

Minnesota Board of Water and Soil Resources. Minutes.

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January 1998

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
JANUARY 28, 1998

AGENDA

9:00 a.m. **Call Meeting to Order**

Adopt Agenda

Approval of Minutes of December 17, 1998

Reports
- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Administrative Advisory Committee - Kathleen Roer
- Financial Oversight Committee - Ginny Imholte

Agency Reports
- Jim Anderson, Minnesota Extenson Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

Committee Recommendations

1. Goodhue, Jackson, Olmsted and Watonwan County Comprehensive Local Water Plan - recommended for approval by the southern subcommittee - DECISION

2. Douglas, Pennington and Wright County Comprehensive Local Water Plan - recommended for approval by the northern subcommittee - DECISION

New Business

1. Minnesota River Basin Joint Powers Board (MRBJPB) Report - Steve Hansen, Executive Director - DECISION

2. Minnesota River Basin Water Quality Improvement Projects - Tom Fischer - DECISION

3. River Watch - Molly MacGregor, Rivers Council of Minnesota - INFORMATION

4. Rice Creek Watershed District or MNDOT as WCA LGU in Audubon Appeal - Jim Haertel - DECISION

5. Saint Paul Audubon Society vs. Rice Creek Watershed District, File 97-8 - Marv Tripp - DECISION

Old Business

1. 1997 Flood Recovery, Special Water Planning Challenge Grants - Doug Thomas - DECISION

2. Soil and Water Conservation District (SWCD) Accounting Software - Jim Birkholz - DECISION

3. Conservation Reserve Enhancement Program (CREP) - Greg Larson - DECISION

Advisory Comments

1. Rick Reimer, MACDE
2. Vern Wilker, MASWCD
3. Franklin Denn, MAT
4. Ray Bohn, MAWD
5. Bill Hunt, NRCS

Upcoming Meetings

1. BWSR Meeting and Retreat, February 25-26, St. Cloud

Other Board Issues

Adjourn

**** The Administrative Advisory Committee will meet following the BWSR meeting**
**** The Cost-Share/Soil Conservation Committee will meet following the BWSR meeting**

Minnesota Board of Water & Soil Resources

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DATE: January 16, 1998

TO: Board of Water and Soil Resources Members, Advisors, and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: January 28, 1998 Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 28, 1998, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Committee Recommendations

1. Goodhue, Jackson, Olmsted and Watonwan County Comprehensive Local Water Plans: The southern subcommittee of the Board has reviewed the county water plans and recommends approval. DECISION

2. Douglas and Pennington County Comprehensive Local Water Plans: The northern subcommittee of the Board has reviewed the county water plans and recommends approval. DECISION

New Business

1. Minnesota River Basin Joint Powers Board (MRBJPB) Report: Steve Hansen, executive director of the MRBJPB, will review the MRBJPB annual plan relating to the $125,000 grant and annual report. Jeff Nielsen has coordinated with the MRBJPB on the annual plan and grant. Staff recommends approval. DECISION

2. Minnesota River Basin Water Quality Improvement Projects: The 1997 Minnesota legislative session resulted in an appropriation of $475,000 for completion of water quality improvement projects within the 12 major watersheds of the Minnesota River Basin. The projects must utilize practices that are proven effective, must have landowner support, and must be prioritized by the Minnesota River Basin Joint Powers Board and the BWSR. The BWSR shall appropriate only for those projects where the local landowners and counties provide fifty percent of project costs in cash.

   The application process developed for this appropriation consisted of a two-step process. Step 1 was a simple, initial application with 16 local governmental units (LGUs) submitting 20 applications. The Major Project Review Team (representatives from MRBJPB, BWSR, others) reviewed and then asked eleven LGUs to submit the more detailed Step 2

application. Seven LGUs submitted eight applications. The review team met on January 9, 1998, to review, discuss and make its funding recommendation decision. The review team's funding recommendation was presented to and approved by the MRBJPB at their meeting on January 12, 1998. The funding recommendation will be presented to BWSR for their approval. DECISION

3. River Watch: Molly MacGregor, Rivers Council of Minnesota, will review the Council's role and explain programs and opportunities. INFORMATION

4. Rice Creek Watershed District or MNDOT as WCA LGU in Audubon Appeal: An administrative decision associated with the Saint Paul Audubon Society vs. Rice Creek Watershed District appeal concerns who the appropriate LGU to administer WCA is in this case. A small portion of MNDOT right-of-way would be crossed by the proposed project. The Dispute Resolution Committee voted to recommend the Rice Creek Watershed District is the appropriate LGU. DECISION

5. Saint Paul Audubon Society vs. Rice Creek Watershed District, File 97-8: This is an appeal by the Saint Paul Audubon Society from a wetland exemption determination made by the Rice Creek Watershed District. The Dispute Resolution Committee reviewed the written arguments and heard oral arguments on January 14, 1998.

   The Dispute Resolution Committee voted to recommend the October 9, 1997, decision of the Rice Creek Watershed District approving the exemption be remanded for further processing to include an expanded Technical Evaluation Panel, reviewing compliance with drainage law proceedings, holding a public hearing, establishing a record and developing findings. DECISION

Old Business

1. 1997 Flood Recovery, Special Water Planning Challenge Grants: In July of 1997, the Board authorized the expenditure of up to $150,000 of local water planning funds to be used for the purpose of aiding planning efforts related to flood recovery and/or future flood disaster mitigation. Staff will be seeking Board approval of these grants. Additional materials on the grant process and the applicants are attached. DECISION

2. Conservation Reserve Enhancement Program (CREP): We have enclosed information concerning CREP. You will note by my cover letter to Farm Services Agency (FSA) staff in Washington, D.C., that we are seeking your endorsement of the MOA and your authorization to begin the program with or without the approval of the MOA. Although an MOA is not needed to implement a program that integrates CRP and RIM, an MOA would formalize the USDA commitment and aid our efforts to leverage additional state funding. We remain hopeful that Secretary Glickman will approve the proposal by mid-February, but differences of opinion between the State FSA Committee and the State of Minnesota concerning permanent easements may again delay USDA approval. Interest in permanent easements in the Minnesota River Basin remains high and we are committed to implement this effort. Moreover, recent discussions with many of our conservation

partners reaffirmed our position that priority must be given to permanent easements; a retrenchment of that position would likely jeopardize RIM funding and RIM will be around long after the CREP effort. DECISION

If you have additional agenda items or require additional information, please feel free to give me a call. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the board office by noon on Tuesday, if possible. Travel safely, I look forward to seeing you on the 28th!

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
JANUARY 28, 1998

PRELIMINARY AGENDA

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3. River Watch - Molly MacGregor, Rivers Council of Minnesota - INFORMATION

4. Rice Creek Watershed District or MNDOT as WCA LGU in Audubon Appeal - Jim Haertel - DECISION

5. Saint Paul Audubon Society vs. Rice Creek Watershed District, File 97-8 - Marv Tripp - DECISION

Old Business

1. 1997 Flood Recovery, Special Water Planning Challenge Grants - Wayne Zellmer - DECISION

2. Conservation Reserve Enhancement Program (CREP) - Greg Larson - DECISION

Advisory Comments

1. Rick Reimer, MACDE
2. Vern Wilker, MASWCD
3. Franklin Denn, MAT
4. Ray Bohn, MAWD
5. Bill Hunt, NRCS

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Other Board Issues

Adjourn

**** The Administrative Advisory Committee will meet following the BWSR meeting**

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

GOODHUE COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - 1997 **(FOR BOARD ACTION)**

The Goodhue County Comprehensive Local Water Plan (Plan) was adopted by Goodhue County on June 19, 1990, and approved by the Minnesota Board of Water and Soil Resources (BWSR) on February 28, 1990. Goodhue requested and was granted an extension by the BWSR for completion of updating the Plan until December 31, 1997. Goodhue County submitted a Local Water Plan Update (Plan Update) to the BWSR on October 13, 1997, at which time the final 90-day review process began. The final review period ended January 10, 1998.

A written overview of the Plan Update was prepared by the BWSR staff and submitted with the BWSR December Meeting Agenda Packet for information and review.

On January 5, 1998, the BWSR Water Plan Review Committee met with the BWSR staff and representatives of Goodhue County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning Statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, storm water management, high priority wetland areas and watershed assessment.

The Goodhue County Plan Update includes the new requirements. In addition, the Plan Update addresses and includes issues on agricultural and residential chemical runoff and control; solid waste management; erosion and runoff control; underground and above ground storage tank maintenance; public, private and industrial waste treatment; water management areas (wetland, streams, rivers and watershed); well construction, abandonment and testing; shoreland, floodplain and bluff land protection and creation. Each of the issues addressed in the Plan has specific goals and objectives, descriptions of anticipated costs, time frames for implementation and the agencies to be involved in the program. The primary focus of the goals, objectives and action plans is on education, inventorying resources, monitoring and assessing water quality and quantity, assisting local units of government, enhancing existing ordinances and improving coordination among government agencies.

The BWSR staff has reviewed the Olmsted County Comprehensive Local Water Plan Update - 1997 and found that the relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
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JACKSON COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - 1996 **(FOR BOARD ACTION)**

The Jackson County Comprehensive Local Water Plan (Plan) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on November 28, 1990 and adopted by Jackson County on December 10, 1990. Jackson County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on October 20, 1997, at which time the final ninety day state review process began. The final review period ends January 18, 1998.

A written overview of the Plan Update was prepared by BWSR staff on December 17, 1997 for information and review.

On January 7, 1998 the BWSR Water Plan Review Committee met with BWSR staff and representatives of Jackson County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, stormwater management, high priority wetland preservation areas designation and watershed assessment.

The Jackson County Local Water Plan Update includes the new requirements. The implementation section is organized into six major goals of surface water, ground water, waste and sanitation, lakes and recreation, wildlife habitat and Heron Lake. Objectives and prioritized actions outline efforts in Administration, Monitoring, Inventory, Land and Water Treatment, Planning/regulation, and Education. Objectives include protection, management and increased monitoring of surface water and groundwater resources; identify geologically sensitive groundwater areas; continue to identify point and nonpoint pollution sources; and protection of highly erodible lands and critical areas from wind and water erosion. Major activities to accomplish these objectives include education, technical assistance, incentives and regulation.

BWSR staff has reviewed the Jackson County Comprehensive Local Water Plan Update 1995 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

Minnesota Board of Water and Soil Resources
One West Water Street
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OLMSTED COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - 1997 **(FOR BOARD ACTION)**

The Olmsted County Comprehensive Local Water Plan (Plan) was adopted by Olmsted County on May 22, 1990, and approved by the Minnesota Board of Water and Soil Resources (BWSR) on March 28, 1990. Olmsted requested and was granted an extension by the Board for completion of updating the Plan until December 31, 1997. Olmsted County submitted Local Water Plan Update (Plan Update) to the BWSR on October 13, 1997, at which time the final 90-day review process began. The final review period ended January 10, 1998.

A written overview of the Plan Update was prepared by the BWSR staff and submitted with the BWSR December Meeting Agenda Packet for information and review.

On January 5, 1998, the BWSR Water Plan Review Committee met with the BWSR staff and representatives of Olmsted County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning Statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, storm water management, high priority wetland areas and watershed assessment.

The Olmsted County Plan Update includes the new requirements. The Plan Update provides a planning framework to guide local water management initiatives. The plan includes: 1) a concise statement of water resource goals based on potable water, non-potable, recreation and flood protection needs; 2) strategies for program and resource management; 3) a summary of the identified priorities by surface water management areas, ground water management areas, water bodies, pollution management strategies, landscape management strategies and water resource management issues; 4) a proposed system for monitoring, evaluating and reporting progress toward meeting goals and objectives and 5) a summary of water and related resource management services that will be provided by the county and other local, state and federal agencies.

The BWSR staff has reviewed the Olmsted County Comprehensive Local Water Plan Update - 1997 and found that the relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

Minnesota Board of Water and Soil Resources
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WATONWAN COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - 1997 **(FOR BOARD ACTION)**

The Watonwan County Comprehensive Local Water Plan was approved by the Minnesota Board of Water and Soil Resources (BWSR) on October 25, 1989, and adopted by Watonwan County on December 19, 1989. Watonwan County submitted a Plan Update, required in the Plan, to the BWSR on September 23, 1997, at which time the final ninety-day state review process began. The final review period ended December 23, 1997.

A written overview of the Plan Update was prepared by BWSR staff on October 22, 1997, for information and review.

On January 7, 1998, the BWSR Water Plan Review Committee met with BWSR staff and representatives of Watonwan County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute M.S. 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, high priority wetland preservation areas designation, and watershed assessment.

The Watonwan County Local Water Plan Update includes the new requirements. The Plan Update incorporates the watershed approach to water resource management by describing in detail the Watonwan River major watershed and the minor watersheds of Perch Creek, Spring Creek, Lake Hanska, Butterfield Creek, and St. James Creek. Another new part of the document is the plan implementation schedule which defines the timing, cost, and partners for the actions in the Plan. General water resource education, individual sewage treatment upgrades, wellhead protection in Darfur and LaSalle, drained wetland mapping, abandoned well sealing, restoration of Goose Lake, comprehensive water and sewer planning for Butterfield, sanitary sewer systems for Long Lake and Lewisville, and cooperative floodplain management of the Watonwan River with Cottonwood County are seen as some of the high priority actions for the county.

BWSR staff has reviewed the Watonwan County Comprehensive Local Water Plan Update 1998 to 2003 and find that relevant requirements of law and rule have been satisfied under M.S. 103B and M.C.A.R. 9300.

Minnesota Board of Water and Soil Resources
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DOUGLAS COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - 1998 (FOR BOARD ACTION)

The Douglas County Comprehensive Local Water Plan (Plan) was approved February 28, 1990 by the Minnesota Board of Water and Soil Resources (BWSR) and adopted by Douglas County in March 27, 1990. Douglas County submitted a Plan Update (Plan Update), required in the Plan, to the BWSR on October 20, 1997, at which time the final ninety-day state review process began. The final review period ends January 18, 1998.

On January 22, 1998, the BWSR Water Plan Review Committee will meet with BWSR staff and representatives of Douglas County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute MS 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive ground water areas, stormwater management, high priority wetland areas and watershed assessment.

The Douglas County Local Water Plan Update includes the new requirements. It also incorporates new information in the assessments section of the Plan and organizes the implementation section into three initiative areas concentrating on goals and objectives identified during the public input process. The initiative areas are Surface Water, Ground Water and Land Resource. Objectives include management of wetlands, solid waste and development of programs for surface and ground water monitoring and protection. Major activities to accomplish these goals include education programs, incentives, technical assistance and regulations.

BWSR staff has reviewed the Douglas County Comprehensive Local Water Plan Update 1998 to 2002 and find that relevant requirements of law and rule have been satisfied under MS 103B and MCAR 9300.

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Pennington County Comprehensive Local Water Plan Update

(For Board Action)

The Pennington County Comprehensive Local Water Plan (CLWP) was approved by the Minnesota Board of Water and Soil Resources on February 28, 1990. The Pennington CLWP was locally adopted on May 8, 1990. On October 30, 1997 Pennington County submitted for final review the CLWP Plan Update (Plan Update) as required in the original CLWP. On this date the final 90-day review period began. The final review period ends on January 29, 1998.

A written overview of the Pennington Plan Update was prepared by BWSR staff on December 17, 1997 for BWSR Board information and review.

On January 22, 1998 the BWSR Water Plan Review Committee met with representatives of Pennington County and BWSR staff to review and discuss the Plan Update.

In addition to water planning requirements established under the Local Water Planning Statute 103B, the counties updating their CLWP must also include objectives for wellhead protection, sensitive ground water areas, storm water management, high priority wetland preservation area designation and watershed assessment.

The Pennington County Plan Update includes the new requirements. The Plan Update has also incorporated more locally gathered data and information which reflects more accurately on the issues in Pennington County rather than that of a larger scale such as the Red River Valley. The Plan Update outlines a direction designed to maintain and improve the county's water resources. The approach is based on the assumption that water quality in the county is good and reasonable approaches can be designed in conjunction with the agencies and property owners. The policy directions are summarized as follows:

Information and Study

Water Quality Monitoring - Establish a more organized system for collecting and reporting surface and ground water quality data.

Shallow Ground Water Study - Complete a closer examination of the shallow ground water system.

Water Quality

Water Quality Custodian - Identify areas in the county where general water quality protection improvements could be made.

Sediment Reduction - Implement a sediment reduction and removal program as a focus of the water custodian effort.

Water Quality (continued)

Potential Contamination - Identify specific sources of potential water contamination and incorporate measures to reduce or eliminate them.

Recreation - Support the maintenance or improvement of water based recreation, especially if there is a water quality connection.

Cost Sharing - Fund or seek funding for cost sharing programs which address water quality issues identified in the Plan Update.

Program Support

Education - Fund educational programs which stress factual information about local water resources and their protection.

Agricultural Best Management - Support MN. Extension and the water friendly direction of agricultural management practices.

Flooding - Support the Red Lake Watershed District in examining flooding and surface water movement issues.

Land Use Planning - Support the County Board in establishing a land use planning effort.

Legislation

Problem Based Legislation - Work with state agencies and the legislature to establish a factual base for program design.

BWSR staff has reviewed the Marshall County Plan Update and finds that all requirements of the law and rule have been satisfied under MS 103B and MCAR 9300.

New Business #1

MINNESOTA RIVER BASIN JOINT POWERS BOARD
EXPLANATION OF 1998 WORK PLAN

This narrative supports the attached "Proposed Work Plan for the Minnesota River Basin Joint Powers Board" for the period of one (1) calendar year; 1998. The attached estimated budget reflects the costs attributed to the administration of Board for 1998.

WORK ELEMENT GOALS, VISIONS AND ACTIONS

Each of the following work element goals, visions and the actions taken by the MRBJPB in 1998 are based upon the recommendations of the Citizens Advisory Committee's (CAC) Report "Working Together: A Plan to Restore the Minnesota River" published in 1994 and in the process of being amended by the CAC.

A. Restore the Floodplains and Riparian Areas- The citizens thought that by merging federal/state/local interests landowners that own floodplain land could be incented to conserve their lands in conservation easements along the floodplain. Special consideration was to be given to areas between riparian and non-riparian sites to create corridors for wildlife.

Goals: To establish easements in the floodplain for water quality and wildlife benefits.

Vision: Green corridor extending along floodplain of main stem of the Minnesota River and its major tributaries. Move human activities, as much as feasible, out of the floodplain.

Actions: Promote the addition of riparian buffer strips to land contiguous to streams and ditches. Promote agroforestry by planting 3,000 hybrid poplar clones in the floodplain of the Minnesota River and sponsor discussion through our Agroforestry Subcommittee. Promote the placement of water quality enhancement projects within the floodplain through our Major Projects Team. Assist in marketing the Conservation Reserve Enhancement Program (CREP) within the floodplain of the Minnesota River by helping landowners understand the program and promoting RIM easements.

B. Restore Wetlands- Restoring wetlands and other water retention and natural filtration features are a high priority in the local water plans throughout the basin. Agricultural drainage and urban development has drastically altered the drainage patterns in the basin and has greatly contributed to the economic development of the region and the State of Minnesota. We realize that we cannot restore all of the wetlands that have been lost to drainage over the past 150 years but we can strategically restore wet areas to provide water quantity and quality benefits.

Goals: To establish specific wetlands that, if restored to their former ability to retain and filter water in the upland portions of the watershed, will reduce flooding downstream and improve water quality throughout the watershed.

Vision: Purchase or otherwise promote landowners to restore strategic wetlands to benefit theirs and their neighbor's land by reducing flooding and improving water quality. Educate drainage authorities in the potential benefits of strategic wetland restorations within drainage systems and provide incentives for landowners to work together to restore wet areas for water quantity and water quality benefits.

Actions: Provide educational forums to discuss water retention issues, highlight success stories at our Summer Conference, work to leverage resources for wetland restorations, help coordinate federal, state and local agencies in determining wetland restoration locations, and, promote major projects that replace strategically located wetland areas.

C. **Manage Drainage Ditches and Storm Sewers as Tributaries-** The citizens acknowledge that these drainage systems are in fact tributaries to the Minnesota River and, as such, should be managed to reduce the inputs of soil, phosphorus, nitrogen and other oxygen demanding materials. Over 90% of the wetlands that were existing in this geography prior to 1850 were drained to open up the land for agricultural production. The story is similar in urban areas in the eastern portion of the drainage basin with the Lower Minnesota River Watershed contributing significant loadings of sediment and phosphorus into the riverine system. The citizens' determined that ditch projects and other drainage related activities should be managed in ways that protect water quality for downstream users of the river.

Goals: To review the Drainage Code to provide clear guidance on how to determine costs and benefits of drainage projects considering the negative impacts the project may have on downstream users of the system. Encourage designs, maintenance, construction and operating guidelines that balance the water quantity/quality costs with the economic benefits derived from the system .

Vision: Encourage open discussion concerning drainage in the Minnesota River Basin from an agricultural and urban perspective and ensure that all parties are represented to allow revisions to the Drainage Code if acceptable, that will allow for enhancements of water quality and economic vitality. Prepare the basin landowners and cities and towns for the discussion relating the Zone of Hypoxia in the Gulf of Mexico to Minnesota River Basin activities.

Actions: Serve as the forum to discuss drainage issues that impact water quality/quantity and economics of the region. Incorporate issues discussion in our Summer Conference and in forums throughout the year. Help leverage resources to study and demonstrate urban Stormwater runoff and construction site runoff as contributors to water pollution in more urban areas.

D. **Improve Land Management Practices-** An estimated 92% of the land in the Minnesota River Basin is in agricultural production. However, data taken from actual monitoring and from data modeling identify that over two-thirds of the sediment and phosphorus come from the watersheds located in the lower Minnesota River watersheds. Whole farm planning and other agricultural best management practices are promoted while the improvement in the discharge of wastewater treatment plants are also forwarded in our community vision.

It is understood that all sources of pollution in the basin are considered to be responsible for the pollution of the river and every group has a part to play in its reduction.

Goals: To educate and provide technical assistance for landowners and communities to manage land in such ways as to improve the environmental, economic and community values.

Vision: Landowners and communities within the Minnesota River Basin will understand how their various land uses impact the water quality of the drainage basin and will seek out technical assistance and funding to reduce or eliminate the introduction of pollutants into the river system. If education and technical assistance on a voluntary basis does not provide the necessary improvements then a more regulatory approach should be considered.

Actions: Develop and promote locally lead watershed groups in all 12 major watersheds of the basin. Keep a regional outlook on zoning regulations and land use patterns to promote sustainable practices and to reduce detrimental practices throughout the basin.

E. Monitor Water Quality Throughout the Minnesota River Basin- The CAC recommended that the federal, state and local agencies coordinate their collective monitoring efforts to determine which segments of the river need the most attention for which pollutant.

Goals: To augment monitoring from an agency-sponsored activity with a citizens-based component where volunteers are trained on how to sample for water quality parameters and are then stored in a central repository. To ensure that permanent monitoring stations are funded and manned adequately to establish reputable long term trends in water quality.

Vision: To use Mankato State University as the established "Minnesota River Basin Data Center" to house and pedigree the monitoring data to ensure its reliability and to distribute the information free of charge to all interested parties. All groups should have free access to monitoring information to reduce confusion and to eliminate skepticism over the quality of the data.

Actions: Promote the creation of a citizen's based monitoring program throughout the basin. Get the Minnesota River Basin Data Center up and running to expand the information on various issues within the basin and then to actively train the leaders to monitor the correct parameters. Focus on the Watershed Implementation at the Local Level (WILL) process to include monitoring into the assessments for water quality improvement projects.

F. Establish a Minnesota River Commission to Oversee the Clean Up Effort- The CAC realized that in order for the clean up of the Minnesota River Basin to have a chance of success, a coordinating group must be established over the entire drainage basin that had jurisdictional control, had a citizen-based perspective, and one that had the ability to include all members of society into an active role in helping to improve the water quality of the basin. The MRBJPB was established to fulfill this role since the Counties have the jurisdictional responsibility for water quality and land use practices, the citizens are represented on the Comprehensive Water Planning Advisory Committees for each of the 37 counties in the group, and that all cities, towns, townships, businesses, environmental groups, sportsmen groups, federal, state, and local agencies have a part to play in the restoration process.

Goals: To ensure that the MRBJPB has adequate funding and support from all groups to successfully coordinate the preservation and clean up of the Minnesota River Basin.
Vision: For the Minnesota State Legislature to fund a **portion** of the administrative costs of the MRBJPB long term and for this amount to be matched with local funds as cash and in-kind contributions. The MRBJPB will help agencies and groups deliver their respective missions to the landowners and citizens of the Minnesota River Basin by adding value to the process.
Actions: Work with the State Legislature to increase Cost Share Funding for projects in the basin and to not lose focus on Minnesota River Basin improvements that have been realized over the past decade. Work to develop a strategic plan for the entire basin based upon the CAC recommendations.

G. **Establish Local Joint Powers Boards-** The CAC realized that only efforts developed and managed on the local level can have a chance at succeeding and that the organizational structure had to move from a county based to a major watershed based perspective.
Goals: To establish Major Watershed Teams in each of the 12 major watersheds based upon local leadership, citizen and landowner representation, and a very inclusive look at all sources of pollution to the tributary and hence, to the Minnesota River with an eye on environmental improvements, economic enhancements and community enrichments.
Vision: Each of these 12 major watersheds would interface with each other on a total basin by working through the MRBJPB.
Actions: Develop locally lead watershed teams in each of the 12 major watersheds.

H. **Improve Technical Assistance to Local Governments-** Technical assistance and support is critical for local governments and citizen's based groups to accelerate the clean up of the Minnesota River Basin.
Goals: To enter into successful partnerships with federal, state and local agencies and groups to share and network GIS capabilities, monitoring information, implementation strategies, and other support as needed.
Vision: All agencies and groups will work to leverage available resources to share positions, personnel and support as much as practical to leverage technical assistance delivery to the locals.
Actions: Use Data Review Team to identify and implement technical solutions to improve water quality in the basin. Work with all agencies and groups to include their needs in the strategic plan for the basin.

I. **Engage the General Public-** An essential element for the successful preservation and restoration of the Minnesota River Basin is to have citizen participation at all levels.
Goals: To create activities, events and outreach that allows citizens to create and sustain Minnesota River Basin improvement ideals.

Vision: To have all groups collaboratively work on educating the citizens and landowners in various and diverse ways with the message of cooperation and environmental, economic and community balance.

Actions: Sponsor educational outreach forums such as the "Phosphorus Forum", the Summer Conference, and media alerts. Continue to sponsor the "Minnesota River Basin Clean Up Day" throughout the basin on the national river clean up day in May. Sponsor the inaugural "Minnesota River Run, Ride & Row" to be held at every city and town along the Minnesota River on September 19, 1998. Continue to expand the representation on the CAC to include more cities and towns. Ensure the Data Center trains local leaders in water quality and quantity issues. Continue to create FACT SHEETS to inform the public on the technical aspects of the Minnesota River. And, continue to meet with local groups on Minnesota River Basin issues.

