed to do so. Generally speaking, LGUs would benefit from giving emphasis to good internal accounting controls including board oversight in day to day program administration rather than rely on an audit to detect problems.

3. BWSR must address the recommendation of the Legislative Auditor that BWSR exercise more oversight of grants it makes to local governments.

4. The use of electronic bookkeeping and reporting tools offers great potential for effective and efficient oversight. However, major obstacles exist due to the different computer systems used by various state and local offices and their limited access to

electronic linkages.

5. BWSR financial oversight policies need to be updated and communicated to be more useful in specific decisions of the BWSR Board and staff.

6. The respective roles of BWSR and LGUs in providing financial oversight and program accountability are not always clear.

7. The BWSR has not formalized policies regarding reporting deadlines and annual report contents for joint powers boards of SWCDs.

8. The BWSR has a responsibility to the general public to ensure the appropriate use of state grant funds that it administers to local government units.

9. Current statutory requirements for matching provisions on certain BWSR grants, especially in-kind match, generate needless work for LGU and BWSR staff. Tracking compliance with these requirements produces few if any accomplishments or results.

III. Recommendations

It is not the intention of the committee to be overly prescriptive in its recommendations but, rather that the following recommendations will be the catalyst for change. The BWSR Board and staff will be responsible to make decisions and implement specific financial oversight system updates. A cooperative approach with local governments and other oversight agencies will be essential to effectively implement the recommendations.

General

1. Updating financial oversight controls should be accomplished while examining the cumulative effect of all controls rather than updating program by program.

2. Local government units receiving grants from the BWSR should be required to report in writing at least annually on the financial and compliance aspects of their use of the grants. BWSR may require more frequent reporting when a specific program warrants it. BWSR staff should document verbal and informal interim visits with LGUs regarding grant compliance. A checklist should be developed for BWSR staff use to maximize the effectiveness of verbal and informal visits. The checklist should comply with the new Local Government Annual Reporting System (LARS).

3. The BWSR should establish a policy regarding its treatment of state funds which are transferred from one local unit of government to another. The policy should clarify that state funds lose their identity as state funds once they are disbursed from the local unit which was granted the funds by BWSR. The local unit of government which received the funds from BWSR is responsible for complying with all requirements of the grant agreement.

4. The BWSR should expand the use and function of currently required annual workplans, budgets and reports received from local governments as a condition of receiving state grants. A checklist should be developed for BWSR staff to use in reconciling the proposed workplan with the accomplishments in the subsequent annual report.

5. The BWSR should develop and use a matrix to track the various state grants being administered by LGUs. This would improve the ability of BWSR field staff to exercise appropriate oversight for state grants.

6. The BWSR should seek the necessary statutory changes to eliminate matching requirements as a condition of receiving certain grants. Where appropriate, limits should be placed on the amount of grant funds which can be used for overhead purposes (eg, cost share limitation of 20%). If it is not possible to eliminate matching requirements, in-kind matches should be negotiated between BWSR and the LGU receiving the grant.

7. The BWSR should implement better internal accounting controls to ensure that all funds owed by LGUs are paid back to the state in a timely manner.

8. The BWSR should consider an additional position to monitor LGU compliance with grant requirements.

9. The BWSR should clarify its role in grant oversight and audits to the LGUs it serves.

10. The BWSR should establish a policy for spot checks and site visits conducted by staff as it relates to grant compliance.

11. The BWSR should communicate its implementation of the recommendations of the Financial Oversight Committee to LGUs via training sessions and other appropriate meetings (more than just a memo).

Soil and Water Conservation Districts

1. The BWSR should amend its policy establishing SWCD reporting requirements for state grants to require:

- revised due dates for the Annual Accomplishments Report (using the new BWSR Local Government Annual Reporting System), Annual Plan of Work and Annual Financial Statement, with the concurrence of the Minnesota Association of Soil and Water Conservation Districts;

- that financial reports for all grants to SWCDs shall be filed with BWSR at least annually via the Annual Financial Statement which BWSR will revise;

- penalties for consistently incorrect reports; and,

- the SWCD Annual Financial Statement to include a description of the SWCD's system of internal financial controls. It should include the division of duties of SWCD board members and staff, and reconcile their current system with any recommendations made in the previous financial audit report.

- Further, the BWSR should update and clarify its policy on penalties regarding late SWCD plans and reports.

2. The BWSR should develop recommended systems of internal financial controls for small SWCD offices (one to three persons);

3. BWSR and the State Auditor should work together to clarify the purpose and scope of required SWCD financial audits. They should jointly distribute information to districts including the recommended contents of audit engagement letters which will help ensure effective entrance and exit interviews between districts and auditors. This information should further help SWCD boards identify any financial management, internal auditing, and compliance needs which may go beyond the scope of a financial audit.

4. The BWSR should update its policies to require timely completion of SWCD financial audits. The policy should include deadlines for starting and completing audits.

4. The BWSR should annually review its current policy for frequency of SWCD audits. The committee recommends keeping the current policy in place which requires a financial audit whenever SWCD cumulative revenues exceed $300,000. At a minimum a limited scope audit must be done at least every fourth year.

5. The BWSR should clarify its policy regarding SWCD audits. The intention is to, by mutual agreement, implement an audit process which satisfies both BWSR and the Office of the State Auditor's

statutory responsibilities for performing SWCD audits.

6. The BWSR should pursue, in cooperation with the Minnesota Association of Soil and Water Conservation Districts (MASWCD), implementation of an updated SWCD Electronic Accounting Package. The SWCD Accounting Coordinator should compile specifications for a package which should include the ability to generate needed reports and compatibility with the new BWSR Local Government Annual Reporting System. The status of computer equipment in SWCD offices should be assessed to determine any upgrades required to run a new package. A Request For Proposal should be published to identify potential vendors.

7. The BWSR should, in cooperation with MASWCD, prepare a list of "Core Abilities" for persons doing SWCD bookkeeping. This list should be used as a reference by districts to hire staff qualified to do bookkeeping and to identify needed training for existing staff.

8. The BWSR should annually distribute an updated list of available training and publications which would be helpful to SWCD bookkeeping staff. The BWSR should update the "Treasurer Responsibilities" in its SWCD Supervisor Handbook.

9. The BWSR should update its policies regarding the Cost Share program for SWCDs which are not in compliance with program requirements. The policy should include guidance for developing a payment plan to reimburse the state. It should require interest payments for slippage funds held by the district for excessive periods of time.

10. The BWSR should develop a policy regarding reporting requirements of joint powers boards of SWCDs which receive BWSR grants.

Counties

1. The BWSR should change the Natural Resource Block Grant agreement to require that the grant be audited every year as part of the State Auditor's financial audit of each county. The grant agreement should be amended to include an "audit checklist" which would be a guide for auditors.

Watershed Districts and Metropolitan Watershed Management Organizations

1. The BWSR should establish a policy to implement M.S. 103D.355. This statute requires the BWSR in consultation with the State Auditor to establish an amount of cumulative watershed district revenue or expenditures which would trigger the annual audit to be done by a certified public accountant or the State Auditor.

2. The BWSR should develop an improved annual reporting system for WMOs which includes a standardized format for reporting financial activities.

3. The BWSR should seek full implementation of rule requirements for metropolitan watershed management organizations' financial reporting and auditing. The BWSR should allow limited scope audits for WMOs with small budgets.

:FOCRPT.FIN

NEW BUSINESS #3

RECEIVED

OCT 0 4 1996

October 2, 1996

MN BOARD of SOIL & WATER
RESOURCES
ATTN: MATT MOORE
ONE WEST WATER ST STE 200
ST PAUL, MN 55107

Dear Mr. Moore,

I would like to request that my complaint regarding the Sunrise River Water Management Organization not be pursued at this time. I understand that the SRWMO is going thru an evaluation of their plan with BWSR currently and that implementation issues will be addressed. I am hoping that this will result in a more responsive organization for our community.

However, I would like to request that, if in the future, the specific water problems at Fawn & Pet lakes reappear, this complaint could be speedily brought up again for investigation, rather than a new complaint needing to be filed.

Sincerely,

Rita Harrington

Rita Harrington

NEW BUSINESS #1

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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M E M O R A N D U M

October 14, 1996

TO: Board Members

FR: Jim Haertel, Water Management Specialist

PH: (612) 297-2906

RE: Policies Relating to Metro Watershed Management

At the September Board meeting two policies were adopted pertaining to watershed management in the metropolitan area. A third policy is now being brought before the Board (attached).

Policy 3: Delegation of Authority for Determining Just Cause in Failure to Implement Complaints

Citizens have a right to appeal and some appeals could be meritless, trivial, or brought solely for the purposes of delay. Also, upon receipt of alleged failure to implement plans, BWSR must decide within 30 days of receipt of the complaint on whether *just cause* has been established. (See Minn. Rules Chapter 8410.0180, Subp. 2 and Subp.3.A) Approval of this policy would allow BWSR to react in a timely manner in accordance with Minnesota Rules. Further, precedence has been established in the WCA rules for this type of procedure in processing WCA appeals. In consideration of this, it would be proper for the Board to vest in the Executive Director the ability to establish *just cause* in failure to implement complaints.

Please contact me if you have any questions.

Attachment

c: Harnack, Birkholz, Larson, Thomas, Sandstrom

BWSR Policy Relating to Metro Watershed Management
October 23, 1996

Policy 3: Delegation of Authority for Determining Just Cause in Failure to Implement Complaints

The BWSR Board hereby delegates to its Executive Director the authority to determine *just cause* in failure to implement complaints pursuant to Minn. Rules Chapter 8410.0180.

BWSR Transportation Impact Replacement Program

Metro Road Replacement:

- Background - $1 million for urban renewal projects
  $1 million for metro-wide projects
  ($0.3 million could be for other urban centers for urban renewal (e.g., St. Cloud, Rochester, Duluth).

- Local Support
  - High - those projects with a high level of local support. Project is identified in local or WMO plan, or is receiving some funding from local partners, private and public.

- Partnerships
  - High - private and public entities involved with project-cost shared projects-higher priority. (Urban renewal projects would likely fit this category anyway. Need to look at other criteria with this).

- Ownership
  - Highest - Public ownership/acquisition.
  - Medium - Easement acquisition.
  - Low - Deed restriction on private property. (This goes along with maintenance needs - site must be easily accessible. Deed restriction may not be sufficient.)

  For urban renewal projects, highest priority should be placed on those that are/will be part of larger public system, (i.e., park - this also addresses maintenance needs.)

- Project Cost
  - Highest priority - Projects with most credit for the dollar.
  - Medium - NWC and PVC resulting.
  - Low - PVC and minimal NWC

- Maintenance
  - Higher priority - simpler/restoration is better.
  - Urban renewal projects are by nature more complex, will need to compare proposals. Those which present fewer maintenance issues should receive higher priority.
  - On public land and/or easy access to site would receive higher priority.

- Geographic Area
  - Urban/metro projects are high priority according to law (i.e., critical urban area), therefore, funds focused further than this area should be prioritized in critical urban landscape. Things to consider: flood prone areas, e.g., along the Minnesota or Mississippi River's or Rochester along Zumbro River; regional/watershed priority areas where wetland restored a created could provide functions to above rivers or other high priority water bodies for example Minneapolis Chain of Lakes, White Bear Lake, Lake Bullesby (SPWU waters); and other drinking water supplies.

- Complexes of Wetland Types
  - Highest priority will be place on those projects which will restore first priority. Second priority create a variety of wetland types and especially types 1 and 2 where

there have been significant losses.

- The issue of creating "clumped" wetland credits is not as great in metro area as in non-metro, simply because the opportunities just are not there. Those opportunities which provide the most varied complex of wetland types for the dollar should be highest priority.

Greater MN Road Replacement: $1 Million

Ownership- higher priority for fee title or easements, lower for deed restriction.

Watershed contact - higher priority for projects coordinated with a larger watershed management effort. For example, Elk River Watershed, Lake Miltona Watershed, Heron Lake Watershed, Cannon River, Minnesota River.

Adjacent assets - higher priority for parcels adjacent to major wetland complexes, lakes, rivers.

Number of basins to acreage ratio - higher priority for proposals that restore a number of smaller basins rather than one or two large basins. Replacements already represent the "clumping" of several smaller impacts into one larger replacement. We should encourage projects that somewhat offset this liability. (e.g., BWSR previously funded an easement in Douglas county that protected 200 acres of wetlands scattered over 50 distinct basins.)

Geographical distribution - proposals from the transition area may be common. There may be fewer proposals from areas of higher land values or most certainly from the forested part of the state. Strive for focused geographic distribution over the long haul.

Project per acre costs - projects in the transition area or any areas with lower land values will potentially offer more credits/dollar. Some of these areas are in prime prairie pothole regions.

Project maintenance - projects that have minimal long term maintenance needs should be a higher priority. Maintenance responsibilities would be with the landowner and the LGU. Simple ditch plugs and/or tile riser type restorations may fare better than more complex structures.

- Selection Process: BC's will be the preliminary reviewers with recommendations forwarded to the W-Team and Wetland Subcommittee and then to the Board.