J. Enforce Existing Laws- The CAC determined that many Minnesota laws designed to protect water quality should be enforced if enforcement is determined to be the efficient course of action.

Goals: To determine which laws need to be actively enforced and those that should have a step-wise enforcement roll out for activities detrimental to the water quality of the Minnesota River Basin.

Vision: To create some sort of multi-agency task force to determine which laws need better enforcement in this geography and how enforcement should be managed. To perform an audit of various government agencies that are responsible for enforcement activities and hold those agencies accountable for enforcing laws of importance in the basin.

Actions: Support the county and state governments in the enforcement of rules and regulations.

K. Support Changes in Federal Farm Policy- Agriculture drives the economy of the Minnesota River Basin and Federal Farm Policy, in large part, drives agriculture.

Goals: To provide incentives for landowners actively using Best Management Practices on their lands and to influence Federal Farm Policy to reward "good actors" rather than to reward "bad actors".

Vision: Support the development of whole farm planning, River Friendly Farmers, and other programs that properly incent landowners to "do the right thing".

Actions: Distribute information and leverage funding to promote practices that will improve the water quality of the Minnesota River and its tributaries.

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BWSR GRANT # 3
1998
Administrative Budget

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL	6 MO.
Salary	9600	9600	9600	9600	9600	9600	9600	9600	9600	9600	9600	9600	$ 115,200	57,600
Insurance	292	292	292	292	292	292	292	292	292	292	292	292	$ 3,504	1,750
Phone	420	420	420	420	420	420	420	420	420	420	420	420	$ 5,040	2,500
Copier	260	260	260	260	260	260	260	260	260	260	260	260	$ 3,120	1,600
Postage	220	220	220	220	220	220	220	220	220	220	220	220	$ 2,640	1,300
Supplies	125	125	125	125	125	125	125	125	125	125	125	125	$ 1,500	750
Meetings	185	185	185	185	185	185	185	185	185	185	185	185	$ 2,220	1,100
Travel	320	320	320	320	320	320	320	320	320	320	320	320	$ 3,840	1,900
Misc.	750	750	750	750	750	750	750	750	750	750	750	750	$ 9,000	4,500
AMC	460	460	460	460	460	460	460	460	460	460	460	460	$ 5,520	2,750
TOTAL	12632	12632	12632	12632	12632	12632	12632	12632	12632	12632	12632	12632	$ 151,584	75,750

Notes:

The above budget is the estimate of the Administrative Costs attributed to the BWSR GRANT #3 the MRBJPB is requesting. An estimate of $45,390.00 of this budget is attributed to the development of the specific Work Elements as defined in the attached worksheet. The total cost for 12 months is estimated to be $151,584 with an additional cost of $75,750 for the next 6 months totaling $227,334 for 18 month period. Grant #3 in the amount of $125,000 along with the Metropolitan Council Grant #2 in the amount of $100,000 should almost cover the administrative costs for the next 18 months.

The MRBJPB will account for progress on each of the stated Work Elements as well as the total cost for administrating the MRBJPB. A series of updates will be available upon request identifying the following:

Percent of Work Element Completed
Total Dollars Spent
Total GRANT # 3 Dollars Spent
New or Revised Expense Estimates

JANUARY 1, 1998 - JUNE 30, 1999
PROPOSED WORK PLAN
MINNESOTA RIVER BASIN JOINT POWERS BOARD

Major Work Elements		Date	Action	Total Cost
Workshops:				
	"Hydrograph"	Mar-98	Workshop	200.00
	"Phosphorus and Sediment"	Jan-98	Workshop	200.00
	"Phosphorus Issues"	Mar-98	See Data Review	1,500.00
	"Bacteria"	May-98	See Data Review	1,500.00
	"Riparian Buffer Strips"	Nov-98	Workshop	200.00
	Others As Needed		See Data Review	
				3,600.00
Summer Conference:				
	Conference Site Selection	Nov-97	Choose Location	-
	Conference Committee Meeting	Dec-97	Agenda	120.00
	Conference Agenda Selection	Feb-98	Draft Agenda	120.00
	Committee Meeting	Mar-98	Speakers Identified	120.00
	Agenda and Topics Set	Apr-98	Agenda Set	-
	First Mailing	Apr-98	Mailing	1,000.00
	Second Mailing	May-98	Mailing	1,500.00
	Advertising and Marketing	Jun-98	Press Release(s)	-
	Conference Proceedings	Jul-98	Conference	10,000.00
				12,860.00

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Development of Subcommittees:			
Recreational Plan Development	Ongoing	Follow Plan	-
Drainage	Oct-97	5 meetings/98	600.00
Agro-Forestry	Jan-98	Spring Plantings	120.00
Legislative Education	Oct-97	Active in Session	-
Major Project Review Team	Nov-97	Selection 1-98	600.00
Business Advisory Committee	Nov-97	Formed 2-98	750.00
Local Joint Powers Board Liaison	Nov-97	Formed 2-98	120.00
WILL Subcommittee	Ongoing	Follow Plan	400.00
River Cities Coalition	Jan-98	Cities on Board	150.00
Run, Ride & Row	Jul-97	Sept. 19, '98 Event	3,000.00
Scenic By Way	Ongoin	Other Portions '98	300
Others As Needed			-
			6,040.00
Minnesota River Basin Clean Up Day:			
County by County Planning	Feb-98	TAC,CAC,etc.	120.00
Request National Guard Help	Feb-98	Meet with Guard	-
Work with DNR	Feb-98	Meet with DNR	-
Secure Local Sponsors	Ongoing	Local Businesses	-
Send our Press Release	Jul-98	Basin Wide	-
Clean up Day Activities	Sep-98	Basin Wide	-
			120.00
Communications Plan: Hire Intern from Humphrey Institiute	Jan-98	Part Time Intern	10,800.00
Basin Wide Information Document	Jan-98	Pull Info Together	750.00
Formulate Media Advisories	Ongoing	Four Times/Year	400.00
Distribute Information	Ongoing	Four Times/Year	4,000.00
Solicit Opinions from Media	Ongoing	Connect with Media	-
			15,950.00

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Strategic Planning:					
		Organize Strategic Planning Group	Nov-97	Organize Materials	-
		First Meeting	Dec-97	Organize Approach	-
		Facilitator	Dec-97	Choose Facilitator	-
		Strategic Action Plan Document	Jan-98	Create Draft Plan	150.00
		Commissioner Training	Feb-98	Board Update	-
		"Blue Ribbon Task Force" Meeting	Dec-97	Initial Meeting	120.00
		Master Plan Development	Jan-98	Draft Plan	150.00
		Incorporate Strategic Plan with WS Pla	Ongoing	WS Plan Developed	-
		Incorporate Clean Water Partnerships	Ongoing		-
		Incorporate County Water Plans	Ongoing		-
		Develop Major WS Goals	Ongoing		-
		Develop WILL in Major WS	Ongoing		-
		Written Plan for 1998	Mar-98	Final Plan	500.00
					920.00
Develop 5 Year Plan:					
		Strategic Planning Outcomes	Mar-98	Match Plan with Actio	-
		Major Watershed Plans	Ongoing	WS Plan Developed	-
		Agency Goals	Ongoing	WS Plan Developed	-
		County Goals	Ongoing	WS Plan Developed	-
		Citizen Goals	Ongoing	WS Plan Developed	-
		Cities' Goals	Ongoing	WS Plan Developed	-
Major Priority Project Implementation:					
		Application, Selection and Approval	Ongoing		-
		Board Review Procedure	Jan-98	Final Projects Approv	150.00
		Implementation	Apr-98	Projects Started	-
		Follow Up and Manage	May-98	Projects Ongoing	-
		Pursue Projects	Nov-98	Second Round	-
		Pursue Funding	Oct-98	Work with Legislature	-
		Develop Projects for Review	Nov-98	Review Process	150.00
					300.00

Minnesota River Basin Data Center:					
		Tie into Communications Plan	Mar-98	Training Begins	-
		Commissioner Training	Apr-98	Commissioner Info.	600.00
		Basin Wide Information Updated	Ongoing	Mailings and Updates	-
		Incorporate into Plan	Ongoing	Master Plan Update	-
					600.00
Data Review Team:					
		Create FACT SHEETS:			
		Overall Water Quality	Jul-97	Completed	-
		Phosphorus	Jan-98	Draft Fact Sheet	-
		Sediment	Jan-98	Draft Fact Sheet	-
		Bacteria	May-98	Draft Fact Sheet	-
		Water Quantity	Jul-98	Draft Fact Sheet	-
		Others As Needed	Ongoing	As Needed	-
Educational Outreach:					
		Kellogg Grant	Ongoing	Updated as Needed	-
		Met Council/Extension	Ongoing	Updated as Needed	-
		Others As Needed	Ongoing	Updated as Needed	-
		OEA Grant for Education & Training	Ongoing	Updated as Needed	-
Administrative Assistance:					
		Internships (2)	May-98	Summer Assistance	**5,000.00**
WORK ELEMENT TOTAL:					**45,390.00**

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New Business #2

MAJOR PROJECT REVIEW TEAM
FUNDING RECOMMENDATIONS - JANUARY 12, 1998

Applicant & Project Title	Project Cost	Funding Request	Funding Recommendation
Blue Earth River Basin Initiative Practical Stream Bank Stabilization Practices	$212,500	$80,000	**$ 80,000**
Carver County SWCD Bioengineering and Construction Site Erosion Control For Sediment Reduction (new title)	69,375	25,350	**25,350 (contingent #1)**
Kandiyohi County SWCD Willmar Senior High School, Construct New Control Structure	10,713	5,000	**5,000**
Lyon County (LGU priority 1) Flood Water Retention Project on the Redwood River Basin (Three Mile Creek, tributary of Redwood River)	304,800	152,400	**152,400 (contingent #2)**
Lyon County (LGU priority 2) Flood Water Retention Project on the Redwood River Basin (Lone Tree Creek, tributary of Cottonwood River)	95,000	47,500	**no funds**
Scott County SWCD City of Savage Stream Bank Stabilization Projects	157,000	78,500	**78,500**
Sibley County Water Plan/SWCD Sibley County Subsurface Inlet Protection-Improvement Project	125,000	20,000	**no funds**
Watonwan County Goose Lake Wetland Restoration ($1,005,000 overall project cost, Federal $$s involved)	159,000	79,500	**79,500 (contingent #3)**
TOTAL S	$1,133,388	$488,250	**$420,750**

Available Funding **$475,000**
Funding Recommendation $420,750
clarification of
Remaining Balance $ 54,250

other

typical

BWSR

The application was a two-step process. Step 1 was the simple, initial application with 16 LGUs submitting 20 applications. The committee reviewed and then asked 11 LGUs to submit the more detailed Step 2 application. Seven LGUs submitted eight Step 2 applications.

CONTINGENTS:

#1 Reserve funding for LGU contingent upon LGU's further clarification of all use of funds for eligible project costs...respond by March 1, 1998.

#2 Reserve funding for LGU contingent upon LGU's clarification of all funding in place for this project...respond by March 1, 1998. Also, contingent upon LGU supplying monitoring data that shows before / after water quality results for this or similar project.

#3 Reserve funding for LGU contingent upon LGU reporting back to By December 31, 1998 on all other funding sources in place for project.

Eligible LGUs that did not submit a Step 2 Application	Project $	Request $
Chippewa County Drainage Systems Sediment Control & Rip-Rap Erosion Control	$ 34,000	$ 17,000
Nicollet County SWCD Riparian Buffer/Stream Bank Stabilization	40,000	20,000
Pope County Trapper's Run Watershed Restoration 1	146,580	45,000
Yellow Medicine County Hwy. Dept. SAP 87-604-08 - Bridge Replacement and Retention Structure	300,000	150,000

Minnesota Board Of Water And Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

In the Matter of the Petition for Appeal by the St. Paul Audubon Society from a Decision of the Rice Creek Watershed District Granting an Exemption from the Wetland Conservation Act.

BWSR File No. 97-8

ORDER

DRAFT

This is an appeal by the St. Paul Audubon Society (Audubon) of a Wetland Conservation Act (WCA) exemption decision by the Rice Creek Watershed District (RCWD) dated October 9, 1997. RCWD determined that wetland drainage resulting from lowering a culvert in Anoka County Ditch No. 53-62 under Interstate 35W in the City of Blaine, Anoka County, would be exempt from the replacement requirements of WCA.

On January 14, 1998, the Dispute Resolution Committee (DRC) of the Board of Water and Soil Resources (BWSR) heard oral arguments. DRC members Annexsted, Dahlvang, Oehlke, Roer, and Tripp were in attendance. A.W. Clapp III, Esq. 785 Goodrich Avenue, St. Paul, Minnesota 55105, appeared on behalf of the Audubon. David L. Phillips, Esq., Assistant Attorney General, 525 Park Street, Suite 200, St. Paul, Minnesota 55103-2106 appeared on behalf of the MnDOT. Although RCWD did not file a brief or formally participate in oral arguments, Harold Sheff, Esq., Smith, Gendler, Shell, Sheff & Ford, P.A., 3350 First Bank Place, Minneapolis, Minnesota 55408, spoke on behalf of RCWD.

The parties agreed that the record consists of the following: RCWD Certificate of Exemption, dated October 9, 1997; Audubon Petition for Appeal, dated October 24, 1997; Brief submitted for Audubon, dated January 5, 1998; and, Brief submitted for MnDOT, dated January 5, 1998.

DRAFT

Following oral arguments, the DRC by a three (Annexsted, Dahlvang, Oehlke) to two (Roer, Tripp) vote adopted a resolution recommending that BWSR issue an order finding that the RCWD is the appropriate local government unit (LGU) for purposes of determining whether wetland drainage resulting from lowering the culvert under Interstate 35W would be exempt from the replacement requirements of WCA.

At a meeting held on January 28, 1998, BWSR, adopted a resolution to accept the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

Based upon the entire record of these proceedings, BWSR makes the following:

ORDER

1. RCWD is the appropriate LGU for determining whether wetland drainage resulting from lowering the culvert in Anoka County Ditch No. 53-62 under Interstate 35W in the City of Blaine, Anoka County, would be exempt from the replacement requirements of WCA.

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

Dated: January 28, 1998

Minnesota Board of Water and Soil Resources

DRAFT

By: _____
Its Chair

MEMORANDUM

The lowering of the culvert is not part of the operation of the highway by MnDOT. The lowering of the culvert is part of a series of actions concerning the public drainage system. These actions involve far more than the small strip of highway right-of-way where the proposed culvert would be lowered, and there are no wetlands within the highway right-of-way. MnDOT has stated that it does not desire to serve as the LGU in this matter. Under the particular facts of this case, we find that RCWD is the appropriate LGU for determining whether wetland drainage resulting from lowering the culvert would be exempt from the replacement requirements of WCA.

DRAFT

Minnesota Board Of Water And Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

In the Matter of the Petition for Appeal by the St. Paul Audubon Society from a Decision of the Rice Creek Watershed District Granting an Exemption from the Wetland Conservation Act.

BWSR File No. 97-8

ORDER

DRAFT

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DRAFT

Following oral arguments, the DRC by an unanimous vote adopted a resolution recommending that BWSR remand the decision for further proceedings.

At a meeting held on January 28, 1998, BWSR adopted a resolution to accept the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

Based upon the entire record of these proceedings, BWSR makes the following:

ORDER

1. The RCWD exemption determination dated October 9, 1997 is remanded for further proceedings consistent with this Order.

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

Dated: January 28, 1998

Minnesota Board of Water and Soil Resources

By: DRAFT
Its Chair

DRAFT

Minn. R. 8420.0250, subp. 3 provides as follows:

> When the local government unit has made formal findings contemporaneously with its decision and there is an accurate verbatim transcript of the proceedings and the proceedings were fairly conducted, the board will base its review on the record. Otherwise it may take additional evidence, or remand the matter.

In this case, there was no technical evaluation panel (TEP) report. Additionally, there was no hearing before RCWD on the issue of the proposed exemption. As a result, there is no verbatim transcript. Furthermore, RCWD did not make formal findings. The record as presented does not provide an adequate basis for BWSR to review the decision of the RCWD. We remand for further proceedings consistent with this Order.

The proceedings on remand should include, at a minimum, the following: the preparation of a TEP report; consultation by the TEP with additional wetland experts from relevant federal, state, and local agencies pursuant to Minn. R. 8420.0240; a public hearing before the RCWD Board of Managers; the recording of the public hearing to allow the creation of a verbatim transcript if necessary; identification during the hearing of the documents that are included as part of the record; and, formal findings by RCWD to be made contemporaneously with its decision.

The applicability of the WCA exemption for maintenance and repair of an existing public drainage system is premised upon the utilization of appropriate procedures under the drainage code. On remand, the TEP and RCWD should consider and address the issue of whether the order for lowering the culvert under Interstate 35W was duly and properly issued and whether the proposed action qualifies as maintenance or repair under the drainage code.

The proposed lowering of the culvert under Interstate 35W is part of a series of related actions that have been authorized or directed by RCWD. On remand, the question of whether lowering the culvert under Interstate 35W qualifies for an exemption should be reviewed by the TEP and RCWD in the context of the total series of related actions.

DRAFT

1997 FLOOD RECOVERY
SPECIAL WATER PLANNING CHALLENGE GRANTS

Background

In July of 1997 the Board authorized the expenditure of up to $150,000 of local water planning challenge grant funds to aid planning efforts related to flood recovery and/or future flood disaster mitigation in declared flood disaster areas. All grants were required to provide a local 1:1 match. Potential applicants were identified from those counties and watershed districts which had identified planning needs in community assistance applications that had been submitted to the Minnesota Recovery Task Force.

The Process

In August and September staff reviewed all community assistance applications and identified seven applicants that had identified planning needs. Those applicants included Kittson County/Two Rivers WD; Roseau County/Roseau River WD; Marshall County/City of Warren; Wild Rice Watershed District; Wilken County; Upper MN Watershed District, and Prairie Country RC&D/Chippewa County. Also during that time staff developed application criteria (attached) that was consistent with rule requirements for local water planning challenge grants.

On September 25, 1997 application materials to sent to the seven applicants.

The Results

All seven of the potential applicants submitted applications for consideration. Following is a brief description of each of the projects.

Kittson County/Two Rivers WD - In February of 1997, Kittson county began the process of flood planning. A committee made up of local, state, and federal agency personnel as well as local citizens was formed and has been meeting regularly each month. This group known as the Kittson County Flood Committee, has been looking at the causes and possible solutions to flooding in the county. In the past, each agency or unit of government has undertaken its own initiatives regarding flooding. This flood committee approach will help to coordinate all efforts and begin the process of broad based planning to achieve specific goals and objectives.

The Kittson county flood committee's application includes actions designed to assist in 1) administration for the flood committee, 2) accelerate education and information activities, and 3) provide technical assistance to aid in accomplishing culvert inventories, stream flow monitoring, inventory of drainage systems and establishing GIS capability within the county. Kittson County requested $20,000 in grant funds.

Roseau County/Roseau River WD - Recent floods of the last two years have underscored the need for the Roseau River basin area to develop a flood control plan. The Roseau River Flood Committee was formed in 1996 with member representing various state and local agencies. The committee meets regularly to try and develop solutions and evaluate alternatives for future flood damage reduction measures. The Minnesota Department of Natural Resources Fisheries, Wildlife, and Waters divisions as well as the Roseau SWCD, Roseau County, City of Roseau, Roseau River WD, citizens of the watershed, and public officials from the Province of Manitoba, Canada are actively involved in the committee.

Several practical ideas are beginning to be implemented as a result of Flood Control Committee meetings including resident survey and soil digitizing. The proposal submitted by the Roseau River Flood Committee would continue the current efforts of digitizing the soil survey, enhance communications with residents of the watershed, undertaker a pilot culvert inventory, and expand the use of hydrologic and GIS models in the Roseau River watershed. Roseau County requested $45,000 in grant funds.

Marshall County/City of Warren/Middle River Snake River Watershed District - The Watershed District was established in 1970 primarily to deal in problems associated with repeated flooding and inadequate drainage. In the spring of 1996 there were two floods, the first in April caused by snowmelt and the second in May caused by rainfall in excess of 5 inches over the District. The second flood was the largest flood ever recorded on the Snake River at Warren. In April 1997, the third flood in two years occurred with the spring snowmelt. The occurrence of these floods has demonstrated to a large number of residents in the area the need for flood control works within the District.

The District is working with the City of Warren, the Natural Resources Conservation Service and others to develop flood control works in the Snake River watershed under Public Law 566. In addition the District is working to develop flood damage reduction projects within the entire watershed. This proposal is to develop hydraulic and hydrologic models of the Middle River and the Snake River to assist in this effort. Marshall County/Middle River Snake River WD requested $60,000 in grant funds.

Wild Rice Watershed District - Considerable attention has been focused on flood damage reduction efforts within the District during the last several years. Although the District has worked toward reducing flood damages since its inception nearly 27 years ago, the state and federal environmental review process initiated by the U.S. Corps of Engineers and the Minnesota Department of natural Resources during 1993 and the catastrophic flood of 1997, has heightened attention.

The goal of this proposal is to develop comprehensive and innovative concepts for reducing flood damages within the Wild Rice WD, using multiple alternatives within a "systems approach" framework. The concepts developed using the systems approach will be oriented achieving flood damage reduction and natural resource goals established by the District and

resource agencies. The Wild Rice WD requested $80,846 in grant funds.

Wilkin County/Wilkin SWCD - Historic flooding during the spring of 1997 and record snow falls during the winter of 1996 and 1997 reinforced the importance of planning. Planning at it's best can be an invaluable tool in diverting disaster or at a minimum reduce its impacts. Natural disasters, such as the flood of 1997, remind us of flood mitigation measures that would have benefitted society, the economy, and our land and water resources, had they been in place. Some of these mitigation measures include living snow fences, stream bank stabilization, diversions, vegetative buffer strips, ring dikes, and oxbow restorations.

This proposal sets forth a threefold strategy for the South Branch of the Buffalo River and Otter Tail River watershed including 1) inventory critical impact sites and identify needed flood mitigation measures, 2) one-on-one planning with landowners, and 3) installation of flood mitigation measures. Wilkin county requested $22,000 in grant funds.

Big Stone County/Upper Minnesota River WD - Big Stone County is known to have many land-locked basins which cause numerous problems especially during periods of high runoff. Historically, the method of dealing these was to drain or pump them down which further taxed the downstream capacities. Thousands of dollars have been spent raising roads and many thousand more will be spent on similar projects. The town of Beardsley has been threatened over the last several years by rising waters of a land-locked basin. Finally, the only option was to spend millions of dollars to pump water miles away.

This proposal will start with an inventory of existing land-locked basins. From that an estimate of flood retention capacity that they could provide would be estimated and a series of meetings would be held with local officials, state and local agents, and local citizens. Strategies fro preserving those capacities would be researched and alternatives to permanent outlets on these basins would be sought. The benefits of having a comprehensive strategy for flooding around these land-locked basins will be the ultimate outcome. Bog Stone County has requested $20,000 in grant funds.

Chippewa County/Prairie Country RC&D - Extensive drainage and channelization in the watershed has resulted in serious and persistent downstream problems. The lower 1/3 of the watershed is characterized by flat areas and heavy soils. The Chippewa River has experienced severe flooding and bank erosion in recent years. Major flooding has occurred in 1952, 1969, 1993, and 1997. Flash flooding occurred in 1957 and 1979 in Chippewa County.

This proposal lays out a project that create an inventory and assessment of existing riparian protection, and potential sites for restoration and/or enrollment in a variety of conservation programs. The data will be used to develop maps of the lower Chippewa River in Swift and Chippewa Counties which identifies potential land for enrollment in a variety of conservation programs and flood reduction strategies including those identified by the Regional Long Term Flood Response Team. Particular emphasis will be placed on the lower Shakopee Creek and Dry

Weather Creek (Judicial Ditch 22) sub-basin watersheds. Chippewa County requested $20,000 in grant funds.

Total grant dollars requested = $267,846

Staff Recommendations

After review of the grant applications and discussions with the respective Board Conservationist for each of the applicants, a decision was reached to contact each applicant to determine whether it was feasible to narrow or refine the focus of proposed work activities in order to fund all or parts of each application. The result of those discussions was that it indeed was practical to provide partial funding, with the exception of one proposal. Following is a list of each applicant comparing the grant amount requested and BWSR staff recommended funding.

Table 1.

APPLICANT	GRANT FUNDS APPLIED FOR	RECOMMENDED FUNDING
Kittson County/Two Rivers WD	20,000	15,000
Roseau County/Roseau River WD	45,000	20,000
Marshall County/Middle River Snake River WD	60,000	17,000
Wild Rice Watershed District	80,846	46,000
Wilken County/Wilken SWCD	22,000	22,000
Big Stone County/Upper MN River WD	20,000	15,000
Chippewa County/Prairie Country RC&D	20,000	15,000
TOTALS	$267,846	$150,000

BWSR staff recommendation is to approve funding for seven applicants under the BWSR 1997 Flood Recovery, Special Water Planning Challenge Grants as shown in the Table 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:
261 Highway 15 S.
New Ulm, MN 56073-8915
(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
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January 9, 1998

TO: Mike Linnenbigler, FSA, Washington D.C.

FROM: Roy Hadrick, BWSR, Executive Director

SUBJECT: CREP MOA, Final State Draft

I appreciate your support in helping refine the elements of the Minnesota River CREP and look forward to the prompt review and approval of this agreement.

This mailing includes the following information:

- MOA, dated 01/08/98, and notes
- Estimated reduction of sediment and nutrients from lands enrolled in CREP
- Basis for a state paid CREP signing bonus and sample payment schedule
- CREP enrollment process
- Memorandum between the NRCS and BWSR concerning the WRP program

We believe this information will address items that were unresolved at our last communication. As now written, the Conservation Reserve Enhancement Program should function very similar to the existing CRP continuous enrollment and RIM easement processes. That should aid landowner understanding and ease local administration.

Mike, we have been involved in this process for over one year and the continuing barrier seems to be permanent easements. Recent discussions with many of our conservation and environmental clientele reaffirms my position, however, that we will not risk funding for the RIM program by putting limited term easements at the same priority as permanent easements. It will be more difficult to secure the increased State funding needed for the Minnesota River Basin without an approved agreement. This would be unfortunate and a missed opportunity for USDA and the State of Minnesota to cooperate and use two effective programs to correct recurring problems on thousands of acres of environmentally sensitive lands. Our commitment, however, is such that if USDA finds our proposal unacceptable, we will attempt to implement a similar effort without an agreement.

I expect the Board of Water and Soil Resources to endorse the agreement at their January 28th meeting and authorize implementation of a similar effort if an approved MOA is not secured from the USDA. Timing is becoming critical as --with or without a USDA commitment-- we must begin planning the implementation of the program by mid-February in order to be ready for farmers as they make their spring planting decisions.