- Concern #1: providing the LGU's with the incentive to participate. They have nothing to lose if they adequately cover their costs in the project budget, including long-term maintenance. Making this clear and focusing on their participation in the partnership should help.

- Concern #2: the BWSR staff time necessary to administer the program (fiscal management, impacts record keeping, project oversight). An option may be to contract for some services.

s:roadbrd.jj (10-14-96)

Work Plan
AMC Public Drainage Training Grant
October 3, 1996

I. Project Components

1. Conduct approximately 10 one-day sessions around the state for approximately 600 county commissioners, watershed district managers, city officials, state agencies, interest groups, and LGU staff. The goals of the sessions are to be educational and practical and to avoid controversy and site-specific discussions. The scope of the sessions will be on the basics of the drainage law from a project sponsor's point of view. The sessions will be conducted by April 1997.

   Topics to be covered:
   - Roles and responsibilities of drainage authorities.
   - Connection to other laws such as the Wetland Conservation Act, DNR Protected Waters, Federal Farm Bill and Environmental Review requirements.
   - Redetermination of benefits. Legal and practical and factors to be considered
   - History of drainage law.
   - Types of projects: a) Maintenance; b) Minor repair; c) Major Repair; d) Improvement.
   - Bonding and hearing requirements.
   - Record keeping.
   - Financial management.
   - Experts/consultants: Engineering, viewing, legal.

2. Develop "USERS GUIDE TO THE DRAINAGE LAW/MANUAL" resulting in a short, user-friendly, simple guide that would allow county commissioners and watershed district managers, in particular, to get a quick understanding of the law.

3. Update the drainage manual to include relevant items from changes made since it was produced and distributed in 1992.

4. Develop a training video tape for statewide distribution such as the one developed by the Red Lake Watershed District and Red River Watershed Management Board for potential project participants.

5. Evaluation/Report/Followup. A report describing the outcomes and evaluations of the project components as well as pointing out shortcomings of the drainage law as identified through the training sessions will be developed. Also, followup information to session participants will be provided to address information requests not fulfilled at the training sessions or by another component of the project.

II. **Budget**

Assets: $50,000 grant plus an attendance fee of $25 per person (to cover facility, food, materials). Total available = $65,000.

Expenditure Estimates:

1.) A.) Hiring via contract a facilitator for logistics as well as someone to moderate the sessions = $15,000.
B.) Hiring expert presenters for training sessions = $10,000.
C.) Meeting site, refreshments, handout materials = $10,000

2.) Develop, print and distribute user's guide to drainage law/manual = $15,000.

3.) Update drainage manual = $2,000 (may be less if DNR can accomplish this task).

4.) Develop and distribute videotape = $10,000

5.) Evaluation/Followup/Report = $3,000

Caveats:

- Budget items 1 and 5 will be linked via contract as will items 2, 3, and 4.
- An oversight group consisting of the Association of Minnesota Counties, the MN Department of Natural Resources, the MN Board of Water and Soil Resources, the Minnesota Association of Watershed Districts, the University of Minnesota Extension Service, and the Office of the State Attorney General will direct and monitor the project and meet periodically with the contractors to review progress and product content.

workplan prepared by John Jaschke, MnBWSR (612)297-3432. s:drainwp.jj

BWSR GUIDANCE

Wetland Delineations by WCA LGU and SWCD staff

DRAFT

Since the passage of the Wetland Conservation Act (WCA) in 1991, the demand for professional wetland delineation services has increased dramatically. Private consulting firms and local government unit (LGU) and soil and water conservation district (SWCD) staff members have inquired about the appropriateness of public staff performing wetland delineations.

By their nature, wetlands and land use regulations are controversial. While the Board of Water and Soil Resources (BWSR) cannot prohibit LGU/SWCD staff people from providing delineation services, the BWSR recommends that LGU/SWCD staff **REFRAIN from providing such services outside of their job duties.** LGUs/SWCDs have the primary duty of carrying out law and rule. Consultants have the primary duty of fulfilling the obligations of the contract with their client. These two roles may be in direct conflict with each other; therefore, an LGU or SWCD staff person serving as a "consultant" could clearly constitutes a potential conflict of interest. LGU/SWCD staff can limit their exposure to liability by avoiding such situations.

In addition, BWSR further recommends that SWCD/LGU staff **LIMIT even those wetland delineation activities that are done as part of their job.** Instances in which it may appropriate for LGU/SWCD staff to provide delineation services include cases in which individual landowners have little choice but to ask the LGU to provide those services. This generally occurs in two situations:

- consulting services may not be readily accessible, particularly if the area is outside of the urban and urbanizing centers; or
- the project is too small (and hence, not profitable enough) to attract a consultant.

In general, LGUs/SWCDs should not provide delineation services if the alternative of consulting services is readily available and/or the project is a commercial, residential or large-scale project that can hire an independent wetland consultant. However, where few alternatives exist, LGU/SWCD staff could provide delineation services to individual landowners for small projects.

In a situation where the LGU/SWCD is providing delineation services, BWSR recommends the following to ensure fairness:

- In areas with adequate staffing at the LGU/SWCD level, one staff could provide the delineation service, while another could serve on the three member Technical Evaluation Panel (TEP).
- If there is not enough staffing for such an arrangement, the LGU/SWCD should consider reciprocal agreements with neighboring LGUs/SWCDs to provide the member to the TEP.
- An option of last resort is a two member TEP, since the third member would be the involved LGU/SWCD staff (based on WCA Rules which state that the decisions of the TEP "must be endorsed by at least two of the three members").

BWSR provides this information to LGU/SWCD officials to consider, under their sound discretion, establishing a policy for their staff based upon the guidance presented herein and the BWSR Employee Conduct Policy. The Wetland Delineators Association can assist in this matter by providing as complete a list as possible of those who provide delineation services. The USCOE also maintains a list of delineators who have asked to be placed on it. Neither of these lists constitute a recommendation.

DRAFT

Board of Water and Soil Resources
Employee Conduct Policy
Regarding Wetland Conservation Act

DRAFT

To avoid any conflicts of interest or the appearance of any conflicts of interest, staff of the Minnesota Board of Water and Soil Resources (BWSR) shall not perform any wetland delineation activities related to the Wetland Conservation Act (WCA) for any employer other than the BWSR. One exception is if the land upon which the delineation is taking place is owned by the BWSR staff person; in that case, the staff person could "employ" himself or herself to perform a wetland delineation on his or her own land. If, however, the sight is potentially controversial, the BWSR recommends that the BWSR staff person hire an outside professional to either perform the initial delineation or to affirm the delineation results obtained by the BWSR staff person. If a technical evaluation panel (TEP) is required to provide input on the delineation, the BWSR staff person who owns the land may not serve on the TEP.

DRAFT

GP-96 Outline

Wetland Regulatory Simplification Package
via State Programmatic General Permit(s) (SPGPs)

DRAFT

Section I GP-1 (MNDNR)

Section II "GP5" for Public Road Authorities (size limit = 10 acres)

A) Existing Roads = WCA reporting and BWSR mitigation
B) New Roads = WCA replacement plan
C) [if size limit included then USACOE IP required if 10 acre limit exceeded]

Complementary Action Needed: State GP from DNR authorizing public road authorities to follow WCA process for sequencing, reporting and replacement for Protected Waters Wetlands.

Section III "GP-17 revised" for General Public

Category 1 -- USACOE review not required:

Activities included (see attachment #1):

a)	<10,000 square feet impacts; and,	
the following >10,000 square feet impacts:		WCA Status
b)	wildlife ponds with WCA conditions.	(Exemption #10)
c)	forest roads with WCA conditions.	(Exemption #7)
d)	utility/public works installation with WCA conditions.	(Exemption #6)
e)	temporary impacts with WCA/404 conditions.	(No-loss)
f)	wetland restorations with WCA conditions.	(No-loss)
g)	normal farming practices with WCA/USDA/404 conditions.	(No-loss)
f)	drainage of temporary wetland restorations with (USFWS) contract.	(Exemption #4)

Notice: Only to LGUs as required by the WCA process.

Category 2 -- USACOE review and response:

Activities included: Those not eligible for Category 1 that are less than 3 acres of total wetland impact.

A. WCA Replacement Plan
Notice: Only to LGUs use WCA notice process + USACOE, MPCA, USFWS, EPA, SHPO.

B. WCA non-regulated = USACOE PDN or IP
Notice: to USACOE

Category 3 -- USACOE Individual Permit required:

Activities included: Those with more the 3 acres of total wetland impact.

Notice: To LGUs and USACOE.

GP-96 Education Plan

- revised/upgraded WCA replacement plan, sequencing findings-of-fact, and Technical Evaluation Panel (TEP) findings-of-fact forms (see attachment #2A, #2B, #2C).
- Revised Project Notification form
- Comprehensive Wetland Regulations brochure
- Administrative Training sessions for LGUs

DRAFT

GP-96 LGU Performance Assurance Steps:

1. WCA Notice and comment process (see attachment #3)

2. WCA Appeals process

3. BWSR WCA Corrective Action Policy - July 1996 (see attachment #4)

4. Periodic interagency "audits" of LGU activity

5. Regional discretionary invocation of IP requirements

6. Modification or revocation of GP-96

GP-96 Enforcement

See Wetlands/Waters Enforcement Procedures Interagency Guidance (see attachment #5)

Benefits of GP-96

- One-stop-shopping at the local level for most wetland project approvals (see attachment #6 for project size summary).
- Streamlines/simplifies the project review process for the regulated community.
- Eliminates redundant project reviews and paperwork processing by multiple federal, state and local agencies.
- Improves program efficiency so that agency efforts can be changed from reactive to proactive.
- Includes "checks and balances" opportunities via public notice processes and administrative appeals options.
- Maintains the existing level of environmental protection for the state's natural resources.

Minnesota Board of Water & Soil Resources

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

Field Offices

thern 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
?18) 828-2383
ax (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

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

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

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JOHN JASCHKE
BWSR - WETLAND MGT. SPECIALIST
ONE WEST WATER STREET
SUITE 200
ST. PAUL, MN 55107

October 15, 1996

TO: Members of the Wetland Heritage Advisory Committee

FROM: Greg Larson, Administrator - Water and Land Management Section Greg Larson

RE: Heritage Advisory Committee Meeting; November 13th

We attempted to schedule the meeting around your many conflicts. Hopefully, most of you can attend. The primary reason for the meeting is to review and discuss the study on wetland regulations and property values. I expect to receive the report from Dr. Taff next week and will mail it to you. Other business items will also be addressed. Send agenda items to Robyn Molina at our central office in St. Paul.

The meeting will be held in our main conference room in St. Paul from 10 AM until we've finished business, which I expect to be before 3 PM. Please refer to the attached map and be sure to park across the street by the deli.

Travel safely!

C: Joe Preiner, MN Property Rights Association
Dave Zavoral, MN Land Rights Association
Minnesota Taxpayers Association
Matthew Seltzer, Attorney General's Office
WHAC mailing list

October 14, 1996

NEW BUSINESS #4

Proposed October Board Meeting Items

I. **Public Drainage Training Grant.** (Decision)
A grant workplan for $50K to AMC is attached and requires Board approval. AMC, MAWD, Attorney Generals office, DNR, MES and BWSR will oversee the project. The grant will result in approximately 10 training sessions in February-April of 1997, along with a video and user guide to the law so that officials that are responsible for public drainage decisions will have the base of understanding to work from.

II. **Public Road Mitigation Program.** (Decision) 2
Possible options for achieving the replacement for mitigation of wetlands required int he 1996 WCA Amendments using the $3M dollars.

Option #1 is to buy existing credits. The W-team recommendation was that this should not be a option at this time due to the fact that the legislature expected new wetlands to be established and the difficulty in determining who to buy from and at what price. If this is a future option the W-Team recommends that public entities (e.g. local road authorities) should be the ones that the Board buys the credits from.

Option #2 is an arrangement with MnDOT or DNR to do the mitigation on our behalf. It was noted that this option would only be available in greater Minnesota (neither agency is interested doing metro area sites) and thus the metro situation would be left to the Board. Also, it was felt that this would remove a tool that the agency has to achieve wetland restoration benefits that is not be available through other existing programs, such as RIM.

Option #3 is the Re-Invest in Minnesota Program. It was felt that there was some substantial conflict in the mission's of the two programs and that the record-keeping aspects of the road mitigation program were completely different than those for RIM. Also, the state easement required by RIM is something that wouldn't be necessary or desired as part of the road mitigation program. It did make sense among team members to try and dove-tail an alternative program with the RIM program so that landowners and LGU's knew that both programs were available and could match sites to their appropriate program.

Option #4 is to have LGU's submit proposals. **This is the preferred option among the team members** as it has it has the greatest amount of flexibility and it also allows BWSR to work with local governments and provide them with another tool to target wetland restoration in areas that they feel are important. It was stated that the opportunity for these wetland restoration dollars should be made available to all local government units; soil and water conservation districts, watershed districts, counties, county highway departments, cities, etc. all should have an opportunity to access this money. The timing is such that it would be desirable to have this program announcement sent out this fall to dove-tail with the RIM program, either through a separate announcement or through an announcement done with RIM so that the local government units know this program will be following.

The criteria for selection of projects would be benefit/cost, partnerships, location in the watershed, benefits to the watershed, public ownership or control, education

opportunities, diversity of wetland types and sites in a variety of locations around the state that could benefit from wetland restorations. Thus, an "ideal" site might look as follows: *A type 1/2/3 wetland complex in a recreational lake subwatershed within the Minnesota River or Cannon River or Wild Rice River Major Watershed on land publicly owned/purchased land bordered on one side by a school and on the other by a city park or wildlife management area and funded by a combination of public and private contributions (including; design expertise, equipment, land, legal services, construction, maintenance) from both the local and state level.*

Budgeting considerations. The W-team recommended allocating the $3M as follows: $1M for metro urban renewal type projects, $1M for other metro projects and $1M for projects in greater Minnesota. Also, a cap of $333K per project is recommended for the urban renewal projects to ensure some distribution.

See attachment for more details on how selection criteria will be enacted.

III. **Drainage Inventory Pilot** (Information - Decision at December meeting).
Several letters of interest have been submitted requesting their participation in this drainage inventory pilot and field staff have announced the program to Some of the items to be included in inventory are buffer strips, drained wetlands, abandoned areas, land uses, maintenance history, assessed parcels, maintenance expenditures, drainage areas, etc. The W-Team recommended that BWSR fund 3-5 projects using the $100K grant to assure that a quality/complete inventory is developed for each selected LGU. The product from the inventory will be a standardized GIS based program that will be available on a broader basis once the product is refined through this pilot. The product will be useful for both statewide analysis and for local government record keeping. No match was recommended to be required, but it should be encouraged. A drainage inventory pilot program will require some BWSR staff assistance from the BC level, wetland specialist or the computer person. A good example of the project in terms of a GIS compatibility is the Cass county wetland project.

IV. **Regulatory Simplification.** (Information)
The interagency Wetland Group is working toward a comprehensive regulatory simplification package titled GP-96. There are two new parts, the first dealing with public roads, trying to allow the WCA approval and replacement process for public roads to be applied to the USACOE regulatory program and to the DNR protected waters wetland program. The second part deals with the general public and their goal is to have one-stop shopping at the local level. A meeting of the GP-17 pilot program LGUs will be held on October 16 to review the positives and negatives of the program over the last two years. The major issue is the level of local governments capability (i.e. whether all LGUs should be allowed to try it and then have their privilege revoked or whether they should apply and demonstrate the capability beforehand). The effective date goal is February 1.

V. **LGU and BWSR Staff Delineation Policies** (Information - Decision at December mtg).
LGU delineation policy guidance and BWSR staff policy on wetland delineation involvement is needed to clarify proper roles and to avoid conflict of interest circumstances in WCA program implementation.

S:brdoct.wet

BWSR Transportation Impact Replacement Program

Metro Road Replacement:

- Background - $1 million for urban renewal projects
  $1 million for metro-wide projects
  ($0.3 million could be for other urban centers for urban renewal (e.g., St. Cloud, Rochester, Duluth).

- Local Support
  - High - those projects with a high level of local support. Project is identified in local or WMO plan, or is receiving some funding from local partners, private and public.

- Partnerships
  - High - private and public entities involved with project-cost shared projects-higher priority. (Urban renewal projects would likely fit this category anyway. Need to look at other criteria with this).

- Ownership
  - Highest - Public ownership/acquisition.
  - Medium - Easement acquisition.
  - Low - Deed restriction on private property. (This goes along with maintenance needs - site must be easily accessible. Deed restriction may not be sufficient.)

  For urban renewal projects, highest priority should be placed on those that are/will be part of larger public system, (i.e., park - this also addresses maintenance needs.)

- Project Cost
  - Highest priority - Projects with most credit for the dollar.
  - Medium - NWC and PVC resulting.
  - Low - PVC and minimal NWC

- Maintenance
  - Higher priority - simpler/restoration is better.
  - Urban renewal projects are by nature more complex, will need to compare proposals. Those which present fewer maintenance issues should receive higher priority.
  - On public land and/or easy access to site would receive higher priority.

- Geographic Area
  - Urban/metro projects are high priority according to law (i.e., critical urban area), therefore, funds focused further than this area should be prioritized in critical urban landscape. Things to consider: flood prone areas, e.g., along the Minnesota or Mississippi River's or Rochester along Zumbro River; regional/watershed priority areas where wetland restored a created could provide functions to above rivers or other high priority water bodies for example Minneapolis Chain of Lakes, White Bear Lake, Lake Bullesby (SPWU waters); and other drinking water supplies.

- Complexes of Wetland Types
  - Highest priority will be place on those projects which will restore first priority. Second priority create a variety of wetland types and especially types 1 and 2 where

there have been significant losses.

- The issue of creating "clumped" wetland credits is not as great in metro area as in non-metro, simply because the opportunities just are not there. Those opportunities which provide the most varied complex of wetland types for the dollar should be highest priority.

Greater MN Road Replacement:

Ownership- higher priority for fee title or easements, lower for deed restriction.

Watershed contact - higher priority for projects coordinated with a larger watershed management effort. For example, Elk River Watershed, Lake Miltona Watershed, Heron Lake Watershed, Cannon River, Minnesota River.

Adjacent assets - higher priority for parcels adjacent to major wetland complexes, lakes, rivers.

Number of basins to acreage ratio - higher priority for proposals that restore a number of smaller basins rather than one or two large basins. Replacements already represent the "clumping" of several smaller impacts into one larger replacement. We should encourage projects that somewhat offset this liability. (e.g., BWSR previously funded an easement in Douglas county that protected 200 acres of wetlands scattered over 50 distinct basins.)

Geographical distribution - proposals from the transition area may be common. There may be fewer proposals from areas of higher land values or most certainly from the forested part of the state. Strive for focused geographic distribution over the long haul.

Project per acre costs - projects in the transition area or any areas with lower land values will potentially offer more credits/dollar. Some of these areas are in prime prairie pothole regions.

Project maintenance - projects that have minimal long term maintenance needs should be a higher priority. Maintenance responsibilities would be with the landowner and the LGU. Simple ditch plugs and/or tile riser type restorations may fare better than more complex structures.

- Selection Process: BC's will be the preliminary reviewers with recommendations forwarded to the W-Team and Wetland Subcommittee and then to the Board.

- Concern #1: providing the LGU's with the incentive to participate. They have nothing to lose if they adequately cover their costs in the project budget, including long-term maintenance. Making this clear and focusing on their participation in the partnership should help.

- Concern #2: the BWSR staff time necessary to administer the program (fiscal management, impacts record keeping, project oversight). An option may be to contract for some services.

s:roadbrd.jj (10-14-96)

MINNESOTA EROSION CONTROL ASSOCIATION

Created in 1988, MECA strives to communicate erosion and sediment control techniques and practices, and encourage the use of those practices. We are an organization comprised of contractors, suppliers, engineers and government agencies. Our goal is to promote erosion control through existing and new technological developments via:

- an annual erosion conference
- regional workshops and seminars
- a semi-annual newsletter providing communication on erosion and sedimentation issues between private industry, government agencies and the public
- coordinating field demonstrations of erosion control techniques

As more organizations, companies, government agencies and individuals have begun to realize the serious nature of erosion concerns, problems and issues, greater efforts are needed in specifying erosion control techniques in new construction designs. We welcome the challenge to provide a variety of vehicles to share information.

The timing is right for emphasizing the need for preventing erosion and controlling sedimentation. Our customers are clamoring for information! This is demonstrated by attendance at workshops and conferences.

The timing is also right for partnering and working together. Both partnering and agencies working together are being emphasized in the media. **Lets make it happen!**

IDEAS FOR JOINT VENTURES BETWEEN BWSR, MnDOT, AND MECA

- provide erosion control training to BWSR and MnDOT clientele. For example, last year MECA produced six sessions throughout Minnesota.
- MECA is a forum for the private sector to introduce erosion control products to BWSR, NRCS, SRF, and MnDOT engineers.
- MECA has been discussing the idea of erosion control certification for individuals and firms.
- MECA gives BWSR an active forum with MnDOT regarding erosion control. MnDOT is the largest constructor of erosion control practices in the state (excluding conservation tillage by farmers).
- MECA is a forum to introduce new practices and techniques to control erosion (for example bioengineering).

MECA is a nonprofit organization that can provide valuable information on erosion control from various sources. Contractors, suppliers, manufacturers and agency representatives are held to the highest ethical standards in representing methods and techniques or presenting data on projects. As a non profit organization, MECA can be a good partner for public agencies.

Future activities of MECA:

- Annual yearly conference on March 7,1997 at the Holiday Inn-Metrodome. Focus will be on urban construction site erosion control.
- Several regional erosion control sessions. Pilot in Duluth in late January, 1997.
- Potential training partnership with MnDOT to train personnel on erosion control techniques.
- Assist Arrowhead Water Quality Team in producing lakeshore erosion control video. Gene Clark will be involved also.

The future of our organization seems bright considering the partnership between the public agencies and the private sector. We appreciate BWSR's past support and look forward to big things in the future in working with your staff.

1997 NATURAL RESOURCES BLOCK GRANT

The Natural Resources Block Grant (NRBG) is formulated to assist local governments in the following four programs: implementing comprehensive local water plans, administration of the Wetland Conservation Act, DNR shoreland management, and the local MPCA Feedlot Permit Program. A county may apply for any or all four program components.

The 1997 NRBG is a base grant is that is available to each county administering these programs. This grant is not competitive.

1997 NRBG Schedule

October 23, 1996	BWSR requested to authorize 1997 NRBG
November 1996	NRBG announced in State Register
	NRBG application sent to counties
January 14, 1997	NRBG applications due in Central Office
February 1997	Grant agreements sent to counties

The grant components of the 1997 NRBG are highlighted as follows:

Comprehensive Local Water Plan Implementation $ 2,606,673
This component is for implementation of comprehensive water plans. A local levy match is required. The grant amount is derived from the formula of $37,500 - local levy, but all counties are eligible for a minimum of $18,750 (1995 legislative change).

WCA Implementation $ 1,744,790
This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of WCA activity. Grant amounts are the same as last year. SWCDs are eligible to receive at least $5,000 of this grant.

DNR Shoreland $ 518,000
This component is for the administration of state approved shoreland management programs. A local 1:1 cash and/or in-kind match is required. Grant amounts are the same as last year.

MPCA County Feedlot Program $ 875,140
This component is for county administration of the feedlot program. A local 1:1 cash and/or in-kind match is required. This grant is calculated by a formula revised in 1995 legislation. Grant amounts are the same as last year.

Proposed base grants for the 1997 NRBG are listed by county in the enclosed spreadsheets.

Staff Recommendation
Staff requests that the Board approve the 1997 NRBG and authorize staff to issue these grants to counties meeting the application requirements.
H:97NRBGBM

PROPOSED 1997
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
AITKIN	$4,888	$32,612	$19,200	$12,375	$8,390	**$72,577**
ANOKA	$76,455	$18,750	$40,500	$3,000	$6,245	**$68,495**
BECKER	$7,144	$30,356	$24,200	$12,321	$12,605	**$79,482**
BELTRAMI	$6,436	$31,064	$36,000	$6,317	$10,205	**$83,586**
BENTON	$7,217	$30,283	$36,000	$3,771	$12,365	**$82,419**
BIG STONE	$1,490	$36,010	$10,000	$3,087	$6,830	**$55,927**
BLUE EARTH	$16,362	$21,138	$19,200	$3,722	$8,990	**$53,050**
BROWN	$6,545	$30,955	$10,000	$3,070	$11,795	**$55,820**
CARLTON	$7,156	$30,344	$19,200	$4,506	$7,775	**$61,825**
CARVER	$19,256	$18,750	$36,000	$3,000	$11,750	**$69,500**
CASS	$12,134	$25,366	$51,000	$12,275	$10,355	**$98,996**
CHIPPEWA	$3,781	$33,719	$10,000	$3,012	$6,815	**$53,546**
CHISAGO	$9,242	$28,258	$26,700	$5,671	$7,955	**$68,584**
CLAY	$9,775	$27,725	$16,700	$3,378	$8,495	**$56,298**
CLEARWATER	$2,804	$34,696	$19,200	$3,630	$11,000	**$68,526**
COOK	$3,282	$34,218	$12,200	$4,814	$5,060	**$56,292**
COTTONWOOD	$4,068	$33,432	$10,000	$3,181	$9,065	**$55,678**
CROW WING	$21,514	$18,750	$36,000	$21,946	$7,985	**$84,681**
DAKOTA	$116,108	$18,750	$41,000	$3,000	$8,435	**$71,185**
DODGE	$3,822	$33,678	$16,700	$3,069	$8,825	**$62,272**
DOUGLAS	$9,485	$28,015	$19,200	$9,803	$12,140	**$69,158**
FARIBAULT	$5,060	$32,440	$10,000	$3,138	$8,390	**$53,968**
FILLMORE	$4,327	$33,173	$10,000	$3,089	$19,985	**$66,247**
FREEBORN	$7,257	$30,243	$10,000	$3,602	$9,770	**$53,615**
GOODHUE	$21,134	$18,750	$16,700	$3,181	$15,740	**$54,371**
GRANT	$2,057	$35,443	$13,980	$3,507	$6,785	**$59,715**
HENNEPIN	$460,005	$18,750	$36,000	$0	$7,130	**$61,880**
HOUSTON	$3,817	$33,683	$12,200	$3,127	$14,645	**$63,655**
HUBBARD	$6,257	$31,243	$26,700	$9,677	$7,235	**$74,855**
ISANTI	$5,694	$31,806	$26,700	$4,595	$6,770	**$69,871**
ITASCA	$17,068	$20,432	$36,010	$11,596	$7,520	**$75,558**
JACKSON	$4,653	$32,847	$10,000	$3,455	$9,110	**$55,412**
KANABEC	$2,267	$35,233	$26,700	$4,693	$9,425	**$76,051**
KANDIYOHI	$10,613	$26,887	$19,200	$7,748	$11,195	**$65,030**
KITTSON	$3,051	$34,449	$16,700	$3,038	$6,660	**$60,847**
KOOCHICHING	$3,007	$34,493	$19,200	$3,123	$6,155	**$62,971**
LAC QUI PARLE	$2,424	$35,076	$10,000	$3,017	$6,180	**$54,273**
LAKE	$2,907	$34,593	$16,700	$5,295	$5,000	**$61,588**
LAKE OF THE WOODS	$1,162	$36,338	$26,700	$4,007	$5,885	**$72,930**
LE SUEUR	$5,978	$31,522	$16,700	$5,643	$9,110	**$62,975**
LINCOLN	$1,812	$35,688	$10,000	$3,176	$10,085	**$58,949**