Certainly contact me if you have questions or comments.

C: Wally Sparby, State Executive Director, FSA
William Hunt, State Conservationist, NRCS
Tanja Kozicky, Office of Governor Arne Carlson
Alison Burns, Office of Governor Arne Carlson, Washington D.C.
Senator Paul Wellstone
Congressman David Minge
Commissioner Gene Hugoson, Department of Agriculture
Commissioner Peder Larson, Pollution Control Agency
Commissioner Rod Sando, Department of Natural Resources

January 8, 1998

Notes to the Memorandum of Agreement dated 01/08/98

The following changes were made to the MOA dated 12/19/98, "Delete Version":

- The State will consider easements coupled to 15 year contracts only. Accordingly, paragraphs 2 and 9 were revised.

- Paragraphs 5 and 5.5 were added. These describe easement length and payment rate.

- Paragraph 10 was revised to make the RIM enrollment process more consistent with the CRP continuous enrollment process. Rationale for this change is found on the (enclosed) page describing the enrollment process.

- Paragraph 11 was revised to provide the 20 percent incentive payment for all CREP practices.

- Paragraph 13 was revised to clarify the extent of CCC obligation for the cost of conservation practices. This is discussed in more detail on the (enclosed) page describing the enrollment process.

- Paragraphs 27 and 28 were reversed.

- On Attachment A, three changes were made: (1) floodprone land was changed from ....5 year floodplain to ....flooding 5 percent or more in any year. This change aids the enrollment process as soil maps can be used to delineate eligible areas; (2) Emphasis was given to shallow water areas in the wetland location criteria. This change is appropriate given the de-emphasis on wetland restoration due to the NRCS/BWSR agreement on WRP; and (3) CP25 was added as an eligible practice.

FINAL STATE DRAFT

01/08/98

MEMORANDUM OF AGREEMENT

BETWEEN THE U.S. DEPARTMENT OF AGRICULTURE,

THE COMMODITY CREDIT CORPORATION AND THE

STATE OF MINNESOTA

I. PURPOSE

This is a Memorandum of Agreement between the Commodity Credit Corporation (CCC) and the Farm Services Agency (FSA) of the United States Department of Agriculture, and the State of Minnesota, Board of Water and Soil Resources (the State) to implement the Minnesota River Watershed Conservation Reserve Enhancement Program (Enhancement Program or "CREP").

II. INTRODUCTION

The intended outcome is to allow, where deemed desirable by USDA, CCC, and Minnesota, certain acreage and conservation practices to be enrolled under the CRP. Specifically the State seeks to improve water quality of the Minnesota River through a reduction of sediment and nutrient loading to the watershed. Additionally the State seeks to enhance wildlife habitats for waterfowl, nongame grassland birds, and a few select species which are proposed or candidate species under the Endangered Species Act. The CREP provides an opportunity for the State to address these environmentally sensitive areas in concert with Federal and local authorities. The State seeks to provide more enduring conservation benefits than normally achieved through CRP by requiring landowners to participate in the State's easement program for the Minnesota River watershed and establish vegetative covers to native species.

This MOA is not intended to supersede any rules or regulations, which have been, or may be, promulgated by either USDA or CCC. This MOA is intended to facilitate existing authorities through a cooperative effort of USDA, CCC, and Minnesota.

III. AUTHORITY

This MOA is intended to aid in the administration of the CRP provisions of the Food Security Act of 1985, as amended (1985 Act)(16 U.S.C. 3830 et seq.), and the

regulations at 7 CFR Part 1410. The CRP is authorized through December 31, 2002. Sections 1230, 1234, and 1242 of the 1985 Act and the regulations at 7 CFR 1410.50 authorize CCC to enter into agreements with States to use the CRP in a cost-effective manner to further specific conservation and environmental objectives of a State and the nation. Other authorities also apply.

IV. GENERAL PROVISIONS

1. This memorandum contemplates enrollment of up to 190,000 acres of flood prone lands, riparian buffer zones and pothole wetlands and associated uplands in the Minnesota River watershed. Authority to enroll acreage beyond the first 100,000 acres is conditioned on review by the CCC after that level of enrollment to assure that the program is accomplishing the purposes for which it was approved.

2. The CREP will offer landowners an opportunity to voluntarily enroll land in ~~ten to~~ fifteen year CRP (Conservation Reserve Program) contracts with consecutively run RIM (Reinvest in Minnesota) easements. All enrollments in the CREP must meet the requirements of both the CRP and RIM programs.

3. Landowners may enroll land that meets the requirements of the CREP on a continuous basis. A steering committee (described in paragraph 20) composed of Federal and State agencies and outside interests described herein will develop priority areas for the different categories of land for specific sub-watersheds and other areas.

4. The CREP will enroll land using existing CRP and RIM procedures. An additional document will be developed by the state to ensure the applicant understands and agrees to the joint CRP and RIM obligations, including an acknowledgment that early release from a CRP contract may require the approval of both the CCC and the State and may require the payback of CRP and RIM funds. The RIM easement will require that the landowner and assignors comply with noxious weed laws and will entitle the State or its designee to enter upon the property to assure compliance with weed control in the event of non-compliance. The RIM easement will safeguard existing public and private drainage. Landowners will also be provided information about the ability to participate in the wetland preservation area property tax exemption program.

5. FSA will administer the CRP contract for the CCC, and after its expiration, the State and its designees will become responsible for the RIM easement provisions of the CREP. Responsibility for the easement includes monitoring to ensure the long-term maintenance of vegetation and structural measures. Although RIM is authorized to offer limited duration easements ~~of not less than 20 years in duration~~ and landowners seeking enrollment in CREP may apply for limited duration easements of 35 ~~not less than 20~~ years in length ~~duration~~, priority will be for permanent ~~long-term~~ easements. As used here, easement duration begins after the expiration of the CRP contract. The length of ~~the~~ RIM ~~easement or~~ easements offered~~, 20, 30,60, etc. to permanent,~~ will be

reviewed annually with RIM Reserve Advisory Committee and the FSA State Committee with the acceptance of easements to ultimately be at the discretion of the State. It is understood that, as a condition for participation in the CREP, the landowner will be required to convey the easement as a condition for acceptance in the CRP~~. but that the easement will not become effective until the end of the CRP contract period.~~

5.5. Following enrollment, a CREP signing bonus (RIM payment) will be paid to landowners by the State. The bonus for permanent easements is calculated by multiplying ~~subtracting~~ the total CRP rental payments (excluding incentive payments for practices) over the duration of the CRP contract times 40 percent (~~discounted to present value at an 8 percent discount rate) from the RIM permanent easement payment for the township in which the CREP parcel is located.~~ For 35 year easements, the bonus is calculated by multiplying the payment for a permanent easement by 50 percent. After consultation with the RIM Reserve Advisory Committee, the State may adjust payment rates.

6. All land that meets the environmental criteria set forth in the CREP proposal (Appendix A) also meets the environmental criteria set forth in Part 1410.6(b) because the Minnesota River watersheds inclusion in the nationally designated prairie pothole conservation priority area. Appendix A is incorporated into and is a part of this agreement.

7. Land to be enrolled will be established to native grass prairie, native tree species, wetlands, introduced grass/legume ~~riparian buffers mix~~ or a combination thereof. Enrollments will also place a significant emphasis on native species and hydrologic restoration where appropriate.

V. RESPONSIBILITIES OF THE CCC AND FSA

Under this agreement, CCC, through the FSA, agrees to the following responsibilities.

9. FSA will accept land in--at landowner discretion--~~ten to~~ fifteen year contracts under the Conservation Reserve Program that meets the environmental criteria set forth in the CREP proposal. All land to be enrolled in the program must meet all other provisions set forth at 7 CFR Part 1410.

10. After being accepted into the CRP program by the FSA, land to be enrolled in permanent easements under this Enhancement Program will be accepted by ~~proposed to~~ the State through ~~by~~ soil and water conservation districts (SWCDs) in consultation with local FSA and NRCS personnel. The State will consider land offered for enrollment in 35 year easements once a year and make funding decisions based on the demand for permanent easements and the availability of funds. ~~The State will then recommend lands for enrollment to the Minnesota State Offices of the FSA and the~~

~~NRCS. Proposals will be in the form of CRP and RIM applications on forms selected by the FSA and the State , respectively, along with a description of proposed conservation measures.~~

11. CCC will enroll land at the prevailing soil rental rate. Parties ~~with contracts for 15 years~~ will ~~can~~ earn ~~up to~~ an additional 20% incentive ~~bonus~~ payment if ~~the site and~~ conservation measures specified in Appendix A (part B) are applied to the site. ~~meet the conditions for bonus payments as specified in regulations for the CRP continuous sign-up in effect at the time of application for CREP.~~

12. If requested by a landowner and if approved by the State and the FSA, CCC will enter into an agreement that would direct CRP payments to the State. It is understood that this provision would allow the State to make a one-time "up-front" payment to the landowner that represents the total CRP and RIM payments for which the landowner is eligible.

13. CCC will pay 50% of the reimbursable costs of establishing eligible CRP conservation practices on land enrolled in the CRP. In determining USDA's reimbursable costs, USDA shall use the appropriate CRP practice in the Minnesota CRP handbook. All practices enrolled shall meet, and may exceed the minimum specifications of the NRCS Field Office Technical Guide. CCC will provide deference to conservation plans developed by the State. ~~CCC will pay up to 50% of the cost of establishing eligible CRP conservation practices approved for use by FSA on land enrolled in the CRP. Additional detail on the reimbursable practices and associated rates will be developed by the State and the state offices of NRCS and FSA and approved by the FSA State Committee. Actual reimbursement will be based on a site-specific determination by CCC.~~ Reimbursements to participants from all sources may not exceed 100% of the costs to those participants.

15. It is specifically understood that the CCC will not reimburse expenses incurred by the State or soil and water conservation districts associated with CREP, including the development of conservation plans, enrollment of landowners or monitoring of easements.

VI. RESPONSIBILITIES OF THE STATE

Under this agreement, the State agrees to the following responsibilities.

16. The State will enroll land in the program in easements under the Reinvest in Minnesota Reserve Program that extend the benefits of a CRP contract significantly and pay at least 50% of the cost of conservation practices. All land to be enrolled in the program must meet all other provisions set forth in Minnesota Statutes section 103F.505 to 103F.531 and Minnesota Administrative Rules 8400.3000 to 8400.3930.

17. The State agrees to pay a minimum of 20% of the overall costs of the Enhancement Program. To determine the overall costs of the Enhancement Program, the following costs will be used: the total land retirement costs, which will include the CRP payments made by the CCC and the easement payments made by the State ; the total reimbursement for conservation practices paid by the CCC and the State ; and the aggregate costs of technical assistance, including those expenses incurred by the State and SWCDs for implementing contracts and easements, and a reasonable estimate of the cost incurred by NRCS to develop conservation plans for land enrolled in the Enhancement Program. The parties recognize that payments will be made in different years and under different terms, i.e., CRP contracts are annual payments and RIM payments are lump sum distributions. Therefore, to compare CRP and RIM costs in equivalent and present-day terms, the parties will calculate the present discount value of all payments to be made using an 8 percent discount rate. Overall costs and Minnesota's contribution toward the overall cost are derived by calculating the present discount value of payments. All RIM costs will be paid by the State.

18. Within 90 days after the end of the Federal fiscal year, the State will determine if it has obligated 20% of the overall costs of the program that year. In the unlikely event that the State has not obligated 20% of the overall costs that year, the State will fulfill its obligations and pay the shortfall to the CCC within 90 days.

19. Through SWCDs and NRCS or their designees, the State will develop conservation plans for each enrollment and will assist landowners in the completion of paperwork necessary for enrollment in the CREP. Vegetative cover will be in the form of native grass prairie, native tree species, wetlands, introduced grass/legume ~~riparian buffers mix~~, or a combination thereof.

20. The State will use the Reinvest in Minnesota Reserve Advisory Committee, which includes representatives from the USDA State Technical Committee, FSA, NRCS, State agencies, farm groups, local governments, conservation organizations, and the Minnesota River Citizens Advisory Committee as a steering committee for the CREP Program. This committee will provide advice on the implementation of the Enhancement Program regarding such matters as outreach, further refinement of conservation practices, targeting and other program details. The advisory committee complements the local RIM screening committee. Membership of the local screening committee is comprised of representatives of many of the agencies and organizations that make up the RIM Reserve Advisory Committee, and among the members shall be included designees of the State , county FSA committees, SWCDs, and the FSA County Executive Director and NRCS District Conservationist.

21. The State will, with advice of the RIM Reserve Advisory Committee, target enrollments within the Minnesota Watershed as set forth in the Enhancement Program proposal. Priority areas will be identified, including portions of the floodplain adjacent to naturally resource-rich areas, including areas adjacent to native prairie preserves in Big

Stone, Swift, Chippewa and Lac Qui Parle counties. Priority areas will also include specific sub-watersheds for enrollment of wetland restoration and riparian buffers. Efforts will initially focus on outreach necessary to inform landowners and criteria needed to prioritize applications. Selected areas and criteria will be considered by the local RIM screening committee as recommendations are made to SWCDs on the priority of applications. If necessary, additional criteria may be added to ensure a significant level of enrollment in priority sub-watersheds and other priority areas. Priority areas may be incorporated into county water plans and SWCD comprehensive plans and annual plans.

21.5 Within 90 days after the beginning of the fiscal year, and annually thereafter, the State will provide a report to the state FSA director and to the Deputy Administrator for Farm Programs of FSA that describes the number of acres intended to be enrolled that fiscal year in CREP, the type of restoration to be done on those lands, estimated environmental benefits, the extent and type of state assistance to be provided, and the areas of focus for the program for that fiscal year. The annual report must also include a similar review of the CREP accomplishments for the previous fiscal year.

VII. OTHER PROVISIONS

22. All CRP contracts under this Enhancement Program will be subject to the limitations set forth in the regulations at 7 CFR Part 1410. All RIM easements under this enhancement program will be subject to the limitation set forth in Minnesota statutes Section 103F.505 to 103F.531 and Minnesota Administrative Rule 8400.3000 to 8400.3930.

25. Neither the State nor CCC will assign or transfer any rights or obligations under this MOA without the prior written approval of the other party.

26. Any amendments to the MOA must be in writing and must be executed by the same parties who executed the original MOA, their successors in office, or their designees.

27. Landowners will remain free to enroll their land in the RIM program or in the CRP through any other means for which they are eligible, including the general CRP sign-ups and the continuous enrollment process.

28. This MOA will remain in effect until September 30, 2002, and may be modified or extended upon mutual written agreement or canceled unilaterally by CCC or the State.

IT IS SO AGREED:

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

BY: _____ DATE: _____

Dan Glickman
Secretary
U.S. Department of Agriculture and
Chairman of the Board
Commodity Credit Corporation

FOR THE STATE OF MINNESOTA

BY: _____ DATE: _____

Arne Carlson
Governor
State of Minnesota

Appendix A

ENVIRONMENTAL CRITERIA AND CONSERVATION PRACTICES FOR THE MINNESOTA WATERSHED CONSERVATION RESERVE ENHANCEMENT PROGRAM

All lands to be enrolled in this program must meet the eligibility criteria set forth at 7 C.F.R. Part 1410, and must also meet both the location criteria and the practice criteria described below.

(A) Location Criteria: All lands enrolled must meet one of the following three criteria:

- Floodprone land along the Minnesota River or one of the twelve principal tributaries of the Minnesota River. To be floodprone land, a majority of the enrolled area must have a chance of flooding five percent or more in any year.
- Riparian buffer and filter strip land along water courses in the Minnesota River watershed. These vegetated areas shall be in widths specified in the NRCS Field Office Technical Guide. Consideration will be given to the design and installation of buffers and filter strips where doing so can create a wildlife corridor between permanently protected wildlife areas.
- Wetlands and adjacent uplands at a ratio of up to two acres of uplands for each acre of wetlands. Emphasis will be given to the development and restoration of shallow water areas, riverine wetlands, bottomland hardwoods and pothole wetlands .

These areas will be enrolled only if they occur in priority areas designated by the enhancement program steering committee.

(B) Practice Criteria: All land meeting location criteria will be protected with one or more of the following practices. All practices must meet the minimum requirements of the NRCS Field Office Technical Guide.

LIST OF CREP PRACTICES

NATIONAL CRP PRACTICE CODE	MINNESOTA CRP PRACTICE CODE	NAME OF PRACTICE	NRCS STANDARD NUMBER
CP9	CP9	Shallow Water Areas for Wildlife	342, 484, 587, 644, 657
CP21	CP21	Filter Strips	327, 393 (Interim)
CP22	CP22	Riparian Buffer	327, 391 (Interim), 393 (Interim), 612
CP23	CP23	Wetland Restoration	657
CP25	CP25	Rare and Declining Habitat: Prairie Ecosystem Restoration and Tallgrass Prairie/Oak Savanna Ecosystem Restoration	327

List of Conservation Practice Standard Numbers

- 327 Conservation Cover
- 342 Critical Area Planting
- 382 Fencing
- 391 Riparian Buffer Strips
- 393 Filter Strips
- 472 Use Exclusion
- 484 Mulching
- 587 Structure for Water Control
- 612 Tree Planting
- 644 Wildlife Wetland Habitat Management
- 657 Wetland Restoration, Enhancement, or Creation

To provide more enduring conservation benefits, it is the intention of the State to strongly encourage the use of native vegetation and hydrologic restoration, where feasible. In addition, resource management systems will be promoted for use on lands adjacent to enrolled areas.

ESTIMATED REDUCTION OF SEDIMENT, NITROGEN, PHOSPHORUS AND CHEMICAL OXYGEN DEMAND[1] FROM LANDS ENROLLED IN THE CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

LOCATION OF PRACTICES	PRIMARY PRACTICES	ACREAGE GOAL[2]	SEDIMENT (tons)	NITROGEN (pounds)	PHOSPHORUS (pounds)	COD (pounds)
(a) Floodprone land	CP22 CP25	80,000	2,000,000	4,000,000	2,000,000	1,000,000
(b) Riparian buffer and filter strip land	CP21 CP22 CP25	80,000	300,000	650,000	300,000	150,000
(c) Wetlands and adjacent uplands	CP9 CP23 CP25	30,000	20,000	50,000	Highly variable[3]	12,000
TOTAL:		**190,000**	**2,320,000**	**4,700,000**	**2,300,000**	**1,162,000**

Key to Practices:

CP9 Shallow Water Areas for Wildlife
CP21 Filter Strips
CP22 Riparian Buffer
CP23 Wetland Restoration
CP25 Rare and Declining Habitat: Prairie Ecosystem Restoration

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1 Adapted from data supplied by J. Klang (Minnesota Pollution Control Agency; December 1997)

2 Given the similarity of practice locations, their close proximity and the use of many of the same practices at all locations, acreages are expected to shift between categories (a), (b) and (c).

3 Wetlands can serve as a sink or supply of phosphorus.

The Conservation Reserve Enhancement Program: The Basis for a State Paid Signing Bonus

The Conservation Reserve Enhancement Program (CREP) couples a Conservation Reserve Program (CRP) 15 year contract to a Reinvest in Minnesota (RIM) easement. The easement begins after the CRP contract expires. As an incentive to enter into the RIM easement, landowners will receive a lump sum RIM payment--or CREP signing bonus--at the time of enrollment. The bonus will precede 15 years of annual CRP payments. The bonus paid for the CREP program will be lower than payments for the regular RIM program because the value of the CRP payments received by the landowner for 15 years are considered in the signing bonus. Calculation of the appropriate amount of CREP signing bonus is complicated by several factors:

- CRP payments are made annually during the life of a CRP contract.
- RIM payments are made in a lump sum at the beginning of a RIM easement.
- CRP rental payments for the continuous enrollment program are based on the average dryland cash rent adjusted to reflect the relative productivity of soils within each county. Payments are adjusted at least annually. The maximum CRP rental rate is calculated in advance of enrollment. In addition, landowners are offered financial incentives of up to 20 percent of the soil rental rate for conservation practices such as filterstrips and riparian buffers.
- RIM payments are based on the average value of tillable land in the township where the RIM parcel is located. Land values are adjusted annually based on information provided to the Board of Water and Soil Resources (BWSR) by the Department of Revenue. Land values used by the BWSR are based on reported sales and typically lag about a year behind current land values. The BWSR currently pays 90 percent of the township average tillable land value for perpetual easements for cropland. The payment rate is calculated in advance of enrollment. Due to legislative mandate and consequent agency priority, the BWSR does not fund limited duration easements in the regular RIM program. For the CREP program, however, landowners may enroll in a 35 year easement. The BWSR will give funding priority to perpetual easements.
- To compare the cumulative value of a number of annual payments (like CRP) with a lump sum payment made at the beginning of the enrollment (like RIM or the CREP signing bonus), the present value of CRP payments must be determined. This is necessary because of the time value of money whereby x dollars today is worth more than the same amount of money received over many years. In theory then, a landowner could accept less money up front, invest it, and have as much money in (say) 15 years as would have been received through annual rental payments. However, the concept of present value and the associated discount (or investment) rate is difficult for landowners to understand since most are inclined to view annual

payments as "small" payments received over time that are used for land upkeep and taxes and so forth--rather than an investment opportunity.

- The CREP signing bonus must be sufficiently high to be viewed as attractive by landowners and not so high as to limit the number of easements that could be funded.
- After discussing many options for a signing bonus with knowledgeable persons including Professor Steve Taff of the University of Minnesota, an option was selected that is not complicated and is believed to represent an attractive incentive. The method calculates the CREP signing bonus as the cumulative value of 15 CRP payments (exclusive of the incentive payments for conservation practices) times 40 percent. This assumes a perpetual RIM easement follows a 15 year CRP contract. If 35 year easements are approved by the BWSR, the signing bonus would be 50 percent of that for a perpetual easement. A fixed percentage is preferred--for simplicity reasons--rather than performing present value calculations for each applicant.

Example (See table below):

$80.00 annual CRP payment (excluding incentive payments for conservation practices) times 15 years times 40 percent equals $480.00. [$80*15*40%=$480]. This is the CREP bonus for a perpetual easement. The rate for a 35 year easement--if approved by BWSR--would be 50 percent of the perpetual easement or [$480*50%=$240].

Forty five percent is the difference between the value of an annual CRP payment projected to perpetuity and the present value of 15 annual CRP payments. A six percent discount rate was used for this calculation and reflects the current long-term bond rate. However, to keep the CRP payments plus the CREP payment nearer the payment rate used for the regular RIM program, a lower rate of 40 percent was used for the CREP signing bonus. The BWSR may adjust the payment rate.

	CREP SIGNING BONUS ($)	
CRP Rental Payment	Permanent Easement	35 Year Easement
60	360	180
70	420	210
80	480	240
90	540	270
100	600	300

S:rimmer.wpd (01/08/98:GL)

CREP: Enrollment Process

Note: The number in parentheses refers to the paragraph in the MOA (version 01/08/98)

1. A steering committee develops priority areas for the different categories of land for specific sub-watersheds and other areas (3)(20)(21).

2. FSA accepts land in 15 year contracts under the continuous sign-up program (2)(4)(5)(9).

2a. CCC enrolls land at the prevailing soil rental rate and pays an additional 20 percent incentive for conservation measures (11). CCC will pay 50% of the reimbursable costs of establishing eligible practices (13).

3. Through SWCD's in consultation with local FSA and NRCS personnel, the State accepts land to be enrolled in permanent easements into the RIM program and secures the "additional" document from the landowner (4). The State considers land offered for enrollment in 35 year easements once a year and makes funding decisions based on the demand for permanent easements and the availability of funds(2)(5)(10).[1]

3a. The State enrolls the land in a RIM easement and pays the CREP "signing bonus" and at least 50 % of the cost of conservation practices (5.5)(16). Practice costs are determined from conservation plans developed by the State through SWCD's and NRCS or their designees (19).

Steps 2 and 2a and 3 and 3a are intended to run concurrently to the extent possible.

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[1] The meaning of paragraph 10 in the 12/19/97 version of the MOA would have caused a delay in the application process for a RIM easement. Paragraph 10 has been revised for the following reasons. If the State (RIM) process is to be parallel to the continuous CRP process (as we prefer), the local SWCD in consultation with local NRCS and FSA staff should be able to quickly approve applicants who want a permanent easement and meet CREP eligibility requirements. In other words, the speed of the approval process for RIM should mimic that used for the CRP continuous enrollment. FSA State Committee oversight of the RIM process was required in the 12/19/97 version of the MOA. That language rose from their concern that the cost of conservation practices under CREP would exceed current CRP rates. That concern, we believe, has been resolved. At the time the 12/19/97 language was negotiated, wetland restoration (CP23) was anticipated to be a significant CREP practice; hence, the potential existed for conservation practice costs to approach $600 per acre. Recently, however, the NRCS and BWSR signed an MOA to accelerate the Wetland Reserve Program. This will minimize the need to use CP23 for CREP. Consequently, practice costs under CREP will be less. To this end, paragraph 13 was revised to remove the $600 cap and obligate CCC to only pay for the "usual" CRP costs. The State will pay the remainder of the costs up to a combined total of 100 percent.

CRE6 FYI

fn-4446

MEMORANDUM OF UNDERSTANDING
Between
STATE OF MINNESOTA
And
UNITED STATES DEPARTMENT OF AGRICULTURE'S
NATURAL RESOURCES CONSERVATION SERVICE
Regarding
WETLANDS RESERVE PARTNERSHIP

This Memorandum of Understanding ("MOU") regarding Wetlands Reserve Partnership ("Partnership"), entered into this 1st day of October, 1997, is made between the State of Minnesota, by and through its Board of Water and Soil Resources ("BWSR"), and the United States Department of Agriculture's Natural Resources Conservation Service ("NRCS").

WHEREAS, BWSR is authorized to enter into this MOU pursuant to Minn. Stat. § 103F.521, subd. 1 and 471.59. subd. 1 (1996); and

WHEREAS, NRCS is authorized to enter into this MOU pursuant to 16 U.S.C. § 590a, § 3837 et seq., and 7 CFR § 1467.2; and

WHEREAS, BWSR and NRCS have a common interest in protecting soil and water quality and preserving natural resources and wildlife; and

WHEREAS, NRCS has established a Wetlands Reserve Program ("WRP") pursuant to 16 U.S.C. § 3837 to acquire easements in order to assist owners of eligible lands in restoring and protecting wetlands; and

WHEREAS, BWSR has established a Reinvest In Minnesota conservation reserve program ("RIM") pursuant to Minn. Stat. § 103F.515 (1996) and may acquire permanent conservation easements on privately owned lands to keep certain marginal agricultural land out of crop production to protect soil and water quality, support fish and wildlife habitat and to further the policies stated in Minn. Stat. § 103F.505 (1996); and

WHEREAS, the purpose of this MOU between BWSR and NRCS is to facilitate the coordination of WRP and RIM to provide for the acquisition of separate, yet complementary Federal and State conservation easements for wetland restorations on privately owned lands; and

WHEREAS, said coordination of Federal and State conservation easements will provide administrative and economic efficiencies to both BWSR and NRCS and will also provide permanent protection to lands furnishing maximum wildlife and environmental values;

NOW, THEREFORE, it is agreed between BWSR and NRCS as follows:

1. Both BWSR and NRCS may solicit and process applications for easements under this Partnership.

2. BWSR and NRCS shall share information and mutually determine whether an applicant meets the owner and land eligibility requirements under both RIM and WRP.