PROPOSED 1997
BWSR NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY TYPE

COUNTY	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	BLOCK GRANT TOTAL
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
LYON	$7,305	$30,195	$10,000	$3,141	$10,535	**$53,871**
MCLEOD	$7,787	$29,713	$16,700	$3,429	$11,660	**$61,502**
MAHNOMEN	$1,243	$36,257	$12,200	$3,855	$6,620	**$58,932**
MARSHALL	$4,363	$33,137	$19,200	$3,000	$7,400	**$62,737**
MARTIN	$7,093	$30,407	$10,000	$3,470	$9,380	**$53,257**
MEEKER	$4,833	$32,667	$19,200	$5,433	$11,000	**$68,300**
MILLE LACS	$3,631	$33,869	$19,200	$5,517	$10,640	**$69,226**
MORRISON	$5,605	$31,895	$26,700	$4,526	$21,005	**$84,126**
MOWER	$7,319	$30,181	$12,200	$3,746	$10,865	**$56,992**
MURRAY	$3,423	$34,077	$10,000	$3,696	$10,385	**$58,158**
NICOLLET	$7,504	$29,996	$16,700	$3,077	$9,425	**$59,198**
NOBLES	$5,345	$32,155	$10,000	$3,054	$12,065	**$57,274**
NORMAN	$2,460	$35,040	$12,200	$3,011	$6,605	**$56,856**
OLMSTED	$34,140	$18,750	$26,700	$3,614	$13,805	**$62,869**
OTTER TAIL (2 SWCD'S)	$13,903	$23,597	$33,200	$20,362	$25,220	**$102,379**
PENNINGTON	$2,332	$35,168	$16,700	$3,251	$6,965	**$62,084**
PINE	$5,625	$31,875	$36,700	$6,768	$12,050	**$87,393**
PIPESTONE	$2,333	$35,167	$10,000	$3,000	$11,350	**$59,517**
POLK (2 SWCD'S)	$9,197	$28,303	$16,700	$3,967	$8,945	**$57,915**
POPE	$2,721	$34,779	$15,200	$4,877	$10,670	**$65,526**
RAMSEY	$164,187	$18,750	$26,700	$0	$5,030	**$50,480**
RED LAKE	$960	$36,540	$12,200	$3,297	$7,295	**$59,332**
REDWOOD	$5,297	$32,203	$10,000	$3,000	$10,595	**$55,798**
RENVILLE	$6,814	$30,686	$10,000	$3,055	$9,620	**$53,361**
RICE	$11,828	$25,672	$19,200	$4,806	$11,555	**$61,233**
ROCK	$3,312	$34,188	$10,000	$3,000	$11,090	**$58,278**
ROSEAU	$3,372	$34,128	$26,700	$3,095	$9,035	**$72,958**
ST. LOUIS (2 SWCD'S)	$42,708	$18,750	$36,700	$22,873	$7,370	**$85,693**
SCOTT	$23,880	$18,750	$36,000	$3,000	$9,350	**$67,100**
SHERBURNE	$25,559	$18,750	$36,000	$5,591	$7,010	**$67,351**
SIBLEY	$3,687	$33,813	$12,200	$3,098	$11,240	**$60,351**
STEARNS	$28,319	$18,750	$51,500	$10,330	$34,055	**$114,635**
STEELE	$8,694	$28,806	$12,200	$3,290	$9,620	**$53,916**
STEVENS	$2,498	$35,002	$10,000	$3,130	$7,310	**$55,442**
SWIFT	$2,816	$34,684	$12,200	$3,149	$7,730	**$57,763**
TODD	$3,437	$34,063	$19,200	$5,660	$20,225	**$79,148**
TRAVERSE	$1,946	$35,554	$10,000	$3,218	$5,780	**$54,552**
WABASHA	$4,286	$33,214	$12,200	$4,037	$13,460	**$62,911**
WADENA	$1,952	$35,548	$21,700	$3,539	$10,250	**$71,037**
WASECA	$4,806	$32,694	$12,200	$3,450	$7,775	**$56,119**
WASHINGTON	$61,395	$18,750	$36,000	$3,000	$6,950	**$64,700**

PROPOSED 1997
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BASE GRANT BREAKDOWN BY TYPE

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	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	
WATONWAN	$3,061	$34,439	$10,000	$3,136	$7,325	**$54,900**
WILKIN	$2,562	$34,938	$10,000	$3,021	$5,690	**$53,649**
WINONA	$9,906	$27,594	$12,200	$3,043	$15,275	**$58,112**
WRIGHT	$24,985	$18,750	$36,000	$10,716	$13,685	**$79,151**
YELLOW MEDICINE	$3,029	$34,471	$10,000	$3,017	$8,375	**$55,863**
MARSHALL–BELTRAMI SWCD			$5,000			**$5,000**
ST. LOUIS RIVER BD.				$35,000		
NORTH SHORE MGMT. BD.				$50,000		**$50,000**
TOTALS	**$1,512,972**	**$2,606,673**	**$1,744,790**	**$518,000**	**$875,140**	**$5,744,603**

H:97NRBG

Board Packet

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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October 1, 1996

TO : MASWCD Area Directors

FROM : Dwain Otte, BWSR Cost Share Committee Chair

RE : **Cost Share Program Allocation Formula**

As you are aware, Minnesota legislative appropriations for the State Cost Share Program have remained virtually unchanged since 1977. Due to inflation, the purchasing power of the cost share dollar has been reduced by 62%. Consequently, the BWSR will be pursuing legislative appropriations increases for the State Cost Share Program through several budget initiatives. These budget initiatives include substantial funding increases for erosion and water quality improvements, lakeshed treatments, windbreaks and forestry, and the Minnesota River and Lake Superior basins.

If these budget initiatives are successful, funding increases would be allocated through grants to SWCDs via the State Cost Share Program. **Any funding increase, and specific parameters attached to it, will also influence any examination of the current cost share allocation formula.** As a result, the BWSR Cost Share Committee has decided that it is appropriate at this time, to "put on hold" all efforts to reexamine the cost share allocation formula until these budget initiatives are concluded.

Thank you for your continued participation in these efforts. If there are any questions or comments please contact Wayne Zellmer at (612) 297-7361.

c: Barb Cobb
Jim Birkholz
Marybeth Block
Board Conservationists
Ron Harnack
Greg Larson
Regional Supervisors

Board packet - Oct 96

Gulf of Mexico Program Fact Sheet

The Gulf of Mexico Program is a network of citizens dedicated to managing and protecting the resources of the Gulf of Mexico in ways consistent with the economic well-being of the region. Its development was inspired by a shared sense of urgency to protect valuable resources, to prevent problems before they occurred and to forge a positive relationship between the ecological health and the economic vitality of the Gulf Region.

Response to citizens' demands came in 1988 when the Gulf of Mexico Program was developed as an inter-governmental, community-based program for the Gulf Region. From the outset, the Gulf Program was designed to bring direct assistance to the Gulf States and communities struggling to deal with increasingly threatening natural resource and health issues.

The Gulf Program is unique in that representatives from local, state, and federal government agencies, business and industry, nonprofit organizations and educational institutions, and interested individuals are involved in setting goals and actions to address needs. It is not a regulatory program, but a new approach to environmental protection characterized by community-based total resource management founded on the principles of partnership, sound science and information, and public involvement.

One of the key water quality issues with which the Gulf of Mexico Program is dealing at this time is the hypoxia (low dissolved oxygen) zone in the Gulf of Mexico. In years past, this hypoxic zone covered an area of nearly 4000 square miles. In late summer 1993, after the Upper Mississippi River flood, it was observed to have increased to nearly 6000-7000 square miles. The affected water, known as the Dead Zone, has been linked to nutrient loads, specifically phosphates and nitrates, from runoff carried by the Mississippi River.

The hypoxic issue can have a detrimental impact on the nation's agriculture and fishery resources of the Gulf Region unless it is immediately addressed. On January 24, 1995, the Sierra Club Legal Defense Fund, Inc. (The Fund) petitioned officials of the State of Louisiana and the Administrator of the U.S. Environmental Protection Agency (EPA) to convene a management conference under Section 319 of the Clean Water Act. The Fund requested that EPA and the State commit to and develop a long-term, enforceable strategy to eliminate the hypoxic area. EPA and the State declined to convene the conference, preferring to address the issue through voluntary actions coordinated through the Gulf of Mexico Program and other existing mechanisms.

The National Association of Conservation Districts (NACD) has passed a budget resolution to fund a voluntary incentive-based land treatment program for the Gulf of Mexico watershed. This land treatment program could effectively address Gulf-related water quality issues and support the Gulf Program in addressing the hypoxia concern. Conservation districts provide the grassroots leadership necessary to implement a land treatment program to improve water quality through voluntary actions.

Since 1988, efforts through the Gulf of Mexico Program have been underway to halt the decline in the Gulf resources. The Program has leveraged the EPA money to attract matching funds for research, demonstration projects, restoration activities and public information activities for priority projects.

The Gulf of Mexico Program truly is an attempt to recognize that environmental protection is often best accomplished by land owner or operators. It is an approach that offers voluntary incentive-based support to the community, rather than command and control regulations. If our conservation movement wants to see this approach to environmental problems continued, support is needed for the Gulf Program's efforts to develop new incentive-driven approaches.

National Association of Conservation Districts
509 Capitol Ct., NE, Washington, DC 20002
(202) 547-6223 / FAX: (202) 547-6450

• Board Cost-share committee

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
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3217 Bemidji Avenue N.
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Brainerd, MN 56401-3660
(218) 828-2383
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Highway 15 S.
Box 756
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Suite A
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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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October 1, 1996

Roger Schoephoerster, Chair
Grant Soil and Water Conservation District
Route 1, Box 36
Hoffman, MN 56339

Dear Chair Schoephoerster:

This letter concerns a letter from you dated August 15, 1996 to Barbara Cobb, Chairperson, MN Board of Water and Soil Resources. In that letter you expressed concern about being penalized 5 percent because of a delay in receiving your Annual Report and Annual Workplan. I discussed the issue with board staff and offer the following recommendation; the Board recently dealt with a similar situation in June, another district asked that an exception be made to the board policy. The Board did not grant that exception. Consequently, we cannot offer you an exception. You also raised the issue that a BWSR staff member authorized your staff by phone to use the postmark date and send the report and workplan in late. We have checked with that BWSR staff member (who has since retired) and she did not recall making such a authorization. Even if she had, it would not have been acknowledged by the agency because the policy is quite clear and no member of BWSR Board staff is authorized to make an exception to the policy. The five percent reduction in RIM Services, General Services and State Cost-Share allocation has been made to your allocation. We expect to restore funding next year provided that your reports are received in this office by the deadline.

In closing, the Board Cost-Share Committee will reaffirm the policy that the receipt of various reports means that they must be received in the Board office in St. Paul by the due date and that the date of the postmark will not suffice.

If you have any questions, don't hesitate to contact your Board Conservationist, or me.

Sincerely,

Greg Larson/lemm

Greg Larson, Administrator
Land and Water Section

c: Ron Harnack, Executive Director
Wayne Zellmer, Grants Coordinator
Pete Waller, Board Conservationist
Barbara Cobb, BWSR Board Chair

12/18/96

DRAFT

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
DECEMBER 18, 1996

BOARD MEMBERS PRESENT: Barb Cobb, LeRoy Stensgaard, Darrell Bruggman, Glenn Annexstad, Jim Rossman, Ginny Imholte, Dwaine Otte, Kathy Roer.

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

~~**AGENCY**~~ **MEMBERS ABSENT:** Tim Hvidsten, Ted Lovdahl, Marv Tripp, Barbara Upgaard.

OTHERS PRESENT:
D'Wayne DeZiel, MASWCD
Ray Bohn, MAWD
Vern Wilker, MASWCD
Don Wodek, Hennepin SWCD
Ron Gavelek, Carnelian Marine WD

STAFF PRESENT: Ron Harnack, Wayne Zellmer, Ron Shelito, Chris Hughes, Tim Fredbo, Doug Thomas, Matt Moore, Robyn Molina.

Chair Cobb called the meeting to order at 9:30 am.

Adopt Agenda - Moved by Dwaine Otte, seconded by Darrell Bruggman to adopt the agenda as presented. Motion passed on voice vote.

Minutes of October 23, 1996 - Kimberly Benson-Johnson had an amendment on page 3 under Agency Reports, Department of Health. It reads "well head program". It should read "well management program". Moved by LeRoy Stensgaard, seconded by Darrell Bruggman to approve minutes with change. Motion passed on voice vote.

Reports:
Chair's Report: Chair Cobb stated that she attended the EQB meeting and passed out *Principles for Sustainable Development in Minnesota*. This was adopted by consensus on September 18, 1996. Chair Cobb also stated she attended an Environmental Cluster and Environmental Trust meeting regarding proceeds from lottery. Chair Cobb attended the MASWCD Conference on December 8-10, a number of metro meetings and the MAWD Annual Meeting and Trade Show on December 5-7. Chair Cobb thanked everyone for their attendance.

Chair Cobb reported the changes for upcoming board appointments. Chair Cobb has three years left to serve on the board. She is not reapplying for the position of Chair. Kathleen Roer is applying for another four years to serve on the board and is applying for the Chair position. Ted Lovdahl, and Leroy Stensgaard are re-applying for positions on the BWSR Board. Jim Rossman has accepted an offer from the Governor's office to serve on the Governor's work force council and was appointed. He will be resigning from the board. Chair Cobb thanked everyone for serving on the Board.

Executive Director's Report: Ron Harnack introduced new staff changes. Phil Bilforni is the new metro Board Conservationist in the metro office. Phil gave a perspective as to what he has done, where he has been. Dan Ecklund is the new wetland specialist in Brainerd to work with local governmental units on comprehensive wetland plans. Joe Wiltsey is working as a joint training coordinator for BWSR and NRCS. Joe used to be a district conservationist in Buffalo. He will be located in our Brainerd office. Howard Moeching will be joining the BWSR on a two year mobility as part of the RIM and CRP program. Howard will be working out of the BWSR office. He is currently on an assignment in Koochiching County.

Ron stated the MAT, MASWCD and MAWD conventions went very well. Made a lot of contacts and opportunities. Talked with all five commissioners from Koochiching County regarding the WCA. Ron passed out the Board Member Update.

Dispute Resolution Committee Report: - Kathleen Roer reported there are two matters to be heard in February. One is a wetland appeal in Minnehaha Creek WD. The other matter which was heard before and remanned to heard again is Drum vs. Douglas County on a WCA appeal. Kathy stated that DRC hearings will be on Wednesday, February 5, 1997. The other appeal in Pine County will be the first compensation ~~through~~ claim from the state and was filed on December 6, 1997.

Agency Reports:

U of M Extension Service (MES): Jim Anderson reported that the College of Agriculture, Food and Environment Sciences, which Jim Belongs to at the U of M, went through a process over the last year a half where they went and held meetings around the state to get input on how well we were serving people in the state and asked questions relative to accessibility to the resources of the University. The bottom line was that access to the University was not enough. Phil Larson, Associate Dean for Research, who started about six months ago for research has instituted a program that will start in January, 1997 in which some of the Board Members will be asked to participate. He wants to put together a number of small groups orientated around specific topics such as commodity groups. Jim was asked to mention this to the Board to see if they would like to participate. Phil will be contacting these people.

Pollution Control Agency (PCA): Wayne Anderson reported he attended a conference with about 200 managers. Part of this conference was a continuation outreach to communities. Over 60 stakeholders were invited to help prioritize work. Wayne reported the numbers on the deer harvest. Deer numbers are done statewide. The new modified trespass law is working. Wayne gave an update on the farm which was donated to the DNR. A couple has been selected to rent the farm from DNR. They hope to be milking cows on the premises in early January. There will be tours conducted of this farm hopefully this summer.

Ron Harnack asked about the special initiatives in the Red River Valley. Wayne had no specifics.

Department of Health (MDH): Kim Benson-Johnson passed out a brochure in compliance with the Safe Drinking Water Act entitled *Drinking Water Revolving Fund*. The purpose of this program is to provide financial assistance to municipalities and other eligible public water suppliers to improve or construct water treatment, storage and distribution systems needed to comply with the Safe Drinking Water Act.

Department of Agriculture (MDA): Paul Burns reported the overall department perspective has a few changes. Assistant Commissioner Bill Oemichen left the state

last summer. Sharon Clark was named Deputy Commissioner and has appointed Perry Aasness as the new Assistant Commissioner.

Feedlot Manure Management Advisory Committee Live Stock Owner Task Force is meeting today and working on findings and recommendations regarding livestock. Ron Harnack asked of the status of the SRF loan. Paul stated that they are getting less money through the federal appropriations system. The have received 10M over the last two years. This year is a little over 7 million. MDA has required to have counties tie up the money within a year and expect to get back 1.2M from the first allocation which totals a little over 8M. There will probably be counties that won't get money that need it. The deadline for applications is January 3, 1997. There will not be any workshops held this year regarding application process.

Consent Agenda:
County Water Plan Approvals - Carlton, Kanabec, Stevens, Traverse, Lyon, Nicollet, and Redwood. Moved by Ginny Imholte, seconded by Darrell Bruggman to approve County Water Plan Approvals. Motion passed on voice vote.

Requests for Water Plan Extensions - LeSueur, Crow Wing, Hubbard, Freeborn, Norman, and Olmsted. The Board Conservationists recommends all be approved. Moved by Glenn Annexstad, seconded by LeRoy Stensgaard. Motion passed on voice vote.

Old Business:
Financial Oversight Committee Report - Ginny Imholte reported this was presented for review at the October meeting which was accepted at that time. Moved by Ginny Imholte to formally adopt the Financial Oversight Committee Report, seconded by Kathy Roer. Motion passed on a voice vote. Ron Harnack stated that the Board will come back in February with a work plan implementation.

Reorganization CORE Report - Ron Harnack reported he received a copy of the *Crosscurrent. Managing Water Resources.* This report supports organizational structures that are now in place. The EQB endorsed this publication and adopted it at there last meeting. BWSR has distributed this publication to AMC Board of Directors, MASWCD Board of Directors and MAWD Board of Directors.

Environmental Trust Fund - Ron Harnack reported that nothing has changed. A letter was circulated that Ron finalized regarding where everyone stands with the Environmental Trust Fund Coalition. Dedication on this issues does not have to be dealt with until 1998. The Coalition will strongly push for action this year on the matter.

Outcome of SRF Meeting - Ron Harnack reported the meeting dealt with a number of issues and concerns. Allocation for Engineering teams was not a flat rate to all districts because some districts still had major reserves. A commitment was made that we would fully fund each engineer team for this next year. Talked about the funding issue. The amount would fall short to fund each of the 11 engineering teams. Each JPA would have to come up with $10,000 - $20,000 annually to cover that. A committee is being organized that is representative of the Chair's of the Joint Powers Organizations and the district Manager of those areas to define and clarify how to deal with this issue in the future. This issue will come back to the Board in July with allocations.

Chair Cobb called for a fifteen minute break at 10:45. The meeting was reconvened at 11:05 a.m.

New Business:

Carnelian-Marine WD Plan Amendment - Kathy Roer reported the sub-committee met on Monday, December 16. Ron Gavlik, Chair of the Carnelian-Marine WD ws present for any questions. Moved by Kathy Roer to approve the plan amendment, seconded by Dwaine Otte. Motion passed on a voice vote.

Dakota County Environment Education Program Recognizes BWSR - Dwaine Otte reported that on October 23, the Director of Planning handed out an award for BWSR in recognition of the grant from BWSR.

Faribault County Permanent Wetland Preserve (PWP) Application - Tim Fredbo introduced the folks who attended the meeting from Faribault County including Mr. Campbell who owns the land, Gary Whehrenberg, District Manager for Faribault County SWCD, Senator Beckman and Representative Kalis to speak on behalf of the Faribault Couny PWP project. Moved by Jim Rossman and seconded by LeRoy Stensgaard to approve PWP application. Discussion followed. Motion passed on a voice vote.

Advisory Comments:

MASWCD - Vern Wilker introduced himself as the newly elected President of the MASWCD. Vern reported that over 970 people attended the MASWCD Convention.

MAWD - Ray Bohn reported that 275 members attend the MAWD Annual Meeting and Trade Show which would make it the largest ever. Ray reported that there was good feedback regarding the increased training. Ray thanked the BWSR staff for their help on developing the training program. MAWD is starting to think about the legislative session. They held their first legislative meeting on the Clean Water Partnership Amendment with BWSR and MPCA.

Ray reported that Woody Love, Minnehaha Creek Watershed District is the newly elected President of MAWD and discussed the MAWD Internet page. The address for the Internet page is mnwatershed.org.

Ray also gave an update on the MnDOT Agreement which has been signed off on. They are just waiting for the Commissioner of MnDOT to sign off.

Chair Cobb adjourned the meeting at 12:10 p.m.

Respectfully submitted,

Barbara Cobb

Barbara Cobb
Chair

BOARD OF WATER AND SOIL RESOURCES
ATTENDANCE ROSTER

	NAME	AFFILIATION	PHONE #
1.	Dwayne DeZiel	MASWCD	
2.	Vern Wilker	"	
3.	Don Wodek	Hennepin SWCD	544-8572
4.	Ron Gavelek	Carnelian Marine WD	439-6422
5.			
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To talk to your district engineer or public health sanitarian, contact an MDH District Office:

Bemidji
218/755-4160
FAX: 218/755-3823

Duluth
218/723-4643
FAX: 218/723-4920

Fergus Falls
218/739-7585
FAX: 218/739-7544

St. Cloud
320/255-4216
FAX: 320/255-4264

Marshall
507/537-7152
FAX: 507/537-7194

Mankato
507/389-2501
FAX: 507/389-5563

Rochester
507/285-7289
FAX: 507/285-7445

For general information about the Drinking Water Revolving Fund program, contact:

Minnesota Department of Health
Drinking Water Protection Section
121 East Seventh Place Suite 220
P. O. Box 64975
St. Paul, Minnesota 55164-0975
612/215-0770

For information regarding the Public Facilities Authority's application procedures and financial assistance available through the Drinking Water Revolving Fund, contact:

Minnesota Department of Trade and Economic Development
Public Facilities Authority
500 Metro Square
121 East Seventh Place
St. Paul, Minnesota 55101-2146
1/800/657-3858
FAX: 612/296-5287

Northern Minnesota:
Martin English, 612/297-1981

Western Minnesota:
Milan Thoreson, 612/297-1982

Central Minnesota
Dennis Feist, 612/296-6616

Southeastern Minnesota:
Jeff Freeman, 612/296-2838

To request a Business and Community Development application from the Department of Trade and Economic Development, call 1/800/657-3858.

To request this document in another format, call 612/215-0700; TDD 612/215-0707 or toll-free through the Minnesota Relay Service, 1/800/627-3529 (ask for 612/215-0700)..

September 1996
IC# 141-0445

Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place Suite 220
P.O. Box 64975
Saint Paul, MN 55164-0975

DRINKING WATER REVOLVING FUND



What It Means to Minnesota Public Water Suppliers

Minnesota Department of Health
Minnesota Department of Trade and Economic Development/Public Facilities Authority



Overview Of The Drinking Water Revolving Fund

Enacted in the summer of 1996 as part of the reauthorized federal Safe Drinking Water Act, this program allows states to set up revolving-loan funds for drinking water projects similar to those already in place for wastewater treatment projects.

The Drinking Water Revolving Fund will provide below-market-rate loans to municipalities and other community drinking water systems—as well as to non-profit noncommunity drinking water suppliers—to improve or construct treatment, storage, and distribution systems that are necessary to maintain compliance with the Safe Drinking Water Act and improve drinking water infrastructure.

Water is our most important resource. We are fortunate in Minnesota to have a safe and adequate supply of water. However, this will continue only if we remain vigilant and address emerging issues, such as deteriorating drinking-water infrastructures.

Some public drinking water systems in Minnesota are 50 to 100 years old. Funds are needed to upgrade or expand water systems and to remedy water quality problems and threats. The Drinking Water Revolving Fund could mean relief for these aging water systems.

The commissioners of the two agencies administering the revolving fund emphasize the importance of the program.