3. Following the eligibility determination, BWSR and NRCS shall mutually agree upon the proper easement and access descriptions for each parcel under consideration for RIM and WRP easements under the Partnership.

4. BWSR and NRCS shall mutually agree upon a total easement payment for a permanent conservation easement on each Partnership parcel in accordance with RIM and WRP requirements. The total easement payment is determined by the higher of the RIM township rates or the WRP land easement value calculation.

5. The NRCS portion of the payment will be the allowable 30-year WRP payment on the easement. The BWSR portion of the payment will be the balance of the total easement payment agreed to in item 4.

6. BWSR and NRCS shall mutually agree upon the conservation practices to be established on the conservation easement area. Conservation plans will be developed at the local field office level with appropriate state office review and approval. The parties shall divide the cost of implementing the practices required by each conservation plan as follows: NRCS shall contribute the maximum amount permitted under Federal law, and BWSR shall bear responsibility for all RIM eligible costs over the amount legally payable by NRCS.

7. BWSR and NRCS shall cooperatively work to obtain for each accepted application a title insurance policy insuring both the WRP and RIM easements. NRCS will pay for the cost of the title search. NRCS will also pay for any appraisal or survey as may be needed to ensure that a particular acquisition conforms to WRP standards.

8. RIM easements acquired under this Partnership shall be permanent and shall contain terms, conditions and requirements acceptable to NRCS.

9. BWSR shall subordinate its interest in RIM easements acquired under this Partnership to any 30-year WRP easements encumbering the same lands for the duration of the 30-year WRP easements.

10. NRCS shall delegate to BWSR all management, monitoring and enforcement of WRP easements acquired under this partnership to the extent permitted under Federal and State law, provided however, NRCS reserves the right to revoke such delegation of responsibilities if BWSR fails to enforce them, as determined by NRCS.

11. TERM OF MOU. This MOU shall be effective when signed by both parties and shall remain in effect until December 31, 2003.

12. CANCELLATION. This MOU may be cancelled by BWSR or NRCS at any time, with or without cause, upon thirty days' written notice to the other party.

13. AMENDMENTS. Any amendment to this MOU shall be in writing and shall be executed by the same parties who executed the original MOU, or their successors in office.

14. LIABILITY. BWSR and NRCS agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. BWSR liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minn. Stat. § 3.376, and other applicable law. NRCS liability shall be governed by the Federal Tort Claims Act.

15. FUNDING. Nothing in this MOU shall obligate the expenditure of any funds. Acquisition funding shall be within the terms of the parties' appropriations.

16. This program will be conducted in compliance with the nondiscrimination provisions as contained in Title VI and VII of the Civil Rights Act of 1964 as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and in accordance with the regulations of the Secretary of Agriculture (7 CFR 15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, martial status, or handicap/disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial and/or technical assistance from the Department of Agriculture or any agency thereof.

17. IN WITNESS WHEREOF, the parties have caused this MOU to be duly executed intending to be bound thereby.

STATE OF MINNESOTA,
BOARD OF WATER & SOIL RESOURCES

By: [signature]

Title: Executive Director

Date: 10/1/97

UNITED STATES
DEPARTMENT OF
AGRICULTURE,
NATURAL RESOURCES
CONSERVATION SERVICE

By: William Hunt

Title: STATE CONSERVATIONIST

Date: 10-22-97

Approved as to Form and Execution by the Attorney General

By: [signature]
Assistant Attorney General

Date: 11/24/97

COMMISSIONER OF ADMINISTRATION

By: [signature]
(authorized signature)

Date: 12/11/97

COMMISSIONER OF FINANCE

By: Mary J. Miller
(authorized signature)

Date: 12-16-97

BWSR BOARD RETREAT

When: February 25 & 26, after regular monthly Board meeting till noon on the 26th.
Where: St. Cloud, Kelly Inn and Convention Center
Time: Regular monthly Board meeting, Feb 25, 9:00 till 12:00
Retreat, Feb 25, 1:00 on till noon on Feb 26.

Tentative Agenda Topics for Retreat:

1) Water & Soil Futures - Strategic Plan Outcomes
   - BWSR strategic plan - defining and measuring progress
   - BWSR role in land use management
   - Watershed\River basin emphases
   - Multi-agency resource management support and service

2) Enhancing state\local *trust, respect, coordination & collaboration.*
   - Understanding roles
   - Expectations
   - Empowering
   - Leadership
   - Shared responsibility & accountability

3) Operation & Management of a Board
   - Board roles and responsibilities
   - Staff roles and responsibilities
   - Committees
   - Advisory groups

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
May 28, 1997

DISPUTE RESOLUTION COMMITTEE (DRC)

Membership:	Marvell Tripp, chair	watershed district
	Glenn Annexstad	citizen
	Kathleen Roer	citizen
	Jim Dahlvang	county commissioner
	Allan Oehlke	soil and water conservation district
	Jim Haertel	staff

Responsibility: The DRC is responsible for appeals relating to the Wetland Conservation Act rule decisions of local governments, watershed district rule appeals, and appeals of state agencies water decisions that are of a policy nature. The authority of the DRC is established in statute and as given by the Board. Under current guidelines the DRC receives the appeals; hears the issues; and makes recommendations to the Board.

Meetings: The regular schedule is the first Thursday of each month to hear appeals and take up other related business.

ADMINISTRATIVE ADVISORY COMMITTEE

Membership:	Kathleen Roer, chair	citizen
	Barb Cobb	water management organization
	Dwain Otte	soil and water conservation district
	Marvell Tripp	watershed district
	Darrell Bruggman	county commissioner
	Barb Uppgaard	citizen
	Ron Harnack	staff
	Mary Jo Anderson	staff

Responsibility: The administrative advisory committee will act in the capacity of a "management team" and will make evaluations and recommendations to the Board on various Board positions including standing policies; programs; ethics; expenses/per diem; legislative platforms and strategy. It will assess specific Board objectives and evaluate the Board's effectiveness. It will assist in the formulation of bylaws, review the budget, make suggestions involving Board budget and act in a personnel review function for the executive director.

Meeting: The committee will meet at the call of the chair.

EDUCATION & PUBLIC RELATIONS COMMITTEE

Membership:	Barb Uppgaard, chair	citizen
	Ginny Imholte	watershed district
	Tim Hvidsten	soil and water conservation district
	Jim Anderson	Minnesota Extension Service
	Susan Tsakakis	staff

Responsibility: The education committee is responsible for the development of an overall education strategy for the Board; establishing annual objectives; assessing the education initiatives; and updating the education strategy to meet the needs of the Board's clientele. The committee will review the training needs of the clientele and review the training plan to ensure continuity with the education plan of the Board. In addition, the committee will assess and make recommendations concerning new Board Member indoctrination materials, the need for specific Board Member educational briefs, and to develop distribution of the annual Board calendar. The committee will evaluate and make recommendations concerning BWSR's publicity and public relations tools including, but not limited to, its brochure, convention "booth" and State Fair involvement.

Meetings: Committee will meet three times a year or at the call of the chair.

COST-SHARE/SOIL CONSERVATION COMMITTEE

Membership:	Dwain Otte, chair	soil and water conservation district
	Glenn Annexstad	citizen
	Ginny Imholte	watershed district
	Allan Oehlke	soil and water conservation district
	Darrell Bruggman	county commissioner
	Barb Cobb	water management organization
	Paul Burns	Department of Agriculture
	Wayne Zellmer	staff

Responsibility: The committee has developed an implementation strategy to achieve the goals for soil conservation as defined in the Strategic Plan of the Board and has developed recommendations approved by the Board regarding the 1995 Federal Farm Bill. It is to remain actively involved in the new Farm Bill development process and act as liaison to the Board in regard to its progress and other associated issues. The committee is responsible for reviewing cost-share and general services allocations, policies and procedures and making recommendations to the Board.

Meetings: The committee will meet at least three times a year, once prior to the June allocation of cost-share and general services.

WATER PLAN REVIEW COMMITTEES; NORTH/SOUTH/METRO

Membership: The committee is the Board Members from the BWSR administrative regions - north, south, and metro.

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

Meetings: The committee will meet as necessary to review the local plans and amendments. The BWSR northern and southern regional supervisors will coordinate meeting schedules with members; in the metro region, Jim Haertel will coordinate the meetings, which regularly convene on the first Friday of each month.

WETLANDS COMMITTEE

Membership:		
	Darrell Bruggman, chair	county commissioner
	Dwain Otte	soil and water conservation district
	Barb Cobb	water management organization
	Kathleen Roer	citizen
	Glenn Annexstad	citizen
	Jim Dahlvang	county commissioner
	Wayne Edgerton	Department of Natural Resources
	John Jaschke	staff

Responsibility: The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) policies and procedures and making recommendations to the Board.

Meetings: The committee will meet at least three times during the year or at the call of the chair.

STATUTORY COMMITTEES

Membership:		
	Eric Mohring	staff

Responsibility: Interest and availability with regard to Advisory Council on Wells and Borings and Pesticide Advisory Committee.

GENERAL MEETING SCHEDULE

The Board has adopted a resolution that committees would schedule meetings in conjunction with monthly Board meetings as much as possible.

Advisory members have offered to serve on BWSR committees and assist as needed.

Minnesota Board of Water & Soil Resources

BWSR COMMITTEES

May, 1997

SCHEDULE	DRC	EDUCATION	COST SHARE	WCA	ADMIN	WATER PLANNING		
						METRO	NORTH	SOUTH
SWCD								
Oehlke	Oehlke		Oehlke					Oehlke
Otte			Otte, Chair	Otte	Otte	Otte		
Hvidsten		Hvidsten					Hvidsten	
WD								
Tripp	Tripp, Chair				Tripp			Tripp
Imholte		Imholte	Imholte				Imholte	
Cobb			Cobb	Cobb	Cobb	Cobb		
CC								
Dahlvang	Dahlvang			Dahlvang				Dahlvang
Bruggman				Bruggman, Chair	Bruggman		Bruggman	
???								
CITIZEN								
Annexstad	Annexstad		Annexstad	Annexstad				Annexstad
Roer	Roer			Roer	Roer, Chair	Roer		
Uppgaard		Uppgaard, Chair			Uppgaard		Uppgaard	
AGENCY								
DNR				DNR				
MDA			MDA					
PCA								
MDH								
MES		MES						
BWSR STAFF	Jim Haertel	Susan Tsakakis	Wayne Zellmer	John Jaschke	Mary Jo Anderson	Jim Haertel	Regional Staff	Regional Staff
		Joe Wiltsey			Ron Harnack	Doug Thomas		

Other Councils or Advisory Committees on which BWSR has representation:
- Feedlot Advisory Committee (PCA/MDA) - Allan Oehlke
- Advisory Council on Wells and Borings (MDH) - Eric Mohring
- Pesticide Advisory Committee (MDA) - Eric Mohring

OVERVIEW
WRIGHT COUNTY COMPREHENSIVE LOCAL WATER UPDATE

RECEIVED
JAN 0 9 1998

Background

The original comprehensive local water plan was developed from June 20, 1989--with the adoption of a resolution to develop a comprehensive plan--to August 2, 1992, when Wright County provided the Board of Water and Soil Resources (BWSR), with its final plan. On November 17, 1992, BWSR approved the plan. On November 24, 1992, the Wright County Board of Commissioners adopted the Comprehensive Local Water Management Plan.

Local Comprehensive Water Plan Update

Wright County passed a resolution to update their plan on October 24, 1997. Due to only a short three-year implementation window and staff turnover, Wright County requested a two-year extension. On November 3, 1994, the formal request was granted until December 31, 1997. After a series of task force meetings, they completed the plan and began the 60-day review on July 8, 1997. The final plan was submitted October 20, 1997. Wright County Planning and Zoning was delegated by the county to administer the Local water Plan and the update process in coordination with the local task force and county commissioners.

County Description

Wright County is located in South Central Minnesota in the transition zone. Most of the county was originally covered by the Big Woods, a hardwood forest that stretched over much of South Central Minnesota. Because of the county's location adjacent to the seven-county metro area and along the I-94 growth corridor, it has been profoundly impacted by development. Western Wright County has retained its agricultural land uses and lower population densities. Eastern Wright County is characterized with rapidly growing municipalities, urbanized townships, and increasing pressure on water resources. The county's population increased 130% from 1960 to 1990. Population growth is expected to continue.

Wright County has considerable water resources. The county has 298 lakes. Groundwater is also plentiful. One of the major water management challenges will be maintaining groundwater quality while the county continues to grow rapidly.

52% of the county is in cultivated agricultural land uses. The county is a major producer of dairy products. Urban and rural residential land uses combine for 18%, forests 14%, lakes and wetlands 10%, and pasture 6%.

Surface water drainage falls within three major watersheds. The northern part of the county flows directly to the Mississippi River, the rest of the county drains to the Mississippi through the north and south forks of the Crow River.

Lake water quality is a major issue in the county. The northwestern corner is in the Clearwater

River Watershed District. The county also has lake improvement districts on lakes Charlotte, Pulaske and Indian.

Plan Update review

The second generation of plans encourages counties to develop and expand on partnerships, update goals, objectives, and 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 Statute MS 103B, counties updating their plan are encouraged to include stormwater management in the goals and objectives and must address new mandates, including wellhead protection, sensitive groundwater areas, and high priority wetland areas.

The Wright County Water Plan Update includes the new mandates. The updates reflects partnerships with neighboring counties, including the Anoka Sandplain project and State Revolving Fund (SRF) Joint powers group. Wright County's goals and objectives have accelerated both traditional and non traditional BMP's, such as fencing of cattle from riparian sources and erosion and sedimentation control in the agricultural and lakeshore, and waste management systems just to mention a few. This is being accomplished through the development of Federal, State and Local partnerships. In addition to the incentive programs, Wright County administers a number of ordinances including county landuse, septic disclosure, shoreland (which is more restrictive than the State), and is currently updating the feedlot ordinance.

BWSR staff has reviewed the Wright County Comprehensive Local Water Plan update and found that the requirements of law and rule have been satisfied under MS.103B and 9300.

OVERVIEW OF THE NORMAN COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - JANUARY 1998

COUNTY DESCRIPTION

Norman County is located in northwestern Minnesota. The county seat and largest city is Ada. Three major watersheds in Norman County [Wild Rice, Sand Hill, and Marsh] drain the county west into the Red River of the North. Norman County is under the jurisdiction of the Sand Hill River and Wild Rice watershed districts.

Norman County varies in land use types from east to west. A rolling topography and numerous wetlands characterize the eastern half of the county. Agriculture is concentrated in the western half of the county with agricultural associated businesses the primary industry.

BACKGROUND

The International Coalition approached Norman County (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 (Plan). The JPB hired TIC to be the project manager and was responsible for providing coordination between the JPB and project activities. Planning staff of the Northwest Minnesota Regional Development Commission provided assistance and support services (NWRDC).

The Board of Water and Soil Resources approved the original Plan (BWSR) on February 28, 1990. The Norman County Board of Commissioners locally adopted the Plan by passing a resolution to implement the plan on June 18, 1990. The county designated the Norman County Soil and Water Conservation District to administer the Plan.

LOCAL COMPREHENSIVE PLAN UPDATE

Norman County passed a resolution to begin the update of their water plan on December 7, 1994. The county requested two one-year extensions to complete the plan update. After a series of task force meetings the county completed a draft plan update and began the preliminary review in June of 1997. The county held the required public hearing on October 30 and they submitted the Plan to BWSR for final review in December.

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, storm water management, and high priority wetland areas. The Norman County local water plan update includes the new mandates.

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

OVERVIEW OF THE HUBBARD COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - JANUARY 1998

COUNTY DESCRIPTION

Hubbard County is located in north-central Minnesota. The county seat and largest city is Park Rapids. There are three major watersheds in Hubbard County [the Upper Mississippi, Crow Wing, and Leech Lake] that drain the county into the Mississippi River. Mahnomen County is under the jurisdiction and is a member of the Mississippi Headwaters Board (MHB). There are no organized watershed districts in the county.

Hubbard County varies in land use types from north to south. The northern and central portions of the county are heavily forested and characterized by a rolling topography containing many lakes, wetlands, and streams. Irrigated and dry agriculture plus most of the industry and urban development is concentrated in the southern third of the county.

BACKGROUND

The MHB provided grant administration and project coordination for Hubbard and the seven other counties within the MHB area during the initial plan development. The Hubbard SWCD was selected to lead the planning effort. Klaers, Powers and Associates provided planning assistance and support services.

The Board of Water and Soil Resources (BWSR) approved the original Plan on December 20, 1989. The Hubbard County Board of Commissioners locally adopted the Plan by passing a resolution to implement the plan on February 7, 1990. The county board designated the Environmental Services Department (ESD) to implement the Plan and lead plan revisions. The ESD hired Shelly Hanson hired to be Local Water Plan Administrator.

LOCAL COMPREHENSIVE PLAN UPDATE

Hubbard County passed a resolution to begin the update of their water plan on December 7, 1994. The county requested two one-year extensions to complete the plan update. After a series of task force meetings the county completed a draft plan update and began the preliminary review in July 1997. The county held the public hearing on October 7, 1997, and they submitted the Plan to BWSR for final review in November. The final Plan will come before the BWSR Ad Hoc Committee and Board in February 1998.

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, storm water management, and high priority wetland areas. The Hubbard County local water plan update includes the new mandates.

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

FOR YOUR INFORMATION
(does not pertain to BWSR meeting today)

- "Board Member Update"
- Memo of January 5, 1998, from Ron Harnack regarding MOU for Proactive Involvement in Metro Watershed Planning
- Memo of January 15, 1998, from Wayne Zellmer regarding SRF AG BMP Subcommittee Meeting
- Memo to agencies regarding state review of Roseau County Water Plan
- Minnesota Statutes Annotated, 1998 Cumulative Annual Pocket Part
- Overview of Blue Earth County Comprehensive Water Plan Update 1998 - 2007
- Minnesota Environmental Trust Fund Coalition Information
- Letter of January 27, 1998 from D'Wayne DeZiel, MASWCD, regarding the 1998-99 General Service Allocation to SWCDs

Minnesota Board of Water & Soil Resources

Board member Update

January 1998

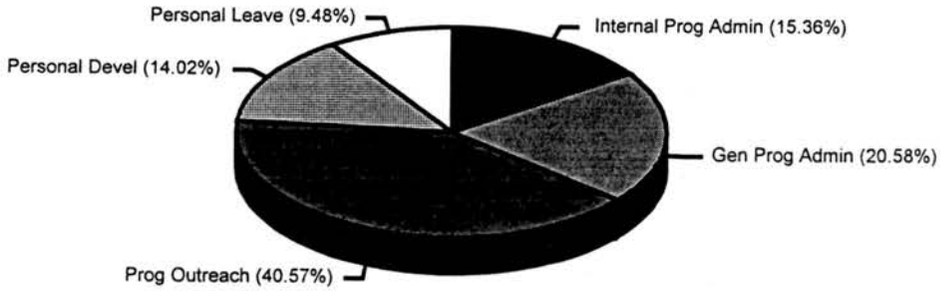
Metro Region

The metro region has just completed a six month trial of a new system of time accounting for board conservationists (BCs) for the purposes of assessing workload and determining if we are meeting program goals. The system was developed by Doug Snyder, planner, and Char Sokatch, metro region secretary, and is set up to produce some graphical representations with a few key strokes. The accompanying graph is one of the charts that is set up to represent overall time allocation. The system will be placed on the back burner until after the regional work plan is developed as a follow up to implementation of the BWSR Strategic Plan. The intent then is to possibly rework the work task categories to reflect the goals that might come out of the regional work plan.

A quick assessment of the July to December trial period of the time accounting system showed that the BCs were on target for program outreach, since the BC position descriptions indicate that BCs should focus 40 percent of their effort in that area. Further assessment of metro's effort in program administration and

Metro Accomplishment Report

July 23 - Dec. 23, 1997



program outreach shows the following relative dispersement of effort with our most significant clientele: SWCDs (16 percent); watershed districts (14 percent); joint powers watershed management organizations (33 percent); cities (13 percent); and counties (24 percent). This kind of assessment will help to manage our workload and focus more or less attention based on clientele needs as identified through the regional work planning process.

This kind of assessment will help to manage our workload and focus more or less attention based on clientele needs as identified through the regional work planning process.

The Metro Region has hired a new student intern, Bill Sands. Bill comes to BWSR from Saint Mary's of Winona. He will be using this internship to complete his Masters of Science in Resource Analysis.

Doug Snyder is continuing to work with Carver County on their watershed management and wetland plans as part of a Twin Cities Water Quality Initiative Grant. He has been working on some guidance documents related to the water planning process, such as developing a work plan and creating and working with technical and citizen advisory committees. We hope that the plan and planning process can be used as a model for other county-wide water planning efforts.

BC Phil Belfiori continues to serve as acting West Metro BC by contributing his expertise to watershed districts and watershed management organizations (WMOs) in development of their "second generation" watershed plans. He is also providing direction to Scott and Carver county in working toward development of county-wide water plans for the areas within those counties with non-implementing WMOs.

Phil has also been had a good amount of WCA activity recently. One project alone required six technical evaluation panels (TEPs). Phil has also been involved in several violations. Phil has represented BWSR on the Technical Advisory Committee to the Advisory Council on Community-Based Planning, and has been active on the subcommittee that formulated plan review criteria for the conservation and sustainable development portions of the state's community-based plans.

Metro BC Matt Moore has been substantially involved with the Brown's Creek Legislative Commission on Minnesota Resources (LCMR) project and has been assisting Washington SWCD and the Brown's Creek Watershed District in developing a program for disbursement of the funding to eligible projects that further trout stream management. Matt has also spent some time in coordinating with Washington County, the Cities of Cottage Grove, Newport, St. Paul Park, Woodbury, and Grey Cloud Island over consolidation of the defunct WMO into the South Washington Watershed District. Matt has also been involved with dealing with the issues relating recent concerns expressed by Met Council and a citizens group about watershed management in the Central Ramsey WMO. The citizens group has prepared a petition for a watershed district and have about one-half the number of required signatures.

Engineering and Technical Services

Technical Training and Collaboration

Justin Jeffery, training and design engineer, responded to a number of interesting feedlot analysis and design questions from SWCD staff again this month. Use of the Feedlot Evaluation model (Fleval) continues to generate questions. The user-friendly version of the model developed by Bryan Alpaugh, former BWSR computer specialist, and Justin more than a year ago has increased the usability and use of the model to evaluate feedlots and pollution abatement alternatives. Justin reports that John Burgers, Rock SWCD, recently sought some help and shared some enthusiasm about using the revised model and receiving associated assistance from BWSR. Justin provided some formal training for using the revised model last year and expects to provide more this year.

A joint SWCD/NRCS/BWSR engineers meeting is scheduled for February 3-5 in St. Cloud. It's BWSR's turn to organize this annual (sometimes semiannual) meeting. Justin is taking the lead for such, with assistance from Char Sokatch, metro region secretary. One full day of the meeting will focus on feedlot technical assistance and regulation. Several MPCA staff are planning to participate in these discussions. Other areas of focus will include computer-aided design coordination, construction inspection and other current technical assistance issues. A breakout session for BWSR and SWCD joint powers area staff is also planned.

Justin attended an MPCA training session for County Feedlot Officers (CFOs) in December. Al Kean, chief engineer, and Justin are working at developing stronger coordination and collaboration between CFOs, SWCD, NRCS and BWSR technical assistance staff. The rapid growth in the number of counties with delegated feedlot permitting programs and CFOs during the past several years has generated some inconsistencies and misunderstandings around the state regarding what's acceptable for manure management systems. We've been working with MPCA staff to identify opportunities for collaborative training and other coordination.

MPCA staff are leading interagency coordination for the feedlot Generic Environmental Impact Statement (GEIS) that the Governor has included in his current budget request. Al is serving as the BWSR representative for this coordination. The Environmental Quality Board (EQB) has the authority to order a GEIS. The format and scope of a GEIS are not prescribed in the same manner as a project-specific Environmental Impact Statement (EIS). Funding can come directly from the Legislature and/or from agency budgets, as well as from other sources. Many legislators and committees are asking for briefings about the proposed feedlot GEIS. MPCA and MDH have stated that a moratorium on feedlot permitting is not warranted during the preparation of the feedlot GEIS.

All of the Area Training Teams have met at least once recently to evaluate

Use of the Feedlot Evaluation model (Fleval) continues to generate questions. The user-friendly version of the model developed by Bryan Alpaugh, former BWSR computer specialist, and Justin more than a year ago has increased the usability and use of the model to evaluate feedlots and pollution abatement alternatives.

This is surely the most comprehensive training needs assessment and planning that has occurred within the partnership for a number of years.

training needs inventories conducted during the past several months and plan for area level training in 1998. This is surely the most comprehensive training needs assessment and planning that has occurred within the partnership for a number of years. Some areas have 1998 training plans developed and are proceeding to provide training starting this month. Justin and Joe Wiltsey, training coordinator, are encouraging area training teams and trainers to post planned training on the Schedule of Events, which is accessible to virtually all of the partners via e-mail. Area training needs inventories and training plans will be consolidated in early February. Opportunities for coordination across area boundaries and the need for state level training are expected to be identified. We hope to advance the timing of area and state level planning for training by several months during the next annual cycle.

Justin and Al recently attended a training planning meeting in Area VII to better understand training challenges and opportunities at the area level. The Area VII training needs inventory includes a wide array of requests. There were concerns in the engineering discipline that new SWCD and NRCS staff be provided some basics like hydrology training, so that type of basic training is being considered. The NRCS has a good series of video modules and an associated notebook for hydrology training. People from other disciplines expressed enthusiasm for developing course descriptions for other disciplines.

Justin continues to provide SWCD joint powers staff info about training opportunities from outside sources via e-mail and the Schedule of Events. He also recently provided the updated version of Minnesota NRCS Technical Release 2, Slope Protection for Dams and Lakeshores, to SWCD joint powers staff and BWSR engineers.

Lakeshore Engineering

The past few months have been busy for BWSR lakeshore engineering staff, as winter set in along the North Shore. Gene Clark, lakeshore engineer, and Brad Matlack, lakeshore engineering technician, provided construction inspection assistance to SWCDs until freeze-up and topographic survey assistance for several cost-share projects to be designed this winter.