"In order to maintain the high level of drinking water we have in the state, we need well-maintained systems with up-to-date technology," says Minnesota Department of Health Commissioner Anne Barry.

Jay Novak, Commissioner of the Minnesota Department of Trade and Economic Development, adds, *"Safe drinking water is required to allow our communities to grow and our industries to expand."*

Drinking Water Revolving Fund

—**Program Purpose:** To provide financial assistance—primarily in the form of below-market-rate loans—to municipalities and other eligible public water suppliers to improve or construct water treatment, storage, and distribution systems needed to comply with the Safe Drinking Water Act and to improve drinking water infrastructure.

—**Eligible Applicants:** All community water suppliers and nonprofit, noncommunity water suppliers, such as schools and government office buildings, are eligible for the loans. This program will not be available to private well owners.

—**How It Works:** The federal government will award funds to states to capitalize their individual revolving funds. In Minnesota, these federal funds will be leveraged through the sale of tax-exempt bonds to generate additional funds that can be loaned to municipalities for eligible drinking water systems. Upon completion of its project, the loan recipient will repay the loan. These repaid funds will then be lent to other eligible drinking water suppliers. The revolving loan fund will help water suppliers meet projected needs many years into the future.

—**Interest Rates:** The loans will be made at below-market rates with the specific rate based on the size and financial capability of each municipality. The interest rate will be determined by financial need for municipal water systems and by a reduction of up to two percent on bank-loan rates for eligible non-municipal and non-community water systems.

—**Priorities:** The Safe Drinking Water Act gives priority for the use of funds to projects that address the most serious risk to human health, are necessary to ensure compliance with the requirements of the Safe Drinking Water Act, and assist the systems most in need on a per household basis according to state affordability criteria.

—**Money Available:** As much as $500,000,000 nationally in revolving-fund money could be available each year. (Individual states must provide a 20 percent match of the federal funds.) The federal funding will be apportioned to states in accordance with their needs.

—**Administration:** The Drinking Water Revolving Fund is being administered by the Minnesota Department of Health and the Public Facilities Authority (Minnesota Department of Trade and Economic Development). The Health Department will set priorities for the use of the revolving-fund money; review the proposed projects for technical adequacy; and provide training and technical assistance for public drinking water suppliers. The Public Facilities Authority will review the borrower's financial capability; sell bonds to fund projects; set the interest rate, terms, and conditions of the loans; and process and award the loans.

The Soil and Water Conservation Society
fosters the science and the art of
soil, water, and related natural resources
management to achieve sustainability.
We promote and practice an ethic recognizing the
interdependence of people and the environment.

As the primary nonprofit, multidisciplinary
organization for soil and water conservation
information, education, and advocacy,
the Society seeks natural resource management
professionals from diverse backgrounds as
members to ensure balance and credibility.

The Minnesota Chapter invites you to join
the Society and our chapter members from
government agencies, consulting firms,
universities, nonprofit organizations,
corporations, & special interest groups
in advocating the protection, enhancement, and
wise use of Minnesota's soil, water, and
related natural resources.

To receive information on membership
circle **YES** below when you return your
registration form or call **1-800-THE-SOIL.**
Students are eligible for reduced membership fees.

YES

Contact me about joining the Society.

Phone: _____

The Soil and Water Conservation Society can also
be reached on the World Wide Web at
http://www.swcs.org

Pre-Meeting Workshop

Why Manage Water Resources by Watershed?

A small group workshop for those interested in understanding more about hydrologic linkages and environmental health.

January 23, 1997

9:30 a.m. - 3:30 p.m.

Room 225, Biosystems & Agricultural Engineering Building

University of Minnesota
1390 Eckles Ave., St. Paul Campus

This workshop will feature case examples on the interactions of lakes, ditches and groundwater, & rivers, wetlands and aquifers; how alleviating point source pollution may sometimes result in nonpoint source pollution; & the interrelationship between wellhead & watershed/aquifer protection.

For more information contact
Robin Zucollo at: 612-296-8303.

Urban Sprawl:

Current Impacts and Future Choices

An invitation for the public to attend the
1997 annual meeting of the

Minnesota Chapter of the

SOIL AND WATER CONSERVATION SOCIETY

January 24, 1997

8:30 a.m. - 5:00 p.m.

North Star Ballroom
St. Paul Student Center

University of Minnesota
2017 Buford Ave., St. Paul Campus

For more information contact
David Cooper at: 612-625-2713.

Urban Sprawl: Current Impacts and Future Choices

1997 Annual Meeting Program **Minnesota Chapter of the Soil and Water Conservation Society**
Friday, January 24 **North Star Ballroom, University of Minnesota St. Paul Student Center**

7:30 a.m. - 8:30 a.m.	Registration, Exhibit Set-up, and Chapter Business Session
8:30 a.m. - 8:45 a.m.	Welcome by Minnesota Chapter President Robin Zucollo, ASAE Student Chapter Secretary Princesa VanBuren, & University of MN COAFES Dean Mike Martin
8:45 a.m. - 9:45 a.m.	Social and Economic Trends that Fuel Urban Sprawl Curt Johnson - Chairman, Metropolitan Council (invited) Regional Environmental Impacts of Urban Sprawl Dan McGuinness - Executive Director, MN/WI Boundary Area Commission
BREAK	
10:00 a.m. - 11:00 a.m.	Panel Presentation: Economic Costs to Local Communities Tom Salkowski - Wright County Planner; Steve Taff - University of MN Applied Economics Associate Professor; & Dave Loch - Sherburne County Administrator
11:00 a.m. - 12:00 p.m.	Community On-Site Waste Treatment Options - Barbara Lukermann UofM CURA "Houses in the Fields" 23 minute Minnesota video by the Land Stewardship Project
OR CHOOSE 1 of 6	Campus Lab Mini-Tours on: Restoring Wetland Ecosystems, Limnology Studies on Nutrients/Food Webs; Soil & Water Quality, Odor Research; GIS & Robotics in Water Testing; Biotech in Fish Breeding; & Raptor Rehabilitation & Education.
11:30 a.m. - 1:00 p.m.	Luncheon Buffet, Bob Gasch - Professional Storyteller, & MN Chapter Awards
1:00 p.m. - 2:00 p.m.	Panel Presentation: Washington County Growth Options Jane Harper - Washington County Planner; Jack Buxell - Architect Robert Olson - MN Extension Service Crops & Soils Educator; & Fran Miron - Dairy Farmer & Mayor, City of Hugo.
2:00 p.m. - 2:30 p.m.	Tools for Preserving Open Space Lee Ronning - Director for Land Stewardship Project's 1,000 Friends of Minnesota
BREAK	
2:45 p.m. - 4:45 p.m.	Environmental Impacts of Alternative Development Patterns David Pitt & Robert Sykes - Professor & Associate Professor, University of Minnesota Department of Landscape Architecture
4:45 p.m. - 5:00 p.m.	Summary: What We Learned Today

Registration

Annual Meeting &/or Watershed Workshop

_____
Name

_____
Street Address

_____
City/State/Zip

CIRCLE desired registration categories below.
Circle yes to request a campus parking map. YES

January 24 Annual Meeting ($40 at the door)
Advance Registration Fees (due January 21)

Regular	$30
Students	$15

January 23 Watershed Workshop (includes lunch)
Advance Registration Only (due January 17)

Regular	$25
Students	$10

Annual Meeting & Watershed Workshop Combo

Advance Registration	$45

TOTAL ENCLOSED **$____**

Make Checks Payable to: MN Chapter SWCS
Mail to: Mary Hanks, SWCS Treasurer
Minnesota Department of Agriculture
90 West Plato Blvd., St. Paul, MN 55107
Phone: 612-296-1277

Registration Refund Policy:
100% if notice given by Tuesday, January 21.

Minnesota Board of Water & Soil Resources

Board Member Update

December 1996

Our mission:

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

Engineering and Technical Services Section

Technical Coordination and Training

The partnership Technical Advisory Committee (TAC) co-chairs, Al Kean, BWSR chief engineer, and John Brach, NRCS state conservation engineer, arranged a meeting in early November in Houston County to discuss vegetated filter strip applications for feedlots. BWSR, NRCS, SWCDs, the Pollution Control Agency (PCA) and county planning and zoning staff attended. The meeting focused on a potential project site about which SWCD staff had some cost-share and technical assistance questions. The meeting included a visit to the site and discussions with the feedlot owner. Notes from the meeting outline the partial system design policies of the NRCS and BWSR, related regulatory policies and some general discussion about economical solutions for small feedlots. These notes were distributed to meeting participants, NRCS and SWCD joint powers engineers, TAC members and board conservationists (BCs).

Draft materials for improving the partnership technical training system were distributed to all SWCDs, NRCS area offices and BWSR offices in mid-November. These materials were developed primarily by Justin Jeffery, training and design engineer, and included over 60 course descriptions and a course catalog for the engineering discipline, as well as a training system process discussion and flow chart that clarify roles and responsibilities for defining training needs, planning for training and training delivery. Justin and Al are also working with NRCS staff to implement improvements to the training system database that were identified by the partnership steering committee for this initiative and others. The training system database was created by NRCS circa 1990, but has not been utilized to its full potential. Its three primary purposes include: 1) training needs inventory, 2) creation of individual development (training) plans, and 3) maintaining training histories. Database improvements will likely be implemented in two stages, the first being a minor overhaul and the second being a major overhaul to operate more effectively via the Internet connections that are begin-

Al Kean recently received a partnering award from the NRCS.

ning to be installed in all SWCD and NRCS field offices.

Justin is working with Gene Retka, engineer from the SWCD joint powers board (JPB) 10, to set up some additional computer-aided design and drafting (CADD) training for JPBs, BWSR and NRCS staff in January 1997. This type of training has been identified as high priority for JPB engineers and technicians using CADD. Because CADD is a relatively new technology for the partnership, we have depended on the software vendor, on-the-job experience and informal sharing of experience by partnership staff as the primary training sources. The CADD Coordination Subcommittee of TAC has been asked to help establish formal training courses within the partnership for this technology that will continue to improve our capability to deliver technical assistance.

During the past couple of months, Justin has responded to numerous requests by JPB staff for technical consultation and design reference material. The predominant practices have been feedlot pollution abatement and streambank protection. A request was recently made to SWCD joint powers areas to document accomplishments of the non-point engineering assistance program to date.

John Brach and Al have finalized coordination with the ecological sciences staff at NRCS to enable the updated Technical Approval Authority system materials to include both engineering and ecological sciences practices. They expect the final materials to be distributed in January 1997. This will include a section of the SWCD Operational Handbook.

Al and John are also proceeding with coordination to develop a technical experts list for SWCDs, the NRCS and BWSR. It is envisioned that this list will be used to identify staff to help update practice standards, provide technical consultation, participate on technical investigation teams (for practice failures, new technology, etc.) and potentially assist with training efforts. All participation will be voluntary.

Al was recently presented a partnering award (plaque) from the NRCS for "Improving communication, coordination and cooperation among the Minnesota Conservation Partnership on technical issues". Bill Hunt, NRCS state conservationist, and Charles Whitmore, NRCS regional conservationist, presented the award.

Lakeshore Engineering

Gene Clark, lakeshore engineer, has been working through the paperwork to hire a part-time technician funded by an EPA 319 to BWSR. We intend to hire Brad Matlack, who served as the BWSR feedlot technician for several years via 319 grants. Brad was to start on December 4, but was delayed by the birth of his first child, Emily. Brad is now scheduled to start work in the BWSR Duluth office in late December. This grant-funded position will help Gene provide technical assistance to SWCDs for many current and expected lakeshore engineering projects.

Gene has been preparing numerous

shoreline and streambank stabilization feasibility analyses and preliminary cost estimates for North Shore SWCDs and landowners who requested assistance after the Shoreline Best Management Practices (BMP) Workshops that were held last spring and summer. He has completed 45 site investigations and 32 associated feasibility and preliminary design reports to date. We expect many project cost-share requests to result from these preliminary investigations.

The SWCD JPB 3 staff in Duluth assisted Gene with several site surveys this fall using the total station surveying equipment provided to them via the non-point engineering assistance program.

Several shoreline and streambank stabilization projects were completed this fall along the North Shore via Gene's technical assistance to SWCDs and landowners. Several others were let for bids, but construction postponed until spring due to the high bids received.

Gene also assisted with documentation and winter preparations for a low-cost shoreline stabilization demonstration project on Big Sandy Lake. He will help modify designs somewhat for additional testing next year.

Conservation Easements

Easement program staff recently completed the final report for the North American Wetland Conservation Act (NAWCA) Minnesota River 1 grant. This $901,150 grant helped fund restoration of 29 drained wetland basins (totaling 515.8 wetland acres) on 26 perpetual Reinvest in Minnesota (RIM) Reserve easements totaling 1,083 acres.

The NAWCA grant proposal for restoration of Grass Lake has received preliminary approval for funding. The NAWCA Council is expected to approve the proposal at their next meeting in late December. This grant would provide $750,000 of additional federal funding for this project. The city of Willmar is reportedly doing internal cost benefit analyses for the storm water pump stations that are part of the overall restoration plan. The city has not yet determined how it would fund its share of the associated project costs. This has been an issue that delayed the NAWCA grant approval.

We currently have three active NAWCA grants--the Northern Tallgrass Prairie Restoration (Red River Valley), Minnesota River 2 and Heron Lake Wetland Restoration Projects. These grants will provide a total of $1,056,678 to the RIM Reserve Program.

Jeff Hedtke, wetland restoration technician, and Jim Luniewski, engineering technician, have been busy conducting several topographic surveys of potential wetland restoration sites for SWCDs. The grapevine indicates that SWCD JPB staff also conducted a number of surveys of potential wetland restoration sites for member SWCDs this fall.

Easement applications for the 1996 sign-up period are due to he respective

BWSR currently has three active NAWCA grants--the Northern Tallgrass Prairie Restoration (Red River Valley), Minnesota River 2 and Heron Lake Wetland Restoration Projects.

The pilot CRP to RIM conservation farming easement program garnered 31 applications covering 2,402 acres of expiring CRP lands.

BCs by December 13, 1996. Program staff have fielded many questions from SWCD staff during the past couple of months about eligibility and other program policies.

The application period for the Conservation Reserve Program (CRP) to RIM conservation farming easement pilot program recently closed. Marybeth Block, special projects coordinator, compiled some preliminary results. Approximately 31 landowners submitted applications encompassing 2,402 acres of expiring CRP contract lands in the five pilot counties. It will cost approximately $694,871 to enroll these acres in the pilot program ($527,600 for easement payments and $167,271 for practices).

Tim Fredbo, easement program manager, and other program staff are working on completing sections of the program handbooks that were not completed during the program retooling process a couple years ago. Our goal is to have this task completed by June 1997.

Redwood River Pilot Project

Darrell Apelgrain, BWSR engineer, continues to work with the NRCS, DNR and the Redwood Cottonwood River Control Area (RCRCA) to advance this pilot project to conduct a comprehensive evaluation of wetland restoration and road retention projects for flood control in a small watershed of the Redwood River. Recent work and developments includes:

- Topographic mapping by a Twin Cities firm is beginning to be delivered.
- RCRCA staff have been conducting interviews with landowners and operators to assess cropping patterns, local drainage conditions and interest in participation with wetland restoration or road retention projects.
- An interorganizational environmental work team is being set up.
- NRCS hydrologist has begun development of a hydrologic model for the watershed.
- Darrell has been assisting NRCS with drainage system data collection and field verification.

Southern Region

In preparation for the recent non-point engineering technical assistance grant meeting in St. Cloud, BCs Tom Fischer and David Sill worked together to develop a joint powers boards (JPBs) engineering assistance progress report for 1995-1996. This type of information will be critical as efforts are made to seek increased administrative funding for the joint powers boards through the legislative process. BCs have also continued to meet individually with JPBs to listen, explain, and assist with grant and budget issues.

After frequent meetings, work, review, and negotiations, BC David Sill reports that the Yellow Medicine River Watershed District's (WD) revised Watershed Management Plan will be before the BWSR in December for approval. The revised plan is a significant improvement over the WD's original plan completed in the early 1970s. David notes that DNR Area Hydrologist Larry Kramka gave significant assistance and time throughout this process.

BC David Sill reports that he led a training session introducing the Local

Government Annual Reporting System (LARS) to southwest SWCD employees at their November meeting. The purpose was simply to introduce the new reporting system by showing the different parts of the program and various screens. Smaller group training for various local government units (LGUs) will be done when the program is released statewide.

Marshall BC Tabor Hoek reports progress on the development of a riparian buffer training session scheduled for April 2, 1997, in Mankato. Although this effort is being coordinated by BWSR, many other state and federal agencies and LGUs will be participating. Guest speakers from Green Bay, Wisconsin and the University of Iowa-Ames will highlight their successful research and implementation programs. Last year's changes to the RIM Reserve Program allow BWSR to become more involved with narrow grass buffers. As buffers require harvest of vegetation to complete the nutrient removal process, future changes or enrollment options for the RIM Reserve Program may need to be considered.

The Rochester office participated in a field meeting at the Root River SWCD to explore alternative feedlot pollution treatment systems. The meeting was called by Al Kean and included representatives from the Root River SWCD, Houston County, the Minnesota Association of Soil and Water Conservation Districts (MASWCD), the Minnesota Association of Conservation District Employees (MACDE), PCA, and NRCS.

As a member of the Minnesota Alliance of Crop Residue Management Steering Committee, BWSR staff assisted other agency/private industry members in conducting four meetings around the state announcing "The River Friendly Farmer Program" to LGUs and local organizations. A McKnight Grant was received to promote and expand this program statewide to recognize farmers who are doing a good job protecting our water resources. You'll be hearing more about this program as it gets underway.

BWSR staff continue to attend steering committee meetings for the Rochester Stormwater Management Plan, which centers around the protection and enhancement of priority streams and environmental corridors within the city. The city has applied for and accepted a BWSR challenge grant to incorporate a comprehensive wetland protection and management plan into the Rochester Stormwater Management Plan, which is scheduled for completion this winter. A wetlands focus group has been established to provide recommendations on the development of this wetland plan. BWSR staff is assisting the city in this effort.

Houston County has initiated an effort to develop a comprehensive wetland management plan. The Root River SWCD has been authorized to begin development of this plan. The technical evaluation panel (TEP) met to discuss the pros and cons of developing a plan, to clarify changes in the Wetland Conservation Act (WCA), and to explain how the changes affect WCA administration in Houston County. Mary Kells asked Barbara Ohman, wetland specialist, to provide assistance in working with Houston County on this plan.

BWSR staff assisted other agency/ private industry members in conducting four meetings around the state announcing "The River Friendly Farmer Program."

The water plan review committees present a good opportunity for communication, sharing, questions and answers, and discussion on other topics.

All six counties in BC Tom Fischer's work area will have completed the comprehensive water plan update process. All six BWSR water plan review committee meetings have been very well received by all of the counties as well as the BWSR board members sitting on the committee. These committee meetings presented a good opportunity for communication, sharing, questions and answers, and discussion on other topics.

Northern Region

Deer hunting occupied many of our hearts and minds throughout the month of November. Unfortunately deer meat does not occupy many of our freezers in the month of December. Dan Steward is the focus of most of the north region's envy as he managed to drop two nice bucks in the otherwise buckless woods of zone 1 this year. As I think back on all those TEPs that Dan went out on in October, I can't help but wonder if they weren't really deer scouting missions with the locals (just kidding). Congratulations Dan.

The month of November traditionally is a time for staff to catch their breath and clean up some ongoing projects. As the lakes freeze, the WCA load slows. Here's a rundown of some of the more notable happenings in the great white north.

Several staff attended the North American Lake Management Society annual convention in Bloomington in November. This is a national conference attended by researchers, consultants, government staff, and lake shore owners from around the country. Our BWSR staff scattered effectively throughout the four days of the conference and picked up tips on nutrient management, use of geographic information systems (GIS), building coalitions, wolf management, watershed focus, etc. Staff found this to be a very worthwhile conference and appreciated the opportunity to attend and learn from other professionals from around the country.

Water plan updates are still rolling in as BC Keith Grow worked with Kanabec, BC Pete Waller with Traverse and Stevens, and BC Mark Nelson with Carlton. All are due for final approval at the December BWSR meeting. We noted with this last round of water plan updates that agency comments are all coming in a timely manner.

Pete attended the kick-off meeting of the Pope challenge grant for Trappers Run, a major watershed to Pelican Lake and Minnewaska Lake. Pete says that two commissioners from Pope County offered to talk to farmers about the opportunities available through this challenge grant to fix their systems. Water planning gets people fired up for a good cause again.

BCs Bill Best and Brian Dwight, and Grants Coordinator Wayne Zellmer, cooperated on a district evaluation in Red Lake Soil and Water Conservation District. This evaluation was at the request of the SWCD. The district manager expressed satisfaction with the BWSR staff input and thinks that it will help the district clarify some role and responsibilities. She hopes that with combined follow-up from BWSR staff and the district the district will become

a more effective local force in resource management.

Ron Shelito, northern supervisor, finalized the new Wetland Specialist position that will be located in Brainerd. John Jaschke and Mary Kells assisted in the interview process. Dan Eklund, currently of the Army Corps of Engineers, will assume the position starting Dec. 30. Dan brings a solid background in wetland management, good communication skills and experience with Northern Minnesota counties to the position.

Planning continues in Northeastern Minnesota for next year's water planning conference. Mark Nelson and Gene Clark are providing staff assistance to Lake SWCD, which has agreed to host the conference. Looks like it will be headquartered out of Two Harbors on June 9 and 10th. There be several resource tours to choose from as well as several mini-sessions. Stay tuned for more details.

BC Brian Dwight assisted Lake of the Woods SWCD in a strategic planning process. He teamed up with Lake of the Woods Extension staffer Jody Horntvedt on this project. They hope to be able to identify the niche the SWCD can fill within the county. They plan to get input from the county commissioners and county staff.

Land and Water Management Section

•The Local Government Annual Reporting System (LARS) has been released. Acceptance by other agencies has been very good and they will rely heavily on LARS data for tracking program accomplishments.

•Several staff members have been participating in a discussion of metro water planning issues.

•We have successfully moved a lot closer to "one-stop" wetland permitting with the negotiation of a general wetland permit. In short, wetland permitting will be done by local government units (LGUs) with oversight by appropriate state and federal agencies.

•The concept of funding water management activities with a stormwater utility has been discussed with several watershed districts and counties.

•A meeting of state revolving fund (engineering assistance) Joint Powers Boards was held in late November. A number of issues were discussed and a strategy was developed to address the manner in which this program should operate in future years.

•Staff are participating on an interagency task force to explore ways to standardize grant processes. A desired outcome is a "look-alike" grant process for local government.

•Local government natural resource block and challenge grants are being readied for distribution to our clientele.

•Our staff has three new additions: Tim Ogg, geographic information specialist; Matt Heldstab, computer specialist; and Howard Moechnig, resource conservation planner. Howard is an NRCS employee on a two-year assignment to provide guidance and training to SWCD staff as they implement the pilot CRP land transfer program.

Lake of the Woods SWCD hopes to identify the niche the district can fill within the county.

Board Packet Info

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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M E M O R A N D U M

December 10, 1996

TO: Mark V. Steffenson, Attorney for Dale Peterson
Waverly Eby Booth, Attorney for Minnehaha Creek WD
Dionne King, Minnehaha Creek Watershed District

FR: Jim Haertel, Water Management Specialist

RE: Peterson v. Minnehaha Creek Watershed District
Briefing and Hearing Schedule, File 96-5

At the pre-hearing conference call this morning it was anticipated that the verbatim transcript would be received by December 19, 1996. Accordingly, the briefing and hearing schedule was mutually agreed to as follows:

December 31, 1996 - Appellant brief mailed to BWSR and MCWD

January 13, 1997 - District's reply brief mailed to BWSR and Appellant

January 27, 1997 - Appellant reply brief mailed to BWSR and MCWD

February 5, 1997 - Hearing before the BWSR Dispute Resolution Committee at 9:30 AM at the same location as the pre-hearing conference

You are advised that all documents must be mailed in the U.S. Mail on or before the prescribed date and be accompanied by an Affidavit of Mailing. Failure to comply with this requirement may jeopardize the matter being considered by the Dispute Resolution Committee. The BWSR must receive seven (7) copies of each document that is mailed.

Please feel free to contact me at 297-2906 or at the central office address should you wish to discuss this matter further.

c: Barb Cobb, Chair
DRC Members
Matt Seltzer, AGO
BWSR Staff: Harnack, Birkholz, Thomas, Jaschke, Sandstrom
Doug Norris, MDNR-Ecological Services

Dakota County Environmental Education Program

Goal: To provide consistent messages about water quality countywide.

Structure:

The Dakota County Environmental Education Program is a cooperative program between the Dakota County Department of Environmental Management, Extension Service, Office of Planning, and Soil and Water Conservation District. The program was initiated and a coordinator was hired in 1994 to implement the 1994 *Dakota County Water Resources Education Plan*. The program is housed at the Dakota County Extension Service Office in Farmington, Minnesota.

Activities:

* Sensible Urban Lawn Care Program: A $100,000 grant from the Metropolitan Council provided resources for 1000 free soil tests, literature on fertilizer use and the relationship between phosphorus and water quality, two student congresses for secondary schools, materials for storm drain stenciling, a media campaign, a display for use in public places, a brochure on ground water sensitivity to supplement the display, educational materials for the Extension Service Master Gardeners, a survey of residents, and a play for elementary schools on storm drain and wetland issues.
* Materials available for public use: A $30,000 grant from the Minnesota Board of Soil and Water Resources provided ground water models, materials for a countywide environmental resource center in the county library system, and the development of wetland trunks and a wetland teaching platform.
* Rural activities: A $20,000 grant from the Metropolitan Council provided materials for public distribution on septic system maintenance and weed control; nitrogen soil tests; purchase of septic system models; a display on best management practices; and development of supplemental curriculum units on manure management, septic systems, and agricultural chemical use.
* Urban Nonpoint Pollution Prevention Program: A $100,000 grant from the Metropolitan Council provides pass through monies to cities for educational efforts consistent with countywide goals and plans.
* Water History Trunks: A $5,000 grant from the US EPA Office of Environmental Education provides funds to develop water history trunks and purchase materials for the countywide environmental resource center that supports the Project WET (Water Education for Teachers) curriculum.