January is Great Lakes Commission (GLC) grant proposal time. Gene Clark, lakeshore engineer, teamed up with Mark Nelson, board conservationist, the Lakes Superior Association of SWCDs and Al to prepare two proposals that were submitted recently. Al involved Eric Mohring, groundwater specialist, on one of these proposals, which has a focus on developing better data and methods of analysis for soils and groundwater affecting North Shore landslides and stabilization.

Gene recently met with Lake SWCD, the DNR, a private developer and a consulting engineer regarding a potential new development along the shores of Burlington Bay at Two Harbors. The potential project site is

adjacent to the Two Harbors campground shoreline stabilization project for which BWSR staff provided substantial technical assistance. The potential development site involves 1,800 feet of tall clay banks that have a substantial shoreline erosion problem. We're not sure where this project is going, but will stay tuned.

Winter is also a time to focus on designing projects for the next construction season. Gene and Brad Matlack, lakeshore engineering technician, have been doing just that for three new cost-share projects and another project. Having final plans and specifications ready for spring construction is the goal.

The Arrowhead Regional Development Commission and North Shore Management Board continue to pursue a Phase II Clean Water Partnership project for North Shore watersheds. The project would make State Revolving Fund (SRF) loans available for septic system upgrading, shoreline stabilization and other nonpoint best management practices (BMPs). Gene continues to work with Mark Nelson and MPCA staff to provide technical assistance for this effort.

Funding for North Shore nonpoint projects is looking up and potentially challenging at this time. The EPA has approved two BWSR grant proposals -- one for $60,000 for shoreline erosion control and the other for $22,500 to continue Brad's Matlack's part-time technical assistance position in Duluth. We are hopeful to optimistic about the GLC grant proposals submitted. We are also hopeful about the Clean Water Partnership Phase II project, which would make low interest loan funds available. We've been trying to help access the latter funding source for several years now.

MPCA staff have commended Gene and Mark for their assistance with the Clean Water Partnership project to date. MPCA staff Julie McDonnell and Dan Helwig should also be commended for their efforts and support for this project.

Conservation Easements

The results of the 1997 flood sign-up are outlined in the 12-1-97 memo from Tim Fredbo, easement program manager, to board members. Some of the significant numbers include:

•41 easements approved

•total cost of $2.7 million

•demand = $3.2 million

•11 wetland restorations; 1,088 acres

•30 riparian easements; 1,793.5 acres

•96 percent of total are in MN River basin

Applications for the regular Reinvest in Minnesota (RIM) Reserve/ Permanent Wetland Preserves (PWP) sign-up were due in from SWCDs to board conservationists on 12-12-97 and were due in the central office at the end of December. Approximately $3.8 million is available for this sign-up. Final numbers will be available at the March board meeting.

To date, 17 landowners have agreed

The EPA has approved two BWSR grant proposals -- one for $60,000 for shoreline erosion control and the other for $22,500 to continue Brad's Matlack's part-time technical assistance position in Duluth.

To date, 17 landowners have agreed to enter into RIM/Wetland Reserve Program (WRP) partnership easements.

to enter into RIM/Wetland Reserve Program (WRP) partnership easements. Recall that these easements piggyback federal WRP 30-year easements with RIM Reserve perpetual easements. The total costs for associated easements and conservation practice establishment under the partnership will be $522,360, of which the NRCS will pay $325,454 and the BWSR $196,906. The NRCS has a substantial amount of funding to encumber during federal fiscal year 1998. The strategy has been to identify existing approved RIM applications made by landowners that are agreeable to the piggyback arrangement.

The latest North American Wetland Conservation Act (NAWCA) grant to receive tentative approval is the Prairie Heritage Wetland Restoration Project, which is focused on native prairie areas of Minnesota. The project includes $75,000 for RIM easements adjacent, or in close proximity, to existing tracts of native prairie wetland ecosystems. We expect final approval of this grant in early 1998. This project will raise the number of active NAWCA grants involving RIM Reserve to six (MN River II, MN River III, Heron Lake, Grass Lake, Northern Tall Grass Prairie and Prairie Heritage). The total federal grant funding for RIM Reserve from these projects is $2.1 million.

Tom Wenzel, design engineer, recently attended a couple of meetings about the proposed restoration of Mountain Park Lake in Cottonwood County. The lakebed is about 1,100 acres in size and includes potential for some significant flood reduction on the Watonwan River. Although the involved landowners are very interested in restoration, they reportedly are very concerned about property taxes after restoration. The county is apparently also concerned about loss of 1,100+ acres of cropland from the property tax base. It appears these concerns may result in the landowners selling their affected land to the U.S. Fish and Wildlife Service in fee title instead of pursuing RIM or WRP easements.

Jeff Hedtke, wetland restoration technician, recently attended a meeting about the proposed Eagle Lake restoration project at Winthrop in Sibley County. This project is currently being investigated by several entities. RIM easements could be a method to secure public interest in the property to allow flooding of the basin. Things are quite preliminary at this time regarding project feasibility.

Tom Wenzel, Jeff Hedtke and Jim Luniewski, design technician, have been very busy during the past few months assisting SWCDs with surveys and technical evaluations for wetland restoration easement applications. The warm weather this winter has allowed contractors to work on a few more projects, which has necessitated some much later than usual construction inspection.

Southern Region

The new Local Government Annual Reporting System (LARS) is the required format for local government units (LGUs) to use for submitting their 1997 reports for Local Water Planning, the Wetland Conservation Act (WCA), State Cost-Share, and Conservation Easement programs. The deadline for the report is February 1, 1998. Being a new program, most have initially grumbled, but once they are close to the finished product have seen the process as a good one. Because LARS is a new reporting program, there are some computer glitches that need addressing. All-in-all, it should provide a useful reporting product both for the LGU and the state.

Natural Resource Block Grant (NRBG) applications for 1998 were due to the BWSR BCs by January 15, 1998. LGUs began preparation of this application in December 1997. More BC work on NRBG applications is being done.

The Minnesota River Water Quality Improvement Project involves a special legislative allocation of $475,000 for projects within the Minnesota River Basin. The application process for local government units was a two-step process. The first step of the application process was completed in November 1997. In December 1997, seven LGUs submitted second-step applications to the New Ulm BWSR office. BC Thomas Fischer developed an application summary packet which was distributed to all the BWSR/ Minnesota River Joint Powers Board (MRBJPB) committee members for their review. The funding recommendations will be presented to BWSR at the January board meeting.

BC Chris Hughes worked with BC David Sill and Geographic Information Systems (GIS) Specialist Tim Ogg to provide information to the Southwest State University president and staff and local government staff who are contemplating development of a GIS center in Marshall. If successfully implemented, it would mean that government employees would have access to GIS information, training, and support in at least four locations in southern Minnesota: the DNR, with locations in Rochester and New Ulm; Mankato State University; and Southwest State University.

Chris Hughes and Jeff Hedtke, wetland restoration specialist, met with LeSueur SWCD to discuss marketing of the RIM Reserve Program through a cooperative agreement with LeSueur County, with the county providing funding and a position description for this effort. The effort would target the Lake Washington watershed for improving the water quality in the lake. It remains to be seen what will happen, but there is reason for optimism that such an agreement will be reached.

Chris Hughes also worked with the South Central Minnesota County Comprehensive Water Planning Project and the Blue Earth River Basin Initiative (BERBI) on an EPA application for wetland funding to do an inventory of drained wetlands and a value and function assessment. The

If successfully implemented, it would mean that government employees would have access to GIS information, training, and support in at least four locations in southern Minnesota: the DNR, with locations in Rochester and New Ulm; Mankato State University; and Southwest State University.

purpose of the project is to find those sites that are deemed most important to restore.

Chris represented the Blue Earth County Wetland Conservation Act (WCA) technical evaluation panel at a recent Blue Earth County Board meeting. The subject was the water level control elevation for a proposed Indian Lake restoration. Replacement credit for the on-going Mankato southern bypass is the reason for the restoration. Much research was done to determine how deep the lake could be and still receive replacement credit. With the help of Barbara Ohman, wetland specialist, the technical evaluation panel (TEP) was able to successfully persuade the Blue Earth County Board to establish the elevation at a level that should provide adequate replacement; however, it will not be the optimum replacement credit level. The structure is in place and working, and the 60-acre restoration is underway.

Dan reports it is nice to see the momentum built through the recently revised BWSR Strategic Plan carried forward into a long overdue plan for Water Planning, a critical BWSR program.

Northern Region

North Region staff made through another convention season. Most reports were favorable regarding all three conventions. Good mini-sessions, good main sessions, good food, and good schmoozing. BCs Brian Dwight, Dan Steward, and Mark Nelson attended the Association of Minnesota Counties (AMC) convention from the north; BCs Bill Best, Dale Krystosek, and Pete Waller, and Northern Supervisor Ron Shelito took in the Minnesota Association of Watershed Districts (MAWD) meeting in Alexandria; and Forester Jim Lemmerman, Lakeshore Engineer Gene Clark, Ron Shelito, Wetland Specialist Dan Eklund, Training Coordinator Joe Wiltsey, and BCs Keith Grow and Pete Waller attended the Minnesota Association of Soil and Water Conservation Districts (MASWCD) convention in Rochester. Staff also attended the community based planning meetings that were held around the state in November. Ron Shelito went to Duluth, Brian Dwight covered Bemidji, Bill Best went to Crookston, Dan Steward did double duty in Hibbing and Brainerd, and Dale Krystosek carried the BWSR torch to the Fergus Falls meeting. Staff found the meetings interesting and fit in where they could.

Dan Steward and Dale Krystosek attended the second local water planners focus group meeting in St Cloud. Clientele from around the state attended, along with BWSR field and program staff. Dan reports it is nice to see the momentum built through the recently revised BWSR Strategic Plan carried forward into a long overdue plan for Water Planning, a critical BWSR program. Attendees identified retaining program flexibility as a key long range goal for the program. At least one water planner put forward the idea of a BWSR newsletter to keep local governments posted on happenings around the state and new opportunities through water planning.

Keith Grow dealt with six very controversial Wetland Conservation Act (WCA) situations in November and early December that were concluded without going to the appeal process. Keith reminds us what a good job the LGUs are doing with WCA, especially in high workload counties like Chisago, Wright, and Kanabec. Keith also reports that he and Kerry Saxton, Wright SWCD, are working with Wright Planning and Zoning staff to incorporate WCA rules into the existing Wright County Shoreland Ordinance. This is a critical step in providing one stop shopping to citizens and clearing up some of the confusion over permit requirements.

Dale Krystosek assisted Cass and Beltrami counties with the preparation of a Clean Water Partnership application for Cass and Winniebigosish Lakes. This is a cooperative project that also involves the Leech Lake Reservation, Chippewa National Forest, and the DNR. Any agencies not represented, please raise your hand now!

Bill Best met with the U.S. Fish and Wildlife Service (USFWS) and MNDOT staff and Dan Eklund from our staff to discuss the possibility of a joint effort in obtaining a site near Winger in northwest Minnesota to restore wetlands needed for the BWSR Public Road Mitigation Program. Of the 2,000 acres available, 700 to 900 acres could be restored wetlands. The USFWS has interest in the upland and wetland areas for habitat development, while the BWSR and MNDOT need wetland credits. The deciding factor will be determining a price per acre that is acceptable to the landowners. An appraiser has been hired and should be completing the appraisal soon. Work could begin this spring to identify the actual wetland restoration sites.

Brian Dwight has also been busy looking for wetland mitigation banking sites. MNDOT staff members from the Duluth office have been looking over some sites in Marshall County. Since there are not a lot of restoration sites available in northeast Minnesota, some MNDOT staff and others are looking elsewhere. Brian has assisted with site investigations, some photo interpretations, and some initial wetland determinations.

Brian also reports an interesting RIM Reserve application in Marshall-Beltrami SWCD. It seems a public water wetland was drained due to an "act of God," thus making it possible to crop. A legal battle has ensued involving the DNR and Marshall County. DNR staff and BWSR RIM staff put their heads together and decided the best course of action is to do a RIM wetland restoration on the site. This would save a lot of time, money, and aggravation in the long run.

Bill Best recently worked with Doug Thomas, water planning coordinator, and Wayne Zellmer, grants coordinator, to present information on next year's block grant application process to a group of local staff. MPCA staff also attended from the Detroit Lakes office and answered many good questions about the feedlot portion of the grant. Keith Grow coordinated a similar session in the Brainerd area.

Keith also reports that he and Kerry Saxton, Wright SWCD, are working with Wright Planning and Zoning staff to incorporate WCA rules into the existing Wright County Shoreland Ordinance. This is a critical step in providing one stop shopping to citizens and clearing up some of the confusion over permit requirements.

It is important to do this kind of up front work with our clientele regarding our grant programs. The personal service is appreciated and saves us time in the long run.

Training Coordinator Joe Wiltsey reports that all seven Area Training Teams have been reorganized and most have met. The Area Training Teams consist of NRCS area conservationists and staff, SWCD employees, watershed district representatives, the MASWCD area director, and BWSR field staff. The Area Training Teams are gathering training requests and determining training needs. These requests will be considered by the statewide training team.

Mark Nelson and Ron Harnack visited Koochiching County to present a draft "flexibility plan" for the Koochiching County Board to consider.

Mark Nelson and Ron Harnack visited Koochiching County to present a draft "flexibility plan" for the Koochiching County Board to consider. As you recall, Koochiching was one of the final holdouts to adopting WCA. The plan was developed with the SWCD and Commissioner Gary Bowman. Marks says that they had a good dialogue with the county board and that we have built many communication bridges.

Board Members packet

Minnesota Board of Water & Soil Resources

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January 5, 1998

To: Rod Sando, MDNR
Kelly Johnson, MDH
Peder Larson, MPCA
Sharon Clark, MDA
Helen Boyer, Met Council

From: ~~Ron Harnack~~, BWSR Executive Director

Re: MOU for Proactive Involvement in Metro Watershed Planning

Enclosed is a copy of the fully executed Memorandum of Understanding (MOU) relating to watershed planning in the seven county metro area that our agencies recently developed and agreed to. Thank you for supporting this agreement. The BWSR is confident that the proactive approach that this agreement represents will, in the long run, result in improved watershed management plans in the Seven County Metro Area that reflect the interests of more stakeholders than has been possible in the past.

The staff of our respective agencies that worked out the details of the MOU and have endorsed a more proactive approach to metro watershed management must be commended for their efforts. The support you've demonstrated as an agency head will give our staff the ability to manage and prioritize their workloads to the degree needed to make this concept work.

I believe that this approach will provide us with many opportunities through the existing watershed planning process to promote such concepts as sustainable development, ecosystem based management, and greenway corridor preservation. These are all concepts and goals that we mutually endorse for the improvement of our metropolitan natural resources.

Encl - MOU

cc 509 Agency Plan Review Committee
Kathleen Wallace, DNR, Metro Region
Sharon Phiefer, DNR Metro Region
BWSR Staff: Sandstrom, Moore, Belfiori, Snyder, Haertel, Birkholz
Barb Cobb
Kathleen Roer
Dwain Otte

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MEMORANDUM OF AGREEMENT
Between the
REVIEW AGENCIES
And the
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

PURPOSE:

This Agreement is intended to identify and agree to the cooperative roles and responsibilities of the Minnesota Board of Water and Soil Resources and the Review Agencies in the development of Watershed Management Plans in the seven county metropolitan area pursuant to Minnesota Statutes, Section 103B.201 to 103B.255. This agreement is in furtherance of one of several general agreements reached by the parties in a meeting held on December 12, 1996 at the History Center for the purpose of improving watershed plan implementation. At the December 12, 1996 meeting the parties agreed to place more effort in working proactively with watershed management organizations during the watershed plan development process to provide better opportunity for consideration of issues of mutual concern.

COOPERATION:

The BWSR and the Review Agencies will cooperate and use their reasonable efforts to ensure the most expeditious implementation of the various provisions of this Agreement. The parties agree to, in good faith, undertake resolution of any dispute in an equitable and timely manner.

DEFINITIONS:

Agreement. "Agreement" means this Memorandum of Agreement.

BWSR. "BWSR" means the Board of Water and Soil Resources.

Citizen Advisory Committee (CAC). "Citizen Advisory Committee" means individuals with an interest in watershed management or others appointed by the WMO to provide planning assistance for the development of the WMO watershed management plan.

Review Agencies. "Review Agencies" means the Metropolitan Council, a public corporation and political subdivision, and the following state agencies/departments/boards: the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Department of Agriculture and the Board of Water and Soil Resources.

Technical Advisory Committee (TAC). "Technical Advisory Committee" means individuals identified by the WMO to provide planning assistance for the development of the WMO watershed management plan.

Watershed Management Organization (WMO). Has the meaning found in Minnesota Statutes Section 103B.205, Subdivision 13.

Watershed management plan. "Watershed management plan" means the Watershed Management Plan prepared by the WMO as required by Minnesota Statutes Section 103B.231, subdivision 1.

AUTHORITIES:

Nothing in this Agreement alters the statutory authorities or responsibilities of the BWSR or Review Agencies or requires activities by the BWSR or the Review Agencies beyond their statutory authority or responsibility. This Memorandum of Agreement is limited to development of watershed management plans.

THE BWSR WILL:

1. Assist and support WMOs in the development of their watershed management plan to meet requirements set forth in Minnesota Statutes Sections 103B.201 to 103B.255. To assist the WMOs, BWSR will:

    a. Assist with the identification of information needs.
    b. Attend and participate in regular meetings of the WMO Boards, TACs and CACs to provide input and guidance on the plan development.
    c. Review existing plans and studies for potential conflicts and opportunities with the plan update.
    d. Provide written examples for plan sections to WMOs and agencies.
    e. Provide the Review Agencies with a work plan and projected watershed planning schedule so that the Review Agencies can make arrangements for the appropriate staff to attend and participate in WMO plan development.

2. Provide planning and technical assistance to the WMO needed for the WMO watershed management plan update.

3. Facilitate resolution of any disagreements between the WMO and a Review Agency(ies).

THE REVIEW AGENCIES WILL:

1. Attend and participate, to the degree practicable, in the meetings of the WMO Board, TACs and CACs to provide input, guidance and review of the watershed plan on issues that are important to the agency.

2. Provide information in their possession to WMOs needed to update the watershed management plan. This includes data, studies, resource management plans and other information that would be relevant to a particular watershed planning effort. The information will be provided in a usable format and in compliance with the state data compatibility guidelines where appropriate.

3. Provide the BWSR the names of all staff who should be notified of any meetings of a WMO, CAC or TAC where the content of a watershed plan will be considered.

BE IT FURTHER MUTUALLY AGREED THAT:

1. Term. This Agreement shall be in effect from the date of execution by all parties and shall continue in effect until completion of the priority schedule (attached).

2. This Agreement may be terminated upon mutual consent of the Review Agencies and BWSR or if any party does not fulfill the obligations contained in this Agreement. Any party to this agreement may withdraw from further participation in this agreement upon written notice to the other parties.

3. The State Review Agencies agree to actively participate in the plan development process to the degree allowed by other workload commitments and will internally promote involvement with watershed planning as a high priority task.

4. Liability. Each party to this Agreement shall be liable for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party, its officers, employees or agents. Nothing in this agreement shall be deemed to be a waiver by any of the parties of any applicable immunities or limits of liability including, without limitation, Minnesota Statutes section 3.736 (State Tort Claims) and chapter 466 (Municipal Tort Claims).

5. Modifications. Any alterations, variations, modifications, or waivers of the provisions of this Agreement will be valid when they have been reduced to writing and signed by authorized representatives of the BWSR and Review Agencies.

6. Data Practices. For purposes of this Agreement, all data collected, created, received, maintained or disseminated shall be governed by the Minnesota Government Data Practices Act, MN Statutes Chapter 13 and the Minnesota Rules implementing the Act now in force or hereafter adopted as well as Federal laws on data privacy. The BWSR and Review Agencies will comply with these statutes and rules.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below:

BOARD OF WATER AND SOIL RESOURCES

Kathleen M. Roer, Chair — 9/29/97 Date

METROPOLITAN COUNCIL

Helen Boyer, Director, Environmental Services Division — 12/18/97 Date
(Name & Title)

DEPARTMENT OF NATURAL RESOURCES

Robert G. Landwehr Commissioner — 11/4/97 Date
(Name & Title)

MN DEPARTMENT OF AGRICULTURE

Sharon K. Clark - Deputy Commissioner — 9/29/97 Date
(Name & Title)

MN DEPARTMENT OF HEALTH

Wilbur Johnson - Assistant Commissioner — 11-24-97 Date
(Name & Title)

MN POLLUTION CONTROL AGENCY

Peder Larson — 12/11/97 Date
(Name & Title)

Board Info Packet

MEMO

To: GREG, RON H., AL
From: WAYNE
Subject: SRF AG BMP SUBCOMMITTEE MEETING
Date: January 15, 1998

The SRF AG BMP Subcommittee met on January 13. The purpose of the Meeting was to select allocation recommendations for the Commissioner to consider.

SRF AG BMP Loans

Because the State did not appropriate the required match during the 1997 legislative session, we did not receive a federal allocation for the FY 98 AG BMP Program. The only funds available for this allocation were "roll-over" funds. This amounts to $1,477,503. For the Committee's recommendation please refer to the enclosed "Allocation Summary AG BMP Program".

During the 1998 legislative session, DTED and Dept. of Finance will be urging the legislature to appropriate the match for the 1998, 1999, and 2000 year's Programs. If successful, the next highest ranking applicants from the list will be funded, also.

County Wide ISTS Loan Program

The Committee felt that as though this is the "start-up" year for this Program, all applicants should receive allocations. Allocations should be graduated, however, with the highest rankers receiving the most. Please see the enclosed "Allocation Summary County Wide ISTS Loan Program".

The Commissioner is expected to consider this recommendation within the next two weeks.

Allocation Summary — Ag BMP Program

Print Code: 2,160

Rank	Applicant	Cty. No.	Amount Requested	Amount Allocated
1	Anoka Soil and Water Conservation District	1	$179,000.00	$100,000
2	Murray County	1	$970,000.00	$100,000
3	Fillmore County	1	$200,000.00	$100,000
4	Sherburne County	1	$159,450.00	$100,000
5	Goodhue County	1	$495,000.00	$100,000
6	Waseca County	1	$717,500.00	$100,000
7	Nobles County	1	$330,000.00	$51,618
8	Cottonwood County	1	$270,000.00	$51,618
9	Scott County	1	$195,000.00	$51,618
10	Winona Soil and Water Conservation District	1	$250,000.00	$51,618
11	Jackson County	1	$255,000.00	$51,618
12	Martin County	1	$440,000.00	$51,618
13	Olmsted Soil and Water Conservation District	1	$100,000.00	$51,618
14	Pipestone County	1	$150,500.00	$51,618
15	Yellow Medicine County	1	$100,000.00	$51,618
16	West Central Minnesota Joint Powers Board	8	1,383,000.00	$412,947
17	Sibley County	1	$175,000.00	$0
18	Lyon Soil and Water Conservation District	1	$232,000.00	$0
19	Mower Soil and Water Conservation District	1	$190,000.00	$0
19	Wabasha Soil and Water Conservation District	1	$300,000.00	$0
20	Kandiyohi Soil and Water Conservation District	1	$150,000.00	$0
21	Lincoln County	1	$75,000.00	$0
22	Hubbard County	1	$182,000.00	$0
23	Dakota Soil and Water Conservation District	1	$275,000.00	$0
24	Northwestern Minnesota Joint Powers Board	4	1,200,000.00	$0
25	Blue Earth Soil and Water Conservation District	1	$325,000.00	$0
26	Washington Soil and Water Conservation District	1	$263,000.00	$0
27	Douglas Soil and Water Conservation District	1	$160,000.00	$0
28	Renville County	1	$445,000.00	$0
29	Stevens County	1	$185,000.00	$0
30	Dodge County	1	$316,000.00	$0
31	Carlton Soil and Water Conservation District	1	$107,500.00	$0
32	Watonwan County	1	$380,000.00	$0
33	Carver Soil and Water Conservation District	1	$500,000.00	$0
34	McLeod Soil and Water Conservation District	1	$360,000.00	$0
35	Kittson County	1	$500,000.00	$0
36	Hennepin County	1	$72,000.00	$0
37	Rock County	1	$394,500.00	$0
38	Rice Soil and Water Conservation District	1	$488,000.00	$0
39	Wright Soil and Water Conservation District	1	$240,000.00	$0
40	Houston County	1	$175,000.00	$0
41	Chippewa County	1	$329,600.00	$0
42	Le Sueur Soil and Water Conservation District	1	$630,000.00	$0
43	Pope County	1	$170,000.00	$0
44	Faribault County	1	$225,000.00	$0
45	Steele County	1	$417,000.00	$0
46	Redwood Soil and Water Conservation District	1	$220,000.00	$0
47	Marshall County	1	$272,500.00	$0
48	Nicollet County	1	$170,000.00	$0
49	Freeborn County	1	$432,000.00	$0
50	North Central Minnesota Joint Powers Board	9	$573,000.00	$0
51	Meeker Soil and Water Conservation District	1	$200,000.00	$0
52	Stearns Soil and Water Conservation District	1	$500,000.00	$0
53	Morrison Soil and Water Conservation District	1	$250,000.00	$0
54	IMPACK - 6 Joint Powers Board	6	$550,000.00	$0
55	Brown County	1	$100,000.00	$0
55	Lac Qui Parle Soil and Water Conservation District	1	$164,000.00	$0
56	Swift Soil and Water Conservation District	1	$262,000.00	$0
	TOTALS		**$19,349,550**	**$1,477,503**

Number of Applications: 58

Maximum Allocation base on Rank

	Level 1	Level 2	Level 3	Level 4	Level 5
Percent of Applications in Level	10	17	73		
Maximum Allocation for Level	100,000	$51,617			

Category Caps

	Farm	Non-Farm
Ag Waste	150,000	150,000
Structural Erosion Control	$75,000	$75,000
Tillage Equipment	100,000	100,000
ISTS	$75,000	$50,000
Other & Wells	$40,000	$20,000

01/13/98

Allocation Summary — County Wide ISTS Loan Program

Print Code: 708

Rank	Applicant	Cty. No.	Amount Requested	Amount Allocated
1	Sherburne County	1	$54,500.00	$54,500
2	Scott County	1	$120,000.00	$120,000
3	Todd Soil and Water Conservation District	1	$100,000.00	$100,000
4	St. Louis County	1	$450,000.00	$200,000
5	Fillmore County	1	$95,000.00	$20,000
6	Wilkin County	1	$60,000.00	$60,000
7	Carver County	1	$365,000.00	$125,000
8	Waseca County	1	$125,000.00	$125,000
9	Goodhue County	1	$100,000.00	$100,000
10	Anoka Soil and Water Conservation District	1	$100,000.00	$100,000
11	Murray County	1	$400,000.00	$125,000
12	Hubbard County	1	$480,000.00	$125,000
13	Jackson County	1	$50,000.00	$50,000
13	West Central Minnesota Joint Powers Board	7	$435,000.00	$350,716
14	Martin County	1	$100,000.00	$50,102
15	Renville County	1	$675,000.00	$50,102
16	Nobles County	1	$25,000.00	$25,000
17	Cottonwood County	1	$200,000.00	$50,102
18	Carlton County	1	$150,000.00	$50,102
19	Pipestone County	1	$52,500.00	$50,102
20	Northwestern Minnesota Joint Powers Board	4	$165,000.00	$165,000
21	Cook County	1	$100,000.00	$50,102
22	Watonwan County	1	$100,000.00	$50,102
23	Hennepin County	1	$28,000.00	$28,000
24	Lyon Soil and Water Conservation District	1	$48,000.00	$48,000
24	Winona Soil and Water Conservation District	1	$52,000.00	$50,102
25	Sibley County	1	$375,900.00	$50,102
26	Stevens County	1	$60,000.00	$50,102
27	Yellow Medicine County	1	$80,000.00	$50,102
28	Douglas Soil and Water Conservation District	1	$50,000.00	$50,000
29	Rice County	1	$218,000.00	$50,102
30	Blue Earth Soil and Water Conservation District	1	$180,000.00	$50,102
31	Big Stone County	1	$240,000.00	$50,102
31	Chippewa County	1	$87,500.00	$50,102
32	Washington Soil and Water Conservation District	1	$42,000.00	$42,000
33	Mower County	1	$108,000.00	$50,102
34	Dodge County	1	$30,000.00	$30,000
34	Faribault County	1	$300,000.00	$50,102
35	Houston County	1	$100,000.00	$50,102
36	Kandiyohi Soil and Water Conservation District	1	$200,000.00	$50,102
37	Rock County	1	$17,000.00	$17,000
38	Pope County	1	$100,000.00	$50,102
39	North Central Minnesota Joint Powers Board	9	$470,000.00	$450,920
40	Freeborn County	1	$68,000.00	$50,102
41	IMPACK - 6 Joint Powers Board	6	$950,000.00	$300,614
42	Lac Qui Parle Soil and Water Conservation District	1	$36,000.00	$36,000
43	Meeker Soil and Water Conservation District	1	$100,000.00	$50,102
44	Swift Soil and Water Conservation District	1	$50,000.00	$50,000
Number of Applications: 48		TOTALS	$8,492,400	$3,999,994

Maximum Allocation base on Rank

	Level 1	Level 2	Level 3	Level 4	Level 5
Percent of Applications in Level	10	10	80		
Maximum Allocation for Level	200,000	125,000	$50,102		

Category Caps

	Farm	Non-Farm
Ag Waste	150,000	150,000
Structural Erosion Control	$75,000	$75,000
Tillage Equipment	100,000	100,000
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MINNESOTA STATUTES ANNOTATED

Official Classification

Volume 8A

Sections 97 to 103D

1998
Cumulative Annual Pocket Part

For Use In 1997–1998

Supplementing 1997 main volume

Includes laws enacted during the 1997 Regular, First Special, and Second Special Sessions

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PREFACE

The modern plan of periodic supplementary pamphlets and cumulative Pocket Parts keeps each volume of Minnesota Statutes Annotated constantly to date, both as to the text of the law and as to the constructions and interpretations thereof. The text includes all laws of a general and permanent nature enacted through the 1997 Regular, First Special, and Second Special Sessions of the 80th Legislature.

The arrangement and classification of the laws conform to the general plan and arrangement of Minnesota Statutes as designated by the Revisor of Statutes. Portions of the text appearing in this pocket part were produced from material provided by the Revisor of Statutes of the State of Minnesota and is used with permission. Grateful acknowledgment is made to the Revisor of Statutes for cooperation and service to the Bench and Bar in making the official classifications of laws available.

The annotations from the decisions of the State and Federal courts construing the Statutes close with cases published as of October 11, 1997, reported in:

North Western Reporter, Second Series	568 N.W.2d 323
Minnesota Reports	312 Minn. (Discontinued)
Supreme Court Reporter	117 S.Ct. 2537
United States Reports	514 U.S. (part)
Lawyers' Edition, Second Series	138 L.Ed.2d (part)
Federal Reporter, Third Series	122 F.3d 47
Federal Supplement	971 F.Supp. 1482
Federal Rules Decisions	174 F.R.D. 126
Bankruptcy Reporter	211 B.R. 1026
Federal Claims Reporter	38 Fed.Cl. 385
Opinions of the Attorney General	Op.Atty.Gen.No. 238i, February 23, 1996

Other Standard Reports

For subsequent judicial constructions, pending the publication of the next supplementary service, see Table of Statutes Construed in the later permanent volumes and weekly Advance Sheets of the Reporters listed above.

Annotations prepared from Law Review Commentaries and the Opinions of the Attorney General, the Ethical Practices Board, and the Lawyer's Professional Responsibility Board are also included in the pocket parts and supplementary pamphlets, where appropriate.

Additionally, Library References to Key Number Digests and to Corpus Juris Secundum provide a convenient aid to research. Administrative Code References provide access to administrative rules adopted by state agencies. Amendment notes, highlighting significant legislative changes in the text of the statutes, are editorially prepared and included in the pocket parts for the convenience of the user.

For the Numerical Table of Chapters of Minnesota Statutes and Minnesota Statutes Annotated, see Volume 3 Pocket Part.

PREFACE

Later laws and annotations will be cumulated in subsequent Pamphlets and Pocket Parts. For advance copies of laws enacted at subsequent sessions of the Legislature, see the Minnesota Session Law Service or the WESTLAW MN–LEGIS Database.

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ABBREVIATIONS

App.	Appendix
Art.	Article
B.R.	Bankruptcy Reporter
Bench & B.Minn.	Bench and Bar
Bench & B. Interim Minn.	Bench and Bar Interim
Brook.L.Rev.	Brooklyn Law Review
c.	Chapter of Act
Ch.	Chapter
C.J.S.	Corpus Juris Secundum
Cl.	Clause
Cl.Ct.	Claims Court Reporter
Const.	Constitution
eff.	Effective
Evid.	Rules of Evidence
Ex.Sess.	Extraordinary Session
F.2d	Federal Reporter, Second Series
F.3d	Federal Reporter, Third Series
F.R.D.	Federal Rules Decisions
F.Supp.	Federal Supplement
Fed.Cl.	Federal Claims Reporter
1st Sp.	First Special Session
Gen.St.	General Statutes
Hamline J.Pub.L. & Pol'y	Hamline Journal of Public Law and Policy
Hamline L.Rev.	Hamline University Law Review
⇦ (Key Number)	State Digest and other units of the American Digest System
Hennepin Law.	Hennepin Lawyer
L.Ed.	U.S. Reports, Lawyers' Edition
L.Ed.2d	U.S. Reports, Lawyers' Edition, Second Series
Law & Inequality	Law and Inequality
Minn.	Minnesota Supreme Court Reports
Minn.J.L. & Pol.	Minnesota Journal of Law and Politics
Minn.L.Rev.	Minnesota Law Review
Minn.St.	Minnesota Statutes
Minn.Trial Law.	Minnesota Trial Lawyer
N.W.	Northwestern Reporter
N.W.2d	Northwestern Reporter, Second Series
No.	Number
Op.Atty.Gen.	Opinions of the Attorney General
Par.	Paragraph
PEB	Permanent Editorial Board for the Uniform Commercial Code
P.L.	Public Law
Prof.Resp.Bd.	Lawyers Professional Responsibility Board

ABBREVIATIONS

Pub.St.	Public Statutes
Rev. Laws	Revised Laws
RCP	Rules of Civil Procedure
RCrP	Rules of Criminal Procedure
RCAP	Rules of Civil Appellate Procedure
Sec.	Section of the Act
Sp.Sess.	Special Session
St.	Statutes
Subd.	Subdivision
Subsec.	Subsection
S.Ct.	Supreme Court Reporter
U.L.A.	Uniform Laws Annotated
U.S.	United States Reports
U.S.C.A.	United States Code Annotated
Wm.Mitchell L.Rev.	William Mitchell Law Review

OFFICIAL STATE STATUTES

The text of M.S.A., West's Minnesota Statutes Annotated, is based on the text of the official statutes of the State of Minnesota. Through the pocket part system, changes in the official text brought about by legislative action or editorial modification are made a part of M.S.A. annually.

The present numbering structure of the official statutes is a decimal system developed unofficially in 1941 and made official for the first time in 1945. Since 1945 there have been a number of publications of the official statutes, or supplements thereof, incorporating new and amendatory matter as well as editorial modifications supplied by the Office of the Revisor of Statutes. The following tabulation lists the publications of the official statutes. It also lists the legislative action included in the particular publication.

Minnesota Statutes 1945	Codifies all general matter through Laws 1945
Minnesota Statutes 1949	Merges Laws 1947 and 1949
Minnesota Statutes 1953	Merges Laws 1951 and 1953
Minnesota Statutes 1957	Merges Laws 1955 and 1957
Minnesota Statutes 1961	Merges Laws 1959 and 1961
Minnesota Statutes 1965	Merges Laws 1963 and 1965
Minnesota Statutes 1967	Merges Laws 1967
Minnesota Statutes 1969	Merges Laws 1969
Minnesota Statutes 1971	Merges Laws 1971
Minnesota Statutes 1973 Supp.	Contains Laws 1973
Minnesota Statutes 1974	Merges 1973 Supp. and Laws 1974
Minnesota Statutes 1975 Supp.	Contains Laws 1975
Minnesota Statutes 1976	Merges 1975 Supp. and Laws 1976
Minnesota Statutes 1977 Supp.	Contains Laws 1977
Minnesota Statutes 1978	Merges 1977 Supp. and Laws 1978
Minnesota Statutes 1979 Supp.	Contains Laws 1979
Minnesota Statutes 1980	Merges 1979 Supp. and Laws 1980
Minnesota Statutes 1981 Supp.	Contains Laws 1981 and Laws 1981, 1st and 2nd Special Sessions
Minnesota Statutes 1982	Merges 1981 Supp., Laws 1981, 3rd Special Session and Laws 1982, 1st and 2nd Special Sessions
Minnesota Statutes 1983 Supp.	Contains Laws 1982, 3rd Special Session and Laws 1983
Minnesota Statutes 1984	Merges 1983 Supp. and Laws 1984
Minnesota Statutes 1985 Supp.	Contains Laws 1985, and Laws 1985, 1st Special Session
Minnesota Statutes 1986	Merges 1985 Supp., Laws 1986, and Laws 1986, 1st Special Session

OFFICIAL STATE STATUTES

Minnesota Statutes 1987 Supp.	Contains Laws 1987 and Laws 1987, 1st Special Session
Minnesota Statutes 1988	Merges 1987 Supp. and Laws 1988
Minnesota Statutes 1989 Supp.	Contains Laws 1989
Minnesota Statutes 2nd 1989 Supp.	Contains Laws 1989, 1st Special Session
Minnesota Statutes 1990	Merges 1989 Supp., and 2nd 1989 Supp., and Laws 1990
Minnesota Statutes 1991 Supp.	Contains Laws 1991
Minnesota Statutes 1992	Merges 1991 Supp. and Laws 1992
Minnesota Statutes 1993 Supp.	Contains Laws 1993 and Laws 1993, 1st Special Session
Minnesota Statutes 1994	Merges 1993 Supp., Laws 1994 and Laws 1994, 1st Special Session
Minnesota Statutes 1995 Supp.	Contains Laws 1995 and Laws 1995, 1st Special Session
Minnesota Statutes 1996	Merges 1995 Supp. and Laws 1996
Minnesota Statutes 1997 Supp.	Contains Laws 1997 and Laws 1997, 1st and 2nd Special Sessions

SESSION LAW NUMBERING—1978 AND FOLLOWING YEARS

Beginning in 1978, chapters of the session laws of the regular sessions are numbered consecutively for each biennium with the year of the session preceding the chapter number.

The 1977 Session of the 70th Legislature contained 455 chapters cited as Laws 1977, Chapters 1 to 455, and the 1978 Session of the 70th Legislature contained 341 chapters cited as Laws 1978, Chapters 456 to 797.

The 1979 Session of the 71st Legislature contained 340 chapters cited as Laws 1979, Chapters 1 to 340, and the 1980 Session of the 71st Legislature contained 277 chapters cited as Laws 1980, Chapters 341 to 618.

The 1981 Regular Session of the 72nd Legislature contains 370 chapters cited as Laws 1981, Chapters 1 to 370. The First Special Session of 1981 contains 5 chapters cited as Laws 1981, 1st Sp.Sess., Chapters 1 to 5. The Second Special Session of 1981 contains 6 chapters cited as Laws 1981, 2nd Sp.Sess., Chapters 1 to 6. The Third Special Session of 1981 contains 3 chapters cited as Laws 1981, 3rd Sp.Sess., Chapters 1 to 3. The 1982 Regular Session of the 72nd Legislature contains 272 chapters cited as Laws 1982, Chapters 371 to 642. The First Special Session of 1982 contains 3 chapters cited as Laws 1982, 1st Sp.Sess., Chapters 1 to 3. The Second Special Session of 1982 contains 2 chapters cited as Laws 1982, 2nd Sp.Sess., Chapters 1 and 2. The Third Special Session of 1982 contains 1 chapter cited as Laws 1982, 3rd Sp.Sess., Chapter 1.

The 1983 Regular Session of the 73rd Legislature contains 375 chapters cited as Laws 1983, chapters 1 to 375.

The 1984 Regular Session of the 73rd Legislature contains 283 chapters cited as Laws 1984, chapters 376 to 658.

The 1985 Regular Session of the 74th Legislature contains 309 chapters cited as Laws 1985, chapters 1 to 309. The 1985 First Special Session contains 18 chapters cited as Laws 1985, 1st Sp., chapters 1 to 18.

The 1986 Regular Session of the 74th Legislature contains 166 chapters cited as Laws 1986, chapters 310 to 475. The 1986 First Special Session contains 3 chapters cited as Laws 1986, 1st Sp., chapters 1 to 3.

The 1987 Regular Session of the 75th Legislature contains 405 chapters cited as Laws 1987, chapters 1 to 405. The 1987 First Special Session contains 5 chapters cited as Laws 1987, 1st Sp., chapters 1 to 5.

The 1988 Regular Session of the 75th Legislature contains 315 chapters cited as Laws 1988, chapters 406 to 720.

The 1989 Regular Session of the 76th Legislature contains 356 chapters cited as Laws 1989, chapters 1 to 356. The 1989 First Special Session contains 2 chapters cited as Laws 1989, 1st Sp., chapters 1 and 2.

The 1990 Regular Session of the 76th Legislature contains 256 chapters cited as Laws 1990, chapters 357 to 612.

The 1991 Regular Session of the 77th Legislature contains 356 chapters cited as Laws 1991, chapters 1 to 356.

The 1992 Regular Session of the 77th Legislature contains 247 chapters cited as Laws 1992, chapters 357 to 603.

SESSION LAW NUMBERING

The 1993 Regular Session of the 78th Legislature contains 375 chapters cited as Laws 1993, chapters 1 to 375. The 1993 First Special Session contains 6 chapters cited as Laws 1993, 1st Sp., chapters 1 to 6.

The 1994 Regular Session of the 78th Legislature contains 273 chapters cited as Laws 1994, chapters 376 to 648. The 1994 First Special Session contains 1 chapter cited as Laws 1994, 1st Sp., chapter 1.

The 1995 Regular Session of the 79th Legislature contains 265 chapters cited as Laws 1995, chapters 1 to 265. The 1995 First Special Session contains 3 chapters cited as Laws 1995, 1st Sp., chapters 1 to 3.

The 1996 Regular Session of the 79th Legislature contains 206 chapters cited as Laws 1996, chapters 266 to 471.

The 1997 Regular Session of the 80th Legislature contains 251 chapters cited as Laws 1997, chapters 1 to 251. The 1997 First Special Session contains 5 chapters cited as Laws 1997, 1st Sp., chapters 1 to 5. The 1997 Second Special Session contains 3 chapters cited as Laws 1997, 2nd Sp., chapters 1 to 3.

EFFECTIVE DATES OF LAWS

The session law citations for 1973 and subsequent sessions which follow the text of sections appearing in this pocket part include designated effective dates. The absence of a date means that the general effective date applies or that the date for appropriation acts apply, or that other variations described in notes are controlling.

M.S.A. § 645.02, as amended by Laws 1959, c. 368, § 4, Laws 1971, c. 196, § 1, and Laws 1987, c. 384, art. 1, § 48, provides: "Each act, except one making appropriations, enacted finally at any session of the legislature takes effect on August 1 next following its final enactment, unless a different date is specified in the act. A special law required to be approved by the local government unit affected before it goes into effect becomes effective as to the approving unit the day following the day on which the certificate of approval prescribed by section 645.021 is filed with the secretary of state, unless a later date is specified in the act. When approval of such a special law is required by two or more local government units before it may become effective, the day after the day when the last of the required certificates is filed is the effective date, unless a later date is specified in the act.

"An appropriation act or an act having appropriation items enacted finally at any session of the legislature takes effect at the beginning of the first day of July next following its final enactment, unless a different date is specified in the act.

"Each act takes effect at 12:01 a.m. on the day it becomes effective, unless a different time is specified in the act."

Prior to the 1971 amendment of M.S.A. § 645.02, the general effective date for session laws was one day following final enactment. Final enactment was construed to be the date the bill was signed by the Governor. Laws 1988, c. 479, § 5, effective January 1, 1989 amended the definition of "final enactment" or "enacted finally" contained in § 645.01, subd. 2 to read: " 'Final enactment' or 'enacted finally' for a bill passed by the legislature and signed by the governor means the date and time of day the governor signed the bill. For a bill passed by the legislature and allowed to become law without signature by the governor, it means the end of the last day on which the governor could have returned the bill with a veto to the legislature. For a bill passed by the legislature but vetoed and reconsidered and approved by the legislature after the veto, it means the date and time of day of the final legislative vote approving the vetoed bill."

Beginning on January 1, 1973, the general effective date of "on August 1 next following its final enactment", as now appearing in section 645.02, went into effect. The following tabulation indicates the last date session laws were signed for each session since the 1973 session. With the exception of the 1981 3rd Special Session, the 1982 3rd Special Session, the 1989 1st Special Session, and the 1994 1st Special Session, the general effective date for all laws of all sessions since 1973 was August 1st of the year of the session. The 1982 3rd Special Session and the 1994 1st Special Session contained no legislation with general effective dates.

Year	Session	Latest Approval Date
1973	Regular	June 7, 1973
1974	Regular	April 11, 1974
1975	Regular	June 6, 1975
1976	Regular	April 20, 1976
1977	Regular	June 9, 1977

EFFECTIVE DATES OF LAWS

Year	Session	Latest Approval Date
1978	Regular	April 7, 1978
1979	Regular	June 5, 1979
1979	Extra	June 7, 1979
1980	Regular	April 25, 1980
1981	Regular	June 4, 1981
1981	1st Special	June 6, 1981
1981	2nd Special	July 8, 1981
1981	3rd Special	Jan. 19, 1982
1982	Regular	March 31, 1982
1982	1st Special	March 31, 1982
1982	2nd Special	July 12, 1982
1982	3rd Special	Dec. 13, 1982
1983	Regular	June 14, 1983
1984	Regular	May 7, 1984
1985	Regular	June 7, 1985
1985	1st Special	July 5, 1985
1986	Regular	April 1, 1986
1986	1st Special	April 11, 1986
1987	Regular	June 18, 1987
1987	1st Special	June 25, 1987
1988	Regular	May 7, 1988
1989	Regular	June 3, 1989
1989	1st Special	Oct. 4, 1989
1990	Regular	May 8, 1990
1991	Regular	June 4, 1991
1992	Regular	April 29, 1992
1993	Regular	May 24, 1993
1993	1st Special	May 27, 1993
1994	Regular	May 17, 1994
1994	1st Special	August 31, 1994
1995	Regular	June 1, 1995
1995	1st Special	June 8, 1995
1996	Regular	April 17, 1996
1997	Regular	June 3, 1997
1997	1st Special	June 30, 1997
1997	2nd Special	August 22, 1997

CITE THIS BOOK

Thus: M.S.A. § —

*

MINNESOTA STATUTES ANNOTATED

GAME AND FISH

Chapter 97A

GAME AND FISH

GENERAL PROVISIONS

Section
97A.015. Definitions.
97A.028. Crop protection assistance.
97A.045. Commissioner, general powers and duties.
97A.065. Dedication of certain receipts.
97A.075. Use of license revenues.
97A.085. Game refuges.
97A.101. Public water reserves and management designation.
97A.111. Repealed.

Section
LICENSES AND PERMITS

97A.405. License requirements.
97A.411. Validity of licenses.
97A.415. License restrictions.
97A.421. Validity and issuance of licenses after conviction.
97A.441. Licenses to be issued without a fee.
97A.465. Military personnel; fishing and hunting.
97A.475. License fees.
97A.475. License fees.
97A.485. Issuance of licenses.

GENERAL PROVISIONS

97A.015. Definitions

[See main volume for 1 to 27]

Subd. 27a. License identification number. "License identification number" means a verification number issued under the authority of the commissioner in conjunction with the electronic purchase of a license or stamp and valid until the license is received by the purchaser.

[See main volume for 28 to 37]

Subd. 37a. Processing. "Processing" means rendering a species of aquatic life for food, bait, or other purposes so that it is no longer alive.

[See main volume for 38 to 48]

Subd. 49. Undressed bird. "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact;

(2) a migratory waterfowl, excluding geese, with a fully feathered wing and head attached;

(3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact; or

(4) a goose with a fully feathered wing attached.

[See main volume for 50 to 52]

Subd. 53. Unprotected wild animals. "Unprotected wild animals" means wild animals that are not protected wild animals including weasel, coyote (brush wolf), gopher, porcupine, striped skunk, and unprotected birds.

[See main volume for 54 and 55]

Amended by Laws 1997, c. 216, § 77; Laws 1997, c. 226, §§ 12 to 14.

97A.028. Crop protection assistance

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.

(c) "Parcel" has the meaning given in section 272.03, subdivision 6.

(d) "Specialty crops" means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.

(e) "Stored forage crops" means hay, silage, grain, or other crops that have been harvested and placed in storage for commercial livestock feeding.

[See main volume for 2]

Subd. 3. Emergency deterrent materials assistance. (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed $3,000 for specialty crops, or $750 for stored forage crops, or $500 for agricultural crops damaged by flightless Canada geese. If a person is a coowner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Amended by Laws 1997, c. 216, §§ 78, 79.

97A.037. Hunter, trapper, and angler harassment prohibited

Validity

Section 97A.037 was held unconstitutional in part in the case of State v. Miner, App.1996, 556 N.W.2d 578. See Notes of Decisions, post.

Notes of Decisions

Validity 1

1. Validity

Statute prohibiting harassment of hunters, trappers, and anglers was improper content-based regulation of speech and conduct and violated First Amendment to extent that statute applied to person whose only intent was to dissuade taking of wild animal or enjoyment of the out-of-doors. State v. Miner, App.1996, 556 N.W.2d 578.

Provisions of statute prohibiting harassment of hunters, trappers, and anglers are severable, and thus, while application of statute when person acts only with intent to dissuade is barred under First Amendment, statute remains complete and capable of being applied when person, acting with intent to prevent or disrupt taking of wild animal or enjoyment of the out-of-doors, disturbs or interferes with another person who is lawfully taking wild animal or preparing to take wild animal. State v. Miner, App.1996, 556 N.W.2d 578.

Statute prohibiting harassment of hunters, trappers, and anglers, as partially invalidated to preclude application to person whose only intent was to dissuade taking of wild animal or enjoyment of out-of-doors, was valid time, place, and manner restriction of protected expression; as modified, statute deals only with conduct of disturbing or interfering with another person who is lawfully taking or preparing to take wild animal or enjoy out-of-doors, and has no connection with speech. State v. Miner, App.1996, 556 N.W.2d 578.

Statute prohibiting harassment of hunters, trappers, and anglers, as partially invalidated to preclude application to person whose only intent was to dissuade taking of wild animal or enjoyment of out-of-doors, is not unconstitutionally overbroad or vague; statute limits its application to times when and places where taking wild animal is legal, as modified is limited in application to conduct that intrudes upon person who is taking or preparing to take wild animal and causes that person to be distracted, and requires state to prove that defendant acted with intent to prevent or disrupt taking of wild animal. State v. Miner, App.1996, 556 N.W.2d 578.

Statute prohibiting harassment of hunters, trappers, and anglers, as partially invalidated to preclude application to person whose only intent was to dissuade taking of wild animal or enjoyment of out-of-doors, was not unconstitutional as applied to protesters who disrupted bowhunters who were participating in hunt held to reduce deer population in county park; even assuming that protesters were expressing idea protected by First Amendment by their conduct, statute furthered important governmental interest in regulating taking of wild animals, and created no greater restriction on First Amendment rights than necessary. State v. Miner, App.1996, 556 N.W.2d 578.

97A.045. Commissioner, general powers and duties

[See main volume for 1 to 6]

Subd. 7. Duty to encourage stamp design and purchases. (a) The commissioner shall encourage the purchase of:

(1) Minnesota migratory waterfowl stamps by nonhunters interested in migratory waterfowl preservation and habitat development;

(2) pheasant stamps by persons interested in pheasant habitat improvement;

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement; and

(4) turkey stamps by persons interested in wild turkey management and habitat improvement.

(b) The commissioner shall make rules governing contests for selecting a design for each stamp.

[See main volume for 8 to 10]

Amended by Laws 1997, c. 226, § 15.

Notes of Decisions

Indian treaty rights 8

8. Indian treaty rights

Minnesota fish and wildlife management statute did not confer upon Department of Natural Resources (DNR) unilateral, unreviewable authority to determine "harvestable surplus" levels for both treaty and nontreaty harvests, for purpose of allocating Chippewa hunting and fishing rights under 1837 treaty, and, thus, such determinations were subject to judicial review, to ensure that state met burden of showing that regulation was conservation-based and did not discriminate against treaty

Note 8

rights. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

Even if state regulation of Indian treaty hunting, fishing, and gathering rights, in interests of conservation, meets appropriate standards and is not discriminatory, state is barred from regulating treaty rights if, as a matter of fact, tribes can effectively self-regulate and tribal regulations are adequate to meet conservation needs. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

97A.065. Dedication of certain receipts

[See main volume for 1]

Subd. 2. Fines and forfeited bail. (a) Fines and forfeited bail collected from prosecutions of violations of: the game and fish laws; sections 84.091 to 84.15; sections 84.81 to 84.88; section 169.121, when the violation involved an off-road recreational vehicle as defined in section 169.01, subdivision 86; chapter 348; and any other law relating to wild animals or aquatic vegetation, must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b), (c), and (d).

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

(c) The county treasurer shall indicate the amount of the receipts that are assessments or surcharges imposed under section 609.101 and shall submit all of those receipts to the commissioner. The receipts must be credited to the game and fish fund to provide peace officer training for persons employed by the commissioner who are licensed under section 626.84, subdivision 1, clause (c), and who possess peace officer authority for the purpose of enforcing game and fish laws.

(d) The county treasurer shall submit one-half of the receipts collected under paragraph (a) from prosecutions of violations of sections 84.81 to 84.91, and 169.121, including receipts that are assessments or surcharges imposed under section 609.101, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

[See main volume for 3 to 5]

Amended by Laws 1997, 1st Sp., c. 2, § 7.

97A.075. Use of license revenues

Subdivision 1. Deer and bear licenses. (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), and (9), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least $2 from each deer license shall be used for deer habitat improvement or deer management programs.

(c) At least $1 from each deer license and each bear license shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds $750,000, $750,000 is canceled to the unappropriated balance of the game and fish fund and the amount appropriated for emergency deer feeding is reduced to 25 cents from each deer license.

[See main volume for 2]

Subd. 3. Trout and salmon stamp. (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account may be used only for:

(1) the development, restoration, maintenance, and preservation of trout streams and lakes;

(2) rearing of trout and salmon and stocking of trout and salmon in streams and lakes and Lake Superior;

(3) acquisition of easements and fee title along trout waters;

(4) identifying easement and fee title areas along trout waters; and

(5) research and special management projects on Lake Superior and the anadromous portions of its tributaries.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a) or to specific fish rearing activities under paragraph (a), clause (2).

[See main volume for 4 and 5]

Amended by Laws 1997, c. 216, § 80; Laws 1997, c. 226, § 16.

97A.085. Game refuges

[See main volume for 1 to 4]

Subd. 4a. Hearing required. Before designating a game refuge under this section, the commissioner must hold a public hearing within the county where the majority of the proposed game refuge exists. Notices of the time and place of the hearing must be posted in five conspicuous places within the proposed game refuge at least 15 days before the hearing. A notice of the hearing must be published in a legal newspaper in each county where the area is located at least seven days before the hearing.

[See main volume for 5 to 7]

Subd. 8. Modification or abandonment. A state game refuge may be vacated or modified by the commissioner under the same procedures required for establishment of the refuge, except that a refuge established or modified under subdivision 2 or 3 may be vacated or modified following a public hearing as specified in subdivision 4a.

Amended by Laws 1997, c. 187, art. 3, § 23, eff. June 30, 1997; Laws 1997, c. 226, § 17.

Historical and Statutory Notes

1997 Legislation

Laws 1997, c. 187, art. 3, § 33, provides that the exemptions in this article (in part amending this section) are eliminated because the entity is not subject to c. 14, or the agency action is not a rule, and that the agency or other entity need not comply with c. 14, in order to take actions affected by the amendments and repeals in this article.

97A.101. Public water reserves and management designation

[See main volume for 1 to 3]

Subd. 4. Restrictions on airboats, watercraft, and recreational vehicles. (a) The use of airboats is prohibited at all times on lakes designated for wildlife management purposes under this section unless otherwise authorized by the commissioner.

(b) The commissioner may restrict the use of motorized watercraft and recreational vehicles on lakes designated for wildlife management purposes by posting all public access points on the designated lake.

Amended by Laws 1997, c. 226, § 18.

Repealed

97A.111. Repealed by Laws 1997, c. 226, § 51

LICENSES AND PERMITS

97A.405. License requirements

[See main volume for 1]

Subd. 2. Personal possession. (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license or stamp issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase.

[See main volume for 3]

Amended by Laws 1997, c. 216, § 81.

97A.411. Validity of licenses

Subdivision 1. License period. (a) Except as provided in paragraph (b), a license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

[See main volume for 2]

Subd. 3. Deer license. (a) Except as provided in paragraphs (b) and c, a license to take deer by archery, firearms, or muzzleloader issued after the opening of the related archery, firearms, or muzzleloader deer season, respectively, is not valid until the second day after it is issued.

(b) The commissioner may issue a license to take additional deer under section 97B.301, subdivision 4, that is valid immediately upon issuance.

(c) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

Amended by Laws 1997, c. 226, §§ 19, 20.

97A.415. License restrictions

[See main volume for 1]

Subd. 2. Transfer prohibited. A person may not lend, transfer, borrow, or solicit a license or permit, license identification number, application for a license or permit, coupon,

tag, or seal, or use a license, permit, license identification number, coupon, tag, or seal not issued to the person unless otherwise expressly authorized.

[See main volume for 3]

Amended by Laws 1997, c. 216, § 82.

97A.421. Validity and issuance of licenses after conviction

Subdivision 1. General. (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three–year period under a private fish hatchery license; or

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license relating to the game and fish law violation.

[See main volume for 2 to 6]

Amended by Laws 1997, c. 226, § 21.

Historical and Statutory Notes

1997 Legislation

Laws 1997, c. 226, § 21, in subd. 1, par. (a), added cl. (4), relating to two or more misdemeanor convictions within a three-year period, redesignated former cl. (4) as cl. (5), and in redesignated cl. (5) substituted "clause (1), (2), or (4)" for "clause (1) or (2)".

97A.441. Licenses to be issued without a fee

[See main volume for 1 to 8]

Subd. 9. Angling assistance to disabled residents. An individual who is providing angling assistance to a disabled resident licensed under subdivision 1, 4, or 5, is not required to possess a license to take fish by angling provided that no lines in addition to those permitted for an individual under section 97C.315 are in the water.

Amended by Laws 1997, c. 95, § 1.

97A.465. Military personnel; fishing and hunting

[See main volume for 1 to 3]

Subd. 4. Discharged resident; obtaining deer license during season. A resident who is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season that is valid immediately upon issuance.

Amended by Laws 1997, c. 226, § 22.

97A.475. License fees

Text of section effective until March 1, 1998.

[See main volume for 1]

Subd. 2. Resident hunting. Fees for the following licenses, to be issued to residents only, are:

(1) for persons under age 65 to take small game, $10;

(2) for persons age 65 or over, $5;

(3) to take turkey, $16;

(4) to take deer with firearms, $22;

(5) to take deer by archery, $22;

(6) to take moose, for a party of not more than six persons, $275;

(7) to take bear, $33;

(8) to take elk, for a party of not more than two persons, $220;

(9) to take antlered deer in more than one zone, $44; and

(10) to take Canada geese during a special season, $3.

Subd. 3. Nonresident hunting. Fees for the following licenses, to be issued to nonresidents, are:

(1) to take small game, $56;

(2) to take deer with firearms, $110;

(3) to take deer by archery, $110;

(4) to take bear, $165;

(5) to take turkey, $56;

(6) to take raccoon, bobcat, fox, coyote, or lynx, $137.50;

(7) to take antlered deer in more than one zone, $220; and

(8) to take Canada geese during a special season, $3.

[See main volume for 4 to 43]

Amended by Laws 1997, c. 226, §§ 23, 24.

For text of section effective March 1, 1998, see § 97A.475, post.

97A.475. License fees

Text of section effective March 1, 1998.

Subdivision 1. Requirements for issuance. A license shall be issued when the requirements of the law are met and the license fee specified in this section is paid.

Subd. 2. Resident hunting. Fees for the following licenses, to be issued to residents only, are:

(1) for persons under age 65 to take small game, $10;

(2) for persons age 65 or over, $5;

(3) to take turkey, $16;

(4) to take deer with firearms, $22;

(5) to take deer by archery, $22;

(6) to take moose, for a party of not more than six persons, $275;

(7) to take bear, $33;

(8) to take elk, for a party of not more than two persons, $220;

(9) to take antlered deer in more than one zone, $44; and

(10) to take Canada geese during a special season, $3.

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(3) to take deer by archery, $110;

(4) to take bear, $165;

(5) to take turkey, $56;

(6) to take raccoon, bobcat, fox, coyote, or lynx, $137.50;

(7) to take antlered deer in more than one zone, $220; and

(8) to take Canada geese during a special season, $3.

Subd. 4. Small game surcharge. Fees for licenses to take small game must be increased by a surcharge of $4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This $4 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Subd. 5. Hunting stamps. Fees for the following stamps are:

(1) migratory waterfowl stamp, $5;

(2) pheasant stamp, $5; and

(3) turkey stamp, $5.

Subd. 6. Resident fishing. Fees for the following licenses, to be issued to residents only, are:

(1) to take fish by angling, for persons under age 65, $15;

(2) to take fish by angling, for persons age 65 and over, $5.50;

(3) to take fish by angling, for a combined license for a married couple, $20.50;

(4) to take fish by spearing from a dark house, $15; and

(5) to take fish by angling for a 24–hour period selected by the licensee, $8.

Subd. 7. Nonresident fishing. Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, $31;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, $21.50;

(3) to take fish by angling for a 72–hour period selected by the licensee, $18;

(4) to take fish by angling for a combined license for a family, $41.50;

(5) to take fish by angling for a 24–hour period selected by the licensee, $8; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, $32.

Subd. 8. Minnesota sporting. The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

(1) for an individual, $20; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, $27.50.

[See main volume for 9]

Subd. 10. Trout and salmon stamp. The fee for a trout and salmon stamp is $8.50.

Subd. 11. Fish houses and dark houses; residents. Fees for the following licenses are:

(1) for a fish house or dark house that is not rented, $10; and

(2) for a fish house or dark house that is rented, $23.

Subd. 12. Fish houses; nonresident. Fees for fish house licenses for a nonresident are:

(1) annual, $31.50; and

(2) seven consecutive days, $18.50.

Subd. 13. Netting whitefish and ciscoes for personal consumption. The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, $9.

Subd. 14. Deleted by amendment, Laws 1997, c. 216, § 83.

Subd. 15. Lake Superior fishing guides. The fee for a license to operate a charter boat and guide anglers on Lake Superior is:

(1) for a resident, $35;

(2) for a nonresident, $140; or

(3) if another state charges a Minnesota resident a fee greater than $140 for a Lake Superior fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee.

Subd. 16. Resident hunting guides. The fees for the following resident guide licenses are:

(1) to guide bear hunters, $82.50; and

(2) to guide turkey hunters, $22.

Subd. 17. Repealed by Laws 1994, c. 623, art. 1, § 47, eff. May 11, 1994.

Subd. 18. Shooting preserves. The fee for a shooting preserve license is:

(1) for a private shooting preserve, $100; and

(2) for a commercial shooting preserve, $500.

Subd. 19. Taxidermists. The fee for a taxidermist license, to be issued for a three-year period to residents only, is:

(1) for persons age 18 and older, $44; and

(2) for persons under age 18, $27.50.

Subd. 20. Trapping license. The fee for a license to trap fur-bearing animals is:

(1) for persons over age 13 and under age 18, $5.50; and

(2) for persons age 18 and older, $18.

Subd. 21. Fur buying and selling; residents. (a) The fee for a license for a resident to buy and sell raw furs is $110.

(b) The fee for a supplemental license to buy and sell furs is $55.

Subd. 22. Fur buying and selling; nonresidents. The fee for a license for a nonresident to buy and sell raw furs is $500.

Subd. 23. Raw fur tanning. The fee for a license to tan and dress raw furs to be issued to residents and nonresidents is $16.50.

Subd. 24. Game and fur farms. The fee for a game and fur farm license is $16.50.

Subd. 25. Muskrat farms. The fee for a muskrat farm license is $11.

Subd. 26. Minnow dealers. The fees for the following licenses are:

(1) minnow dealer, $100;

(2) minnow dealer's vehicle, $15;

(3) exporting minnow dealer, $350; and

(4) exporting minnow dealer's vehicle, $15.

Subd. 27. Minnow retailers. The fees for the following licenses, to be issued to residents and nonresidents, are:

(1) minnow retailer, $15; and

(2) minnow retailer's vehicle, $15.

Subd. 28. Nonresident minnow haulers. The fees for the following licenses, to be issued to nonresidents, are:

(1) exporting minnow hauler, $675; and

(2) exporting minnow hauler's vehicle, $15.

Subd. 29. Private fish hatcheries. The fees for the following licenses to be issued to residents and nonresidents are:

(1) for a private fish hatchery, with annual sales under $200, $35;

(2) for a private fish hatchery, with annual sales of $200 or more, $70; and

(3) to take sucker eggs from public waters for a private fish hatchery, $210, plus $4 for each quart in excess of 100 quarts.

Subd. 29a. Repealed by Laws 1992, c. 566, § 23, eff. Feb. 28, 1993.

Subd. 30. Commercial netting of fish. The fees to take commercial fish are:

(1) commercial license fees:

(i) for residents and nonresidents seining and netting in inland waters, $90;

(ii) for residents netting in Lake Superior, $50;

(iii) for residents netting in Lake of the Woods, Rainy, Namakan, and Sand Point lakes, $50;

(iv) for residents seining in the Mississippi River from St. Anthony Falls to the St. Croix River junction, $50;

(v) for residents seining, netting, and set lining in Wisconsin boundary waters from Lake St. Croix to the Iowa border, $50; and

(vi) for a resident apprentice license, $25; and

(2) commercial gear fees:

(i) for each gill net in Lake Superior, Wisconsin boundary waters, and Namakan Lake, $3.50 per 100 feet of net;

(ii) for each seine in inland waters, on the Mississippi River as described in section 97C.801, subdivision 2, and in Wisconsin boundary waters, $7 per 100 feet;

(iii) for each commercial hoop net in inland waters, $1.25;

(iv) for each submerged fyke, trap, and hoop net in Lake Superior, St. Louis Estuary, Lake of the Woods, and Rainy, Namakan, and Sand Point lakes, and for each pound net in Lake Superior, $15;

(v) for each stake and pound net in Lake of the Woods, $60;

(vi) for each set line in the Wisconsin boundary waters, $20; and

(vii) for each trawl used in Lake Superior, $50.

Subds. 31 to 37. Deleted by amendment, Laws 1997, c. 216, § 83.

Subd. 38. Fish buyers. The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are:

(1) for Lake Superior fish bought for sale to retailers, $70;

(2) for Lake Superior fish bought for sale to consumers, $15;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, $140; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, $15.

Subd. 39. Fish packer. The fee for a license to prepare dressed game fish for transportation or shipment is $20.

Subd. 40. Fish vendors. The fee for a license to use a motor vehicle to sell fish is $35.

Subd. 41. Turtle sellers. The fee for a license to take, transport, purchase, and possess turtles for sale is $70.

Subd. 42. Frog dealers. The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:

(1) for a resident to purchase, possess, and transport frogs, $100;

(2) for a nonresident to purchase, possess, and transport frogs, $280; and

(3) for a resident to take, possess, transport, and sell frogs, $15.

Subd. 43. Duplicate licenses. The fees for duplicate licenses are:

(1) for licenses to take big game, $5; and

(2) for other licenses, $2.

Amended by Laws 1997, c. 216, § 83; Laws 1997, c. 226, §§ 23, 24.

For text of section effective until March 1, 1998, see § 97A.475, ante.

Historical and Statutory Notes

1997 Legislation

Laws 1997, c. 216, § 161, provides in part that § 83 (amending this section) is effective March 1, 1998.

97A.485. Issuance of licenses

[See main volume for 1 to 5]

Subd. 6. Licenses to be sold and issuing fees. (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is $1;

(2) Minnesota sporting, the issuing fee is $1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is $1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

[See main volume for 7 and 8]

Subd. 9. Certain licenses not to be issued after season opens. The following licenses may not be issued after the day before the opening of the related firearms season:

(1) to guide bear hunters; and

(2) to guide turkey hunters.

[See main volume for 10 and 11]

Subd. 12. Youth deer license. The commissioner may, for a fee of $5, issue to a resident under the age of 16 a license, without a tag, to take deer with firearms. A youth holding a license issued under this subdivision may hunt under the license only if accompanied by a licensed hunter who is at least 18 years of age and possesses a valid tag. A deer taken by a youth holding a license issued under this subdivision must be promptly tagged by the licensed hunter accompanying the youth. Section 97B.301, subdivision 6, does not apply to a youth holding a license issued under this subdivision.

Amended by Laws 1997, c. 226, §§ 25 to 27.

Chapter 97B

HUNTING

HUNTING RESTRICTIONS AND REQUIREMENTS

Section
97B.055. Discharging firearms and bows and arrows.
97B.065. Hunting while under the influence of alcohol or a controlled substance.
97B.066. Chemical testing.
97B.075. Hunting restricted between evening and morning.
97B.112. Special hunts for youth.

BIG GAME
97B.211. Hunting big game by archery.

DEER
97B.301. Deer licenses and limits.

SMALL GAME
97B.655. Taking animals causing damage.
97B.667. Removal of beaver dams and lodges by road authorities.

BIRDS
97B.715. Pheasants.
97B.721. License and stamp required to take turkey; tagging and registration requirements.

MIGRATORY WATERFOWL
97B.801. Minnesota migratory waterfowl stamp required.
97B.802. Special Canada goose season license required.

FUR-BEARING ANIMALS, TRAPPING
97B.926. Pine marten and fisher zone.

HUNTING RESTRICTIONS AND REQUIREMENTS

97B.001. Trespass

Notes of Decisions

Indian treaty rights 6

6. Indian treaty rights

Exercise by Chippewa Indian bands, under 1837 treaty, of usufructuary rights on "private lands" open to public would be restricted to those private lands open to general public for hunting, fishing, and gathering by operation of state law, and would not include undeveloped, nonagricultural, and nonposted privately owned lands that were open to public for hunting so long as consent to enter was not orally withdrawn. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

97B.055. Discharging firearms and bows and arrows

[See main volume for 1]

Subd. 2. Restrictions related to motor vehicle. A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section. An

archer in a permitted bow fishing tournament may transport the bow uncased while in an electric motor-powered boat.

[See main volume for 3 and 4]

Amended by Laws 1997, c. 226, § 28, eff. May 31, 1997.

97B.065. Hunting while under the influence of alcohol or a controlled substance

[See main volume for 1 to 3]

Subd. 4. Evidence. In a prosecution for a violation of subdivision 1, paragraph (a), or an ordinance in conformity with it, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine is governed by section 169.121, subdivision 2.

[See main volume for 5 to 8]

Amended by Laws 1997, 1st Sp., c. 2, § 67.

Historical and Statutory Notes

1997 Legislation

Laws 1997, 1st Sp., c. 2, § 67, in part, instructed the revisor of statutes to substitute a reference to § 169.121, subd. 2, for a reference to § 86B.331, subd. 4, in subd. 4 of this section.

97B.066. Chemical testing

[See main volume for 1 to 4]

Subd. 5. Chemical tests. Chemical tests administered under this section are governed by section 169.123, subdivisions 2b, 2c, and 3.

Subd. 6. Repealed by Laws 1997, 1st Sp., c. 2, § 69.

Subd. 7. Administrative review. (a) At any time during the period of prohibition or revocation imposed under this section, the person may request in writing a review of the order imposing sanctions under this section. If the person makes a request for administrative review within 30 days following receipt of a notice and order imposing sanctions, the request shall stay imposition of the civil penalty. Upon receiving the request for review, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and other material information brought to the attention of the commissioner and determine whether sufficient cause exists to sustain the order.

(b) Within 15 days after receiving the request, the commissioner shall issue a written report ordering that the prohibition, revocation, or civil penalty be either sustained or rescinded. The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not have an effect upon the availability of judicial review under this section.

Subd. 8. Judicial review. (a) Within 30 days following receipt of a notice and order imposing sanctions under this section, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred giving rise to the test demand and refusal, together with proof of service of a copy on the commissioner and the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the order imposing sanctions.

(c) The filing of the petition does not stay the revocation or prohibition against hunting. However, the filing of a petition stays imposition of the civil penalty. The judicial review shall be conducted according to the rules of civil procedure.

Subd. 9. Hearing. (a) A hearing under this section must be before a district court judge in the county where the incident occurred which gave rise to the test demand and refusal. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in the criminal prosecution under section 97B.065. The hearing must be recorded. The commissioner must be represented by the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred which gave rise to the test demand and refusal.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The reviewing court may order a temporary stay of the balance of the prohibition or revocation if the hearing has not been conducted within 60 days after filing of the petition, upon the application of the petitioner and upon terms the court deems proper.

(c) The scope of the hearing must be limited to the issues of:

(1) whether the officer had probable cause to believe that the person violated section 97B.065;

(2) whether one of the conditions in subdivision 1 existed;

(3) whether the person was informed as prescribed in subdivision 3; and

(4) whether the person refused to submit to testing.

(d) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(e) The court shall order that the prohibition or revocation be either sustained or rescinded and shall either sustain or rescind the civil penalty. The court shall forward a copy of the order to the commissioner.

Subd. 10. Payment of civil penalty. The civil penalty imposed under subdivision 2 must be paid to the political subdivision that represents the commissioner on the petition for judicial review or, in the event that a petition is not filed, to the political subdivision that would have represented the commissioner had a petition been filed. If a person does not pay the civil penalty, the prohibition against hunting is automatically extended until the political subdivision reports to the commissioner in writing that the penalty has been paid.

Subd. 11. Enforcement of civil penalty. (a) If a person does not pay the civil penalty imposed under subdivision 2 within 30 days of the date it was imposed, the prosecuting authority representing the commissioner may petition the district court in the county where the incident occurred to file the order imposing the civil penalty as an order of the court.

(b) Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the penalty, attorney fees, costs, and interest may be assessed against any person who fails to pay the civil penalty.

Amended by Laws 1997, 1st Sp., c. 2, §§ 8 to 13, 67.

Historical and Statutory Notes

1997 Legislation

Laws 1997, 1st Sp., c. 2, § 70, provides in part that §§ 8 to 13 (amending subd. 5 and adding subds. 7 to 11), 67 (in part amending subd. 5), and 69 (in part repealing subd. 6) are effective January 1, 1998 and apply to violations occurring on or after that date. However, violations occurring before January 1, 1998, which are listed in § 169.121, subd. 3, par. (a), are considered prior impaired driving convictions or prior license revocations for purposes of: determining conditional release, long-term monitoring, criminal penalties, sentencing, and administrative licensing sanctions for a person charged for or convicted of a violation occurring on or after January 1, 1998.

97B.075. Hunting restricted between evening and morning

A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except big game may be taken from one-half hour before sunrise until one-half hour after sunset, and, except as otherwise prescribed by the commissioner during the first eight days of the season, until January 1, 2001, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner.

Amended by Laws 1997, c. 226, § 29.

97B.081. Using artificial lights to locate animals

Notes of Decisions

Indian treaty rights 9

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9. Indian treaty rights

Evidence that deer became winter-stressed prior to December 31 did not create genuine issue of material fact as to whether prohibiting deer shining over bait in December by Chippewa exercising hunting rights under 1837 treaty was necessary for conservation and was least restrictive alternative, thus entitling Mille Lacs Band and intervening Wisconsin bands to summary judgment on inapplicability, to members exercising their treaty rights pursuant to tribal regulation, of Minnesota statutes that prohibited deer shining and authorized Commissioner of Natural Resources to prescribe areas and seasons in which deer could be taken and rules that prohibited use of bait and prescribed seasons for taking deer by firearms. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

97B.112. Special hunts for youth

The commissioner may by rule establish criteria, special seasons, and limits for youth hunters to take big game and small game by firearms or archery in designated areas or times. The criteria may also include provisions for an unlicensed adult to assist a youth hunter during a special season or special hunt established under this section.

Laws 1997, c. 226, § 30.

BIG GAME

97B.211. Hunting big game by archery

Subdivision 1. Possession of firearms prohibited. Except when hunting bear, a person may not take big game by archery while in possession of a firearm.

[See main volume for 2]

Amended by Laws 1997, c. 226, § 31.

DEER

97B.301. Deer licenses and limits

[See main volume for 1 to 5]

Subd. 6. Residents under age 16 may take deer of either sex. A resident under the age of 16 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents under age 16, under the procedures provided in section 97B.305, and may give preference to residents under the age of 16 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Amended by Laws 1997, c. 226, § 32.

97B.311. Deer seasons and restrictions

Notes of Decisions

Indians 3

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3. Indians

Evidence that deer became winter-stressed prior to December 31 did not create genuine issue of material fact as to whether prohibiting deer shining over bait in December by Chippewa exercising hunting rights under 1837 treaty was necessary for conservation and was least restrictive alternative, thus entitling Mille Lacs Band and intervening Wisconsin bands to summary judgment on inapplicability, to members exercising their treaty rights pursuant to tribal regulation, of Minnesota statutes that prohibited deer shining and authorized Commissioner of Natural Resources to prescribe areas and seasons in which deer could be taken and rules that prohibited use of bait and prescribed seasons for taking deer by firearms. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

SMALL GAME

97B.655. Taking animals causing damage

Subdivision 1. Owners and occupants may take certain animals. A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the division within 24 hours after the animal is killed.

[See main volume for 2]

Amended by Laws 1997, c. 226, § 33.

97B.667. Removal of beaver dams and lodges by road authorities

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road.

Amended by Laws 1997, c. 216, § 84.

BIRDS

97B.715. Pheasants

Subdivision 1. Stamp required. (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without:

(1) a pheasant stamp in possession; and

(2) a pheasant stamp validation on the small game license when issued electronically.

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed commercial shooting preserves.

[See main volume for 2 and 3]

Amended by Laws 1997, c. 216, § 85.

97B.721. License and stamp required to take turkey; tagging and registration requirements

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without a turkey license and:

(1) a turkey stamp in possession; and

(2) a turkey stamp validation on the turkey license when issued electronically.

(b) The requirement in paragraph (a) to possess a turkey stamp or a license validation does not apply to persons under age 18.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

Amended by Laws 1997, c. 216, § 86.

MIGRATORY WATERFOWL

97B.801. Minnesota migratory waterfowl stamp required

(a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without:

(1) a Minnesota migratory waterfowl stamp in possession; and

(2) a migratory waterfowl stamp validation on the small game license when issued electronically.

(b) Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess a stamp or a license validation under this section.

Amended by Laws 1997, c. 216, § 87.

97B.802. Special Canada goose season license required

Except as provided in this section, a person required to possess a small game license may not take Canada geese during a special season without a valid special season Canada goose license in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the license.

Laws 1997, c. 226, § 34.

FUR-BEARING ANIMALS, TRAPPING

97B.926. Pine marten and fisher zone

Where a combined pine marten and fisher trapping zone exists, the commissioner must provide an option of a combined limit of fisher and marten.

Laws 1997, c. 226, § 35.

Chapter 97C

FISHING

FISHING HABITAT

Section
97C.035. Endangered fish populations.

PROPAGATION

97C.211. Private fish hatcheries.

FISHING METHODS

97C.305. Trout and salmon stamp.
Section
97C.321. Restrictions on unattended lines.

MINNOWS

97C.501. Minnow licenses required.
97C.505. Minnows.

NETTING AND COMMERCIAL FISHING

97C.801. Taking rough fish on Mississippi river.

FISHING HABITAT

97C.035. Endangered fish populations

Subdivision 1. Conditions. If the commissioner determines that fish are in danger of dying, or if waters will be restored with the use of piscicides, the commissioner may rescue the fish under subdivision 2 or allow taking of the fish under subdivision 3.

[See main volume for 2 and 3]

Amended by Laws 1997, c. 226, § 36.

PROPAGATION

97C.211. Private fish hatcheries

Subdivision 1. License required. A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish, including minnows, for sale, stocking waters, angling, or processing. A private fish hatchery license is valid for five years but must be renewed annually.

[See main volume for 2 to 5]

Subd. 6. Nonpublic records. Information on production, harvest, and sales of aquatic life by a private fish hatchery is nonpublic information.

Amended by Laws 1997, c. 226, §§ 37, 38.

FISHING METHODS

97C.305. Trout and salmon stamp

Subdivision 1. Requirement. Except as provided in subdivision 2 or section 97A.405, subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession and a trout stamp validation on the angling license when issued electronically to:

(1) take fish by angling in:

(i) a stream designated by the commissioner as a trout stream;

(ii) a lake designated by the commissioner as a trout lake; or

(iii) Lake Superior; or

(2) possess trout or salmon taken in the state by angling.

[See main volume for 2]

Amended by Laws 1997, c. 216, § 88.

97C.321. Restrictions on unattended lines

Subdivision 1. General prohibition. A person may not take fish by angling with a set line or an unattended line except as provided in this section and rules adopted under the game and fish laws.

[See main volume for 2]

Amended by Laws 1997, c. 226, § 39.

97C.325. Prohibited methods of taking fish

Notes of Decisions

Indian treaty rights 3

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3. Indian treaty rights

Chippewa Indians could gillnet, in territory ceded under 1837 treaty, on those lakes of under 1,000 acres which were identified in Mille Lacs Band's management plan and conservation code, subject to restrictions contained therein, as Minnesota failed to establish genuine issue of material fact as to whether Band's regulations met its conservation concerns, where complete prohibition of gillnetting in lakes of under 1,000 acres was not the least restrictive measure to address state's conservation concerns. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

97C.331. Snagging fish prohibited

Notes of Decisions

Indian treaty rights 1

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1. Indian treaty rights

Chippewa Indians could gillnet, in territory ceded under 1837 treaty, on those lakes of under 1,000 acres which were identified in Mille Lacs Band's management plan and conservation code, subject to restrictions contained therein, as Minnesota failed to establish genuine issue of material fact as to whether Band's regulations met its conservation concerns, where complete prohibition of gillnetting in lakes of under 1,000 acres was not the least restrictive measure to address state's conservation concerns. Mille Lacs Band of Chippewa Indians v. State of Minn., D.Minn.1997, 952 F.Supp. 1362, affirmed.

MINNOWS

97C.501. Minnow licenses required

[See main volume for 1 and 2]

Text of subd. 2 effective March 1, 1998.

Subd. 2. Minnow dealers. (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(c) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

[See main volume for 3 and 4]

Amended by Laws 1997, c. 216, § 89.

Historical and Statutory Notes

1997 Legislation

Laws 1997, c. 216, § 161, provides in part that § 89 (amending subd. 2) is effective March 1, 1998.

97C.505. Minnows

[See main volume for 1 to 6]

Subd. 7. Interference prohibited. A person may not knowingly damage, disturb, or interfere with legal commercial minnow harvest operations.

Amended by Laws 1997, c. 226, § 40.

NETTING AND COMMERCIAL FISHING

97C.801. Taking rough fish on Mississippi river

Subdivision 1. Repealed by Laws 1997, c. 216, § 90; Laws 1997, c. 226, § 51.

Subd. 2. Commercial fish netting on Mississippi river. (a) A license is required to commercially take rough fish with seines in the Mississippi river from the St. Croix river junction to St. Anthony Falls.

(b) A person may take rough fish in the Mississippi river, from the St. Croix river junction to St. Anthony Falls, only with the following equipment and methods:

(1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;

(2) seines may be used only as prescribed by this section and rules adopted by the commissioner;

(3) seines must be hauled to a landing immediately after being placed;

(4) two seines may not be joined together in the water; and

(5) a seine may not be landed between sunset and sunrise.

Amended by Laws 1997, c. 216, § 90; Laws 1997, c. 226, § 41.

Historical and Statutory Notes

1997 Legislation

Laws 1997, c. 216, § 161, provides in part that § 90 (amending this section) is effective March 1, 1998.

WATER

Chapter 103B

WATER PLANNING AND PROJECT IMPLEMENTATION

BOARD OF WATER AND SOIL RESOURCES

Section

103B.101. Board of water and soil resources.

BOARD OF WATER AND SOIL RESOURCES

103B.101. Board of water and soil resources

Subdivision 1. Membership. The board of water and soil resources is composed of 12 members knowledgeable of water and soil problems and conditions within the state and five ex officio members.

Subd. 2. Voting members. (a) The members are:

(1) three county commissioners;

(2) three soil and water conservation district supervisors;

(3) three watershed district or watershed management organization representatives;

(4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;

(5) the commissioner of agriculture;

(6) the commissioner of health;

(7) the commissioner of natural resources;

(8) the commissioner of the pollution control agency; and

(9) the director of the University of Minnesota extension service.

(b) Members in paragraph (a), clauses (1) to (4), must be distributed across the state with at least three members but not more than five members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Members in paragraph (a), clauses (1) to (4), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the association of

Minnesota counties, the Minnesota association of soil and water conservation districts, and the Minnesota association of watershed districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to (4), are as provided in section 15.0575.

Subd. 3. Repealed by Laws 1997, c. 28, § 4.

[See main volume for 4]

Subd. 5. Officers. The governor shall appoint a chair from among the members of the board in subdivision 2, paragraph (a), clauses (1) to (4), with the advice and consent of the senate. The board shall elect a vice-chair and any other officers that it considers necessary from its membership.

[See main volume for 6 and 7]

Subd. 8. Repealed by Laws 1997, c. 28, § 4.

Subd. 9. Powers and duties. In addition to the powers and duties prescribed elsewhere, the board shall:

(1) coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;

(2) facilitate communication and coordination among state agencies in cooperation with the environmental quality board, 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) coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009;

(4) develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;

(5) provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;

(6) adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and

(7) report to the governor and the legislature by October 15 of 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.

The board may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other source to achieve an authorized purpose. The board may enter into a contract or agreement necessary or appropriate to accomplish the transfer.

Any money received is hereby appropriated and dedicated for the purpose for which it is granted.

[See main volume for 10 and 11]

Amended by Laws 1997, c. 28, §§ 1 to 3; Laws 1997, c. 109, § 1.

Chapter 103C

SOIL AND WATER CONSERVATION DISTRICTS

DISTRICT BOARDS

Section
103C.301. Initial election of supervisors.
103C.305. General election of supervisors.
103C.311. Formation of supervisor districts.
103C.315. Supervisors.

DUTIES OF THE STATE BOARD

103C.401. Board of water and soil resources.

Section
COST-SHARING CONTRACTS

103C.501. Cost-sharing contracts for erosion control and water management.

DISTRICT BOARDS

103C.301. Initial election of supervisors

Subdivision 1. Nominating petitions. Within 30 days after the date that the secretary of state issues a certificate of organization of a district, or during additional time as the state board may allow, nominating petitions may be filed with the state board nominating legal voters as candidates for election as supervisors. Three supervisors shall be elected for terms to expire on December 31 following the second general election after their initial election. Each petition must be signed by one or more legal voters of the district. If a person signs petitions nominating more than three candidates, the signature may not be counted on any petition.

[See main volume for 2 to 5]

Subd. 6. Elected supervisor term. Except to fill a vacancy or for initial elections, supervisors shall be elected for four-year terms.

Amended by Laws 1997, c. 173, §§ 1, 2.

103C.305. General election of supervisors

[See main volume for 1 to 5]

Subd. 6. Vacancy. (a) If a vacancy occurs in the office of an elected supervisor more than 56 days before the next state primary, the district board shall fill the vacancy by appointment. The supervisor appointed shall hold office until December 31 following the next general election. A successor shall be elected at the general election following the appointment and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

(b) If a vacancy occurs less than 56 days before the next state primary, the district board shall fill the vacancy by appointment. The appointed supervisor shall hold office until the expiration of the term or until December 31 following the second succeeding general election, whichever is shorter. A successor shall be elected at the general election preceding expiration of the appointed term and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

Amended by Laws 1997, c. 173, § 3.

103C.311. Formation of supervisor districts

Subdivision 1. Supervisors elected at large. (a) The district board, after the initial election has been held, shall, with the approval of the state board, divide a district into five supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into five supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board.

Subd. 2. Supervisors elected by districts. (a) In the counties of Ramsey and Washington, the district board, with the approval of the state board, may by resolution provide that supervisors will be elected by supervisor districts as provided in this subdivision.

(b) The supervisor districts must be composed of precincts established by county and municipal governing bodies under section 204B.14. The districts must be compact, include only contiguous territory, and be substantially equal in population. The districts must be numbered in a regular series. The districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the state board. The boundaries of the districts must be redrawn after each decennial federal census as provided in section 204B.135. A certified copy of the resolution establishing supervisor districts must be filed by the chair of the district board with the county auditor of the counties where the soil and water conservation district is located, with the state board, and with the secretary of state at least 30 days before the first date candidates may file for the office of supervisor.

(c) Each supervisor district is entitled to elect one supervisor. A supervisor must be a resident of the district from which elected.

(d) The district board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election, except that if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The district board shall determine by lot the seats to be filled for a two–year term, a four-year term, and a six-year term.

Amended by Laws 1997, c. 130, § 1; Laws 1997, c. 173, § 4.

Historical and Statutory Notes

1997 Legislation

Laws 1997, c. 130, § 2, provides that § 1 (amending this section) is effective July 1, 1997, without local approval, pursuant to § 645.023, subd. 1, par. (a).

103C.315. Supervisors

[See main volume for 1]

Subd. 2. Terms. The two supervisors appointed by the state board upon the establishment of a district shall serve terms ending on December 31 following the next general election after their appointment. Their successors shall be elected for terms of four years.

A supervisor shall hold office until a successor is elected or appointed and has qualified. Vacancies in the office of supervisor appointed by the state board shall be filled by the state board.

[See main volume for 3 to 6]

Amended by Laws 1997, c. 173, § 5.

DUTIES OF THE STATE BOARD

103C.401. Board of water and soil resources

Subdivision 1. Powers and duties. In addition to the powers and duties of the state board provided by other law, the state board shall:

(1) offer to assist the district boards to implement their programs;

(2) keep the district boards of the state informed of the activities and experience of other districts and facilitate cooperation and an interchange of advice and experience among the districts;

(3) coordinate the programs and activities of the districts with appropriate agencies by advice and consultation;

(4) approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state board;

(5) secure the cooperation and assistance of agencies in the work of the districts and develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding, and agriculturally related pollution control programs;

(6) develop and implement a public information program concerning the districts' activities and programs, the problems and preventive practices relating to erosion control, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable;

(7) divide and consolidate districts without a hearing or a referendum to confine districts within county limits, without allowing a district, if feasible and practicable, to contain less than four full or fractional congressional townships;

(8) assist the statewide program to inventory and classify the types of soils in the state as determined by the Minnesota cooperative soil survey;

(9) identify research needs and cooperate with other public agencies in research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state, and long-term soil productivity;

(10) develop structural, land use management practice, and other programs to reduce or prevent soil erosion, sedimentation, flooding, and agriculturally related pollution;

(11) develop a system of priorities to identify the erosion, flooding, sediment, and agriculturally related pollution problem areas that most need control systems; and

(12) ensure compliance with statewide programs and policies established by the state board by advice, consultation, and approval of grant agreements with the districts.

[See main volume for 2]

Amended by Laws 1997, c. 109, § 2.

COST–SHARING CONTRACTS

103C.501. Cost-sharing contracts for erosion control and water management

[See main volume for 1 to 5]

Subd. 6. Rules. (a) The state board shall adopt rules prescribing:

(1) procedures and criteria for allocating funds for cost-sharing contracts;

(2) standards and guidelines for cost-sharing contracts;

(3) the scope and content of district comprehensive plans, plan amendments, and annual work plans;

(4) standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high priority erosion, sedimentation, and water quality problems;

(5) the share of the cost of conservation practices to be paid from cost-sharing funds; and

(6) requirements for districts to document their efforts to identify and contact land occupiers with high priority erosion problems.

(b) The rules may provide that cost-sharing may be used for farmstead windbreaks and shelterbelts for the purposes of energy conservation and snow protection.

Amended by Laws 1997, c. 216, § 91.

Chapter 103D

WATERSHED DISTRICTS

FUNDING OF WATERSHED DISTRICT AND PROJECTS

Section

103D.905. Funds of watershed district.

FUNDING OF WATERSHED DISTRICT AND PROJECTS

103D.905. Funds of watershed district

[See main volume for 1 to 3]

Subd. 4. Bond fund. A bond fund consists of the proceeds of special assessments, storm water charges, loan repayments, and ad valorem tax levies pledged by the watershed district for the payment of bonds or notes issued by the watershed district. The bond fund is to be used for the payment of the principal of, premium or administrative surcharge, if any, and interest on the bonds and notes issued by the watershed district and for payments required to be made to the federal government under section 148(f) of the Internal Revenue Code of 1986, as amended through December 31, 1996.

Subd. 5. Construction or implementation fund. (a) A construction or implementation fund consists of:

(1) the proceeds of watershed district bonds or notes or of the sale of county bonds;

(2) construction or implementation loans from the pollution control agency under sections 103F.701 to 103F.761, or from any agency of the federal government; and

(3) special assessments, storm water charges, loan repayments, and ad valorem tax levies levied or to be levied to supply funds for the construction or implementation of the projects of the watershed district, including reservoirs, ditches, dikes, canals, channels, storm water facilities, sewage treatment facilities, wells, and other works, and the expenses incident to and connected with the construction or implementation.

(b) Construction or implementation loans from the pollution control agency under sections 103F.701 to 103F.761, or from an agency of the federal government may be repaid from the proceeds of watershed district bonds or notes or from the collections of storm water charges, loan repayments, ad valorem tax levies, or special assessments on properties benefited by the project.

[See main volume for 6 to 8]

Subd. 9. Project tax levy. In addition to other tax levies provided in this section or in any other law, a watershed district may levy a tax:

(1) to pay the costs of projects undertaken by the watershed district which are to be funded, in whole or in part, with the proceeds of grants or construction or implementation loans under sections 103F.701 to 103F.761;

(2) to pay the principal of, or premium or administrative surcharge, if any, and interest on, the bonds and notes issued by the watershed district pursuant to section 103F.725; or

(3) to repay the construction or implementation loans under sections 103F.701 to 103F.761.

Taxes levied with respect to payment of bonds and notes shall comply with section 475.61.

Amended by Laws 1997, c. 231, art. 2, §§ 2 to 4, eff. June 3, 1997.

INDEX

CONSULT GENERAL INDEX

Overview of the Blue Earth County Comprehensive Water Plan Update 1998 - 2007

Blue Earth County is located in south central Minnesota, approximately seventy miles southwest of the Twin Cities. Mankato, with 31,396 residents, is the county's largest city and is the county seat. Natural features, such as lakes and rivers, play a significant role in the county. The Minnesota River forms the county's northern border and is one of Blue Earth County's most important features. Approximately ninety-nine percent of the county is located within the Minnesota River Basin. Most of Blue Earth County is in the western Corn Belt Plains ecoregion with a small portion in the north central Hardwood Forest ecoregion. The county is experiencing slight growth in population. Urban types of development are the primary changes in the physical environment anticipated in the county.

There are five major watersheds within the county: the Blue Earth River Watershed, the Cannon River Watershed, the LeSueur River Watershed, the Middle Minnesota River Watershed, and the Watonwan River Watershed. Blue Earth County is located at the confluence of the Blue Earth, Watonwan, and LeSueur River Watersheds.

Surface water quality of the Minnesota River and its tributaries is a primary water resource issue in Blue Earth County. The Minnesota River Assessment Project Report from 1994 contained recommendations for practices to improve water quality of the Minnesota River and its tributaries. The recommendations included: restoring floodplains and riparian areas, restoring wetlands, managing ditches and storm sewers as tributaries, improving land management practices, and monitoring water quality throughout the entire basin. One problem with water-based recreation in Blue Earth County is the water quality of its lakes, streams, and rivers. The Minnesota River and portions of the Blue Earth and LeSueur Rivers are classified as not being able to support fishing and swimming by the MPCA.

Approximately fifty (50) percent of the land can be classified as high priority erosion areas. A large percentage of these areas are adjacent to rivers and extend two to three miles inland from the river channel. Stream bank erosion is also a major source of sedimentation along the 281 miles of river throughout the county. This naturally occurring erosion is accelerated where livestock grazing and crop farming is too close to the banks of the stream or ditch.

In Blue Earth County, like other counties in Southern Minnesota, more than ninety (90) percent of the presettlement wetlands have been drained to allow for the production of crops and the development of communities. Drainage of these wetlands was commonplace and was encouraged by government programs and policies beginning in the early 1900s when wetlands were regarded as wastelands. The values placed on wetlands is changing throughout recent history. Because over ninety (90) percent of the wetlands have been drained, the storage of flood waters has been greatly reduced. Restoring wetlands to help store flood waters is one way to help reduce the effects of flooding.

Agricultural drainage/injection wells remain an area of particular concern for Blue Earth County. This type of well was utilized to provide a disposal method for the artificial drainage systems serving agricultural cropland where the unavailability or costs of obtaining surface outlets for these tile systems was prohibitive.

Plan Accomplishments

1. In conjunction with the 13 County South Central Minnesota County Comprehensive Water Planning Project, Blue Earth County has successfully completed a surface water atlas and a groundwater atlas, expanded its precipitation monitoring network and participated in the Blue Earth River Clean Water Partnership Project.

2. The county has successfully adopted and implemented a manure management ordinance and the State Feedlot Program.

3. Each year the county sponsors a clean-up the river day.

4. Established the position of county water plan coordinator.

5. Established a local water plan advisory committee.

6. Assisted the residents in the Duck Lake watershed to determine the lake's water quality and problems associated with nutrient loading in the lake.

7. Assisted with the Crystal-Loon-Mills Lake Clean Water Partnership.

8. Developed and implemented a well-sealing program.

9. Created a digitized drained wetland inventory map of the county.

Proposed Actions

1. Continue the position of county water plan coordinator

2. Empower and institutionalize the local water plan advisory committee for advising the county board on water-related matters.

3. Upgrade on-site sewage treatment systems throughout the county in an aggressive and continuous manner.

4. Continue the county feedlot program, including performing feedlot inspections and data base management.

5. Continue the crop residue transect surveys to monitor and promote crop residue management.

6. Assess the feasibility of developing and enforcing a soil loss and riparian buffer ordinance. Develop an ordinance requiring vegetative, riparian buffers adjacent to all public waterways.

7. Assess the feasibility of requiring livestock fencing from surface water.

8. Seek funds to determine the environmental impacts of removing the Rapidan Dam.

9. Seek funds to revise and update the county's current geologic atlas.

10. Assist cities and townships in coordination of the wellhead protection plans.

11. Establish and coordinate a comprehensive planning process to solve existing and future Community and municipal wastewater treatment problems.

12. Promote a policy or program for wetland protection, enhancement, restoration, and construction based on the high priority areas established in the county water plan.

Plan Update was submitted for final review on December 10, 1997.

MINNESOTA ENVIRONMENTAL TRUST FUND COALITION

P.O. Box 16532
St. Louis Park, Minnesota 55416
(612)381-1261
Fax: (612)377-7942

Gene Merriam, Chair
Gov. Elmer L. Andersen, Honorary Co-chair
Sue Perpich Bifulk, Honorary Co-chair

JANUARY 1998

COALITION ADOPTS 1998 LEGISLATIVE PLAN

The 1998 Legislative Session will soon be underway! The Coalition is working this year to secure final passage of legislation to continue the constitutional dedication of at least 40% of the lottery revenues to the Environment and Natural Resources Trust Fund. Below is the Legislative Workplan the Coalition's executive board approved in December. Because it's a short session this year, things must move quickly to accommodate all necessary committee hearings and conference committee work. Please do your part by writing your state Senator and urging quick passage of the Trust Fund Bill, S.F. 76, this year!

1. Summary of 1997 Session:

■ Passed House, HF 113, extension to the year 2020 and allows 25% of the annual revenues deposited to be used for land acquisition and development. **Authors, *Representatives Munger, Carruthers, Weaver, Hausman, and Solberg.***

■ Senate action on SF 76, passed out of Environment and Natural Resources Finance Division. Current language is an extension to the year 2050. **Authors, *Senators Morse, Moe, Novak, Frederickson, and Laidig.***

2. 1998 Legislative Session

Senate Passage — Our bill must be heard and approved by the following Senate Committees:

- Environment and Natural Resources Committee, ***Sen. Bob Lessard, Chair***
- Local and Metropolitan Government Committee, ***Sen. Jim Vickerman, Chair***
- State Government Finance Committee, ***Sen. Dick Cohen, Chair***
- Senate Rules Committee, ***Sen. Roger Moe, Chair***
- Floor Action
- Conference Committee
- Final Passage by Both Houses

3. Committee Deadlines — The deadlines by which committees must hear a bill to keep that bill alive fall early this year due to the short session. They are:

February 13th — *First Deadline*
February 20th — *Second Deadline*

Our bill must travel scucessfully through the first three committees listed above by February 20 in order for it to remain alive this session.

4. Grassroots Support — Please see sample letter included in this mailing and write your state senator today! If our bill is to be scheduled for hearings and move quickly, we need to make our voice heard in the Senate! Send your letter NOW!

Fundraising Efforts Gearing Up: *Thanks to New Donors, Renewing Members*

The Coalition's Fundraising Committee, co-chaired by Kathy Draeger of Sustainability International and Bill Heaney of NSP, has been busy over the last few months! They are now implementing a plan to raise the funds needed to finance the Coalition's efforts through the 1998 Legislative Session as well as the important public relations campaign later this year to ensure passage of our ballot question in November.

This plan includes the following:

- having all members renew their memberships;
- asking those members who are able to make additional cash and/or in-kind contributions;
- and seeking major donations from selected individuals and corporations.

Many Coalition members renewed their memberships in late 1997. If you haven't, there's still time! Continued support from Coalition membership is critical. A membership renewal form is included in this mailing for your convenience.

Many thanks to the following new donors who have made significant contributions to the Coalition:

Mike Prichard	**$ 500**
Bill Kirchner	**$1,000**

This support was made possible through a mailing done by the Minnesota Parks and Trails Council, a Coalition member. Thanks again to these individuals and to the Council for their dedication to the continued growth of the Trust Fund.



NEXT COALITION MEETING!

The next meeting of the Coalition will be on Monday, January 12, 1998 from 7 p.m. to 9 p.m. in the Penthouse Room at the Science Museum in downtown St. Paul. **Senate Majority Leader Roger D. Moe** will be in attendance to speak to the Coalition. So come and bring a friend—we need a big group to talk with Sen. Moe!

THANKS TO OUR ORGANIZATION MEMBERS!

Agri-Growth Council, Inc.
All Terrain Vehicle Assn. of MN
Arrowhead ATV Club
Audubon Chapter of Mpls.
Blue Earth River Basin Initiative
Boise Forte Band of Chippewa
CAMAS inc.
Cannon River Watershed Partnership
Cannon Valley Trail
Carpenter Nature Center
Carver SWCD
Center for Energy & Environment
Chisago Lakes Sportsmen's Club, Inc.
Citizens Advisory Committee on the ETF
Citizens for a Better Environment
Citizens for SE MN State Parks
City of Plymouth
City of Winona
Clean Water Action
Comm. to Preserve Rural Environment
Comm. to Preserve Rural Values
Crow Wing Soil & Water Conservation Dist.
Crown Hydro Company
Dawson Rod & Gun Club
Deep Portage Conservation Foundation
Duluth Audubon Society
Eveleth Mines, Inc.
Fish & Wildlife Employees Assn.
Fish & Wildlife Legislative Alliance
Flowing Springs
Fox Lake Conservation League
Friends of St. Paul/Ramsey Parks
Friends of the Minnesota Valley
Gore Creek Clothing, Inc.
Hostelling International
International Coalition
International Wolf Center
Izaak Walton League
Izaak Walton League-Agassiz Chapter
Izaak Walton League-Austin Chapter
Izaak Walton League-Breckenridge Chapter
Izaak Walton League-Le Center Chapter
Izaak Walton League-Minnehaha Chapter
Izaak Walton League-New London Chapter
Izaak Walton League-New Ulm Chapter
Izaak Walton League-Wapashaw Chapter
J.C. Hormel Nature Center
Key Cities Conservation Club
Lake of the Woods Area Tourism
Lake Superior Center
Land Stewardship Project
Landscape Plant Development Center
Lawndale Environmental Learning Center
Lead Free Kids, Inc.
Leech Lake Reservation - Res. Mgmt. Div.
Lost Dog & Fox Hunters Club, Inc.
Martin County Conservation Club
Metro Business Associates
Midwest Mountaineering
Minnesota Audubon Council
Minnesota Food Association
Minnesota Forest Industries
Minnesota Land Trust
Minnesota Pheasants, Inc.-B.E. Co. Chap.
Minnesota Power
Minnesota Sportfishing Congress
Minnesota Waterfowl Association
MN Assn. of RC&D Councils
MN Assn. of SWCD
MN Assn. of Watershed Districts
MN Assoc. for Environmental Education
MN Bow Hunters, Inc.
MN Center for Environmental Advocacy
MN Conservation Federation
MN Conservation Officers Association
MN Deer Hunters Association
MN Deer Hunters Association - Sioux Trails
MN for Energy Efficient Economy
MN Institute for Sustainable Ag
MN Outdoor Heritage Alliance
MN Parks and Trails Council
MN Ports Association
MN Prairie Chicken Society
MN Recreational Trail Users Assn.
MN Sharp-tailed Grouse Soc-Duluth
MN Soil & Water Cons. Society
MN State Archery Association
MN Trail Hounds Association
MN Waste Association
Morgan Sportsmans Club
Muskies, Inc.-Twin Cities Chapter
Nature Conservancy
Nicollet Conservation Club
North American Outdoor Group
Northern Environmental Network
Northern States Power
P.J. Asch Outfitters
Pheasants Forever
Pheasants Forever-Wright Co.
Potlatch Corporation
Save Lake Superior Assn.
School Nature Area Project
Science Museum of Minnesota
Seaway Port Authority-Duluth
Sierra Club
Sleepy Eye Sportsmen Club, Inc.
SRC Urban Lands Program
St. Croix Watershed Res. Station
St. Paul Audubon Society
St. Paul Neighborhood Energy Cons.
Sustainability International Inc.
Sustainable Resource Center
SW Regional Development Comm.
The Raptor Center
The Trust for Public Land
The Wildlife Society, MN Chapter
Trout Unlimited
Turn in Poachers, Inc.
Warner Nature Center
Washington-Ramsey Co. Wheelers
WesMin RC&D Council
Wilderness Inquiry
Wildlife Forever

EXECUTIVE COMMITTEE