Outcomes:

The Dakota County Environmental Education Program is working with cities, schools, government agencies, and other organizations to provide citizens with the knowledge, understanding, and motivation to protect water resources. A baseline survey of residents was done in 1995 and will be repeated in 1997 to determine changes in attitudes, knowledge, and practices. Consistent messages promoted countywide make it easier for citizens to understand what is they can do to protect water resources. Feedback from cooperating partners shows strong support for a countywide program that supports local implementation. There are economies of scale by doing things on a countywide basis, but the results are not uniform since each community is at a different level in ability to support water resources education.

For more information, contact:

Charlotte Shover, Dakota County Environmental Education Coordinator
4100 220th Street West; Farmington, Minnesota 55024
612/891-7734; Email: shove002@gold.tc.umn.edu

11/96

1995 Dakota County Environmental Survey
Summary of Results to Guide Educational Efforts

Results are from a telephone survey conducted by Decision Resources, Ltd. of 981 randomly selected residents in urban areas of Dakota County, Minnesota. For more information, contact the Dakota County (MN) Environmental Education Program, 612/891-7734.

60% felt that lawn care practices can have a lot of impact the quality of a local body of water.

80% said that grass clippings left on the street, driveway or sidewalk are not generally swept up; 11% said they were.

75% reported fertilizing their lawns or applying weed killer in 1994. The major reason for fertilizing and/or using weed killer was that the "grass grows better" (46%). 59% reported they calibrated their spreader each time they applied chemicals to their lawns.

72% did not know the phosphorus content of their purchased fertilizer. Only 12% reported soil testing on their property during the past few years. Only about half of those who had tested their soil used the results when making their fertilizer choices.

About beneficial lawn care practices: 93% reported mowing their grass to a height of 2-3 inches, 27% reported they aerated their yard, and 76% said they watered their yard in 1994.

When asked where rainwater or snow melt runoff goes from their property, 13% said into a neighbors lawn, 13% said into a nearby body of water, and 67% said someplace else.

58% did not know where runoff from their property goes after it enters a storm sewer or catch basin. Only 29% said knew that water entering a storm sewer or catch basin was not chemically treated or purified. 58% did not know and 13% said it was treated.

86% of people who lived adjacent to a water body said they left a buffer strip of unmaintained grass or plants along the edge of the water.

33% did not know where their drinking water comes from and 21% said it came from the city water tower. 38% said it comes from wells (Dakota County gets 99% of its drinking water from ground water). 57% did not have any water conservation devices in their homes.

Ground water protection was rated by respondents as the top environmental priority for action in Dakota County. 46% did not know if or how surface water was connected to ground water.

43% did not know what the term "watershed" meant.

62% felt that the major function of a wetland was wildlife protection. 67% opposed draining and filling of wetlands in their local area.

54% rated articles in their local community newspaper as a major source of information on water quality and waste disposal issues. 49% considered their city newsletter to be a major source of such information.

Dakota County (MN) Environmental Education Program
Activity Analysis and Cost Estimates

Preparing the 1994 Dakota County Water Resources Education Plan
Time: 1 year Cost: $40,000
Result: hired full time coordinator to implement plan

Wetland Trunks (3), for grades 4-6th
Time: 1 year, sporadically Cost: $1,100 each
Result: hands-on materials, books, videos, pelts, water quality monitoring equipment, etc. available for loan to schools and youth groups

Wetland learning platform to hold 20 people
Time: 4 months for bid and design Cost: $10,000
Result: dock designed as a teaching platform in a wetland

Ground water flow models (3)
Time: 1 month to order, prepare supporting materials
Cost: $600 each
Result: model and information on local ground water available on loan

Septic System Owners Guides and videos
Time: just to order Cost: $4 per guide, $2 per video
Result: materials distributed at no charge to homeowners, pumpers, etc.

Septic System models
Time: just to order Cost: $430
Result: models used for demonstrations by county staff

Display, floor model, 8' high x 10' wide
Time: 9 months Cost: $7,500
Result: display on view in public buildings on rotating basis

Free soil tests, through University of Minnesota Soil Testing Lab
Time: test done by homeowner, cities Cost: $7 per test
Result: over 1000 soil tests done in county, data available from the university

CLIMB Theatre play, "Toadilly Turtle", for grades K-2
Time: 26 performances over 2 years Cost: $400 per performance
Result: storm water and wetland issues introduced in elementary schools

over

Storm drain stenciling

Time: over 2 year period Cost: $18,000

Results: storm drains stenciled in sensitive subwatersheds throughout the county

Storm drain poster contest for schools

Time: 2 months Cost: $1200

Result: 1500 copies of poster with student art depicting practices to protect storm drain runoff distributed to schools, cities, and organizations

Media packet

Time: 3 months Cost: $300

Result: consistent messages distributed by each city and local newspaper

Water quality testing materials provided to schools

Time: 1.5 years Cost: $1500 per high school, $600 per junior high

Result: schools have materials to conduct water quality monitoring on local lakes in cooperation with local city staff

Student congress for high school students

Time: 6 months to plan Cost: $1000

Result: high school students attend congress that features noted speaker ($700) and focuses on local environmental issues; fees offset some costs

Survey of 981 urban residents

Time: 2 surveys, 2+ years apart Cost: $15,000 for both

Result: baseline data to judge effectiveness of educational efforts

Fertilizer and lawn care printed materials

Time: 3 months to develop

Cost: brochure: $.10 each, card: $065 each, poster: $1.00 each

Result: brochures, information cards, posters distributed by county agencies, cities, fertilizer retailers throughout the county

Dakota County Environmental Education Program
Charlotte Shover, Environmental Education Coordinator
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One West Water Street
Suite 200
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

Field Offices

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

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

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

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Highway 15 S.
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Fax (507) 359-6018

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1400 E. Lyon Street
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(612) 282-9969
Fax (612) 297-5615

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MEMORANDUM

To: Board Members and M-Team

From: Ronald D. Harnack

Date: December 18, 1996

Re: questions on the Environmental Trust Fund Coalition

I have received numerous questions regarding BWSR's participation in the coalition. I explained the Gov's dedication of lottery proceeds to the ETF during this sessions. Because of the other issues on the table he does not want this issue in the mix during the '97 session. The dedication issue does not have to be dealt with in even numbered years so even if it were to pass the committee process it would be referred to the rules committee until the '98 session for final action. Staff around the state are asking questions about this and I would ask that you communicate with your people. The Gov's decision affects all Executive Branch agencies and provides that no public funds should be expended on the initiative. Many have asked about working on this on their own time or through associations they are members of. Such activities are fine as long as they don't involve state time and funds. Call if you have questions.

Principles for Sustainable Development in Minnesota

Minnesota Round Table on Sustainable Development

Adopted by Consensus on September 18, 1996

The principles for meeting the needs of the present without compromising the ability of future generations of Minnesotans to meet their own needs are:

Global Interdependence. Economic prosperity, ecosystem health and social justice are linked and our long-term well-being depends on all three. Local decisions must be informed by their regional and global context.

Stewardship. Stewardship requires the recognition that we are all caretakers of the environment and economy for the benefit of present and future generations. We must balance the impacts of today's decisions with the needs of future generations.

Conservation. Minnesotans must maintain essential ecological processes, biological diversity and life-support systems of the environment; harvest renewable resources on a sustainable basis; and make wise and efficient use of our renewable and non-renewable resources.

Indicators. Minnesotans need to have and use clear goals and measurable indicators based on reliable information to guide public policies and private actions toward long-term economic prosperity, community vitality, cultural diversity and healthy ecosystems.

Shared Responsibility. All Minnesotans share responsibility for sustaining the environment and economy, with each being accountable for decisions and actions, in a spirit of partnership and open cooperation. No entity has the right to shift the costs of its behavior to other individuals, communities, states, nations or future generations. Full cost accounting is essential for assuring shared responsibility.

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OVERVIEW OF THE POLK COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - DECEMBER 1996

BACKGROUND

Polk County was approached by The International Coalition (TIC) in 1987 to be a participant in the Northwest Minnesota CLWP Project. A Joint Powers Board (JPB) was created later that year. This allowed participating counties to work together to develop individual Comprehensive Local Water Plans (CLWP). TIC was hired by the JPB to be the project manager and was responsible for providing coordination between the JPB and project activities. Planning assistance and support services was provided by staff of the Northwest Minnesota Regional Development Commission (NWRDC).

The original Comprehensive Local Water Plan (CLWP) was approved by the Board of Water and Soil Resources (BWSR) in February 1990 and locally adopted with the passing of a resolution by the Polk County Board of Commissioners to implement the plan. The East and West Polk Soil and Water Conservation Districts were designated by the county to administer the local water plan.

LOCAL COMPREHENSIVE PLAN UPDATE

Polk County passed a resolution to begin the update of their water plan on November 15, 1994. After a series of task force meetings they completed a draft plan update and began the preliminary review in February 1995. After reviewing their timetable the county requested an extension until December 31, 1996. The delay in the update process resulted from the need to delineate the planning activities required to compile the necessary data and to complete the necessary assessments.

COUNTY DESCRIPTION

Polk County is located in northwestern Minnesota. The county drains west into the Red River of the North. The majority of Polk County is characterized by lacustrine plains and comprises one of the eight distinct geomorphic regions. There are five major watersheds in Polk County with minor portions of the county drained by two watersheds. The major land use is agriculture with most of the forested and uncultivated land in the eastern half of the county. Lakes and wetlands are common in the eastern and central portions, and are virtually nonexistent in western portion of the county. Flooding on the Red River and tributaries generally occurs in early to late spring, and by intense rainfall and melting snow on saturated or frozen soil.

PLAN UPDATE REVIEW

The second generation of plans encouraged counties to develop and expand on partnerships, update goals, objectives, assessments, and take a strong role in implementation of practices on a watershed basis, which would be in terms of measurable results.

In addition to the requirements under local water planning stature MS 103B, counties updating their water plan must also address new mandates, including wellhead protection, sensitive groundwater areas, stormwater management, and high priority wetland areas. The Polk County local water plan update includes the new mandates.

BWSR Board Conservationist William Best has reviewed the Clearwater County CLWP Update and has found that the requirements of law and rule have been satisfied under MS 103B and 9300.

OVERVIEW OF THE RED LAKE COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - DECEMBER 1996

BACKGROUND

Red Lake County was approached by The International Coalition (TIC) in 1987 to be a participant in the Northwest Minnesota CLWP Project. A Joint Powers Board (JPB) was created later that year. This allowed participating counties to work together to develop individual Comprehensive Local Water Plans (CLWP). TIC was hired by the JPB to be the project manager and was responsible for providing coordination between the JPB and project activities. Planning assistance and support services was provided by staff of the Northwest Minnesota Regional Development Commission (NWRDC).

Red Lake County's original Comprehensive Local Water Plan (CLWP) was approved by the Board of Water and Soil Resources (BWSR) in February 1990 and locally adopted with the passing of a resolution by the Red Lake County Board of Commissioners to implement the plan. The Red Lake Soil and Water Conservation Districts was designated by the county to administer the local water plan.

LOCAL COMPREHENSIVE PLAN UPDATE

Red Lake County passed a resolution to begin the update of their water plan on November 28, 1994. After a series of task force meetings they completed a draft plan update and began the preliminary review in January 1995. After reviewing their timetable the county requested an extension until December 31, 1996. The delay in the update process resulted from the need to delineate the planning activities required to compile the necessary data and to complete the necessary assessments.

COUNTY DESCRIPTION

Red Lake County is located in northwestern Minnesota. Red Lake Falls is the county seat and largest city. The county is predominately located on the beach ridges of Glacial Lake Agassiz. Red Lake County is characterized by lacustrine plains and is comprised of two distinct geomorphic regions. Two major watersheds drain the entire county west into the Red River of the North. The major land use is agriculture with most of the pasture land in the eastern half of the county. Lakes and wetlands are common in the eastern and central portions, and are virtually nonexistent in western portion of the county. Flooding on the Red River and tributaries generally occurs in early to late spring, and by intense rainfall and melting snow on saturated or frozen soil.

PLAN UPDATE REVIEW

The second generation of plans encouraged counties to develop and expand on partnerships, update goals, objectives, assessments, and take a strong role in implementation of practices on a watershed basis, which would be in terms of measurable results.

In addition to the requirements under local water planning stature MS 103B, counties updating their water plan must also address new mandates, including wellhead protection, sensitive groundwater areas, stormwater management, and high priority wetland areas. The Red Lake County local water plan update includes the new mandates.

BWSR Board Conservationist William Best has reviewed the Red Lake County CLWP Update and has found that the requirements of law and rule have been satisfied under MS 103B and 9300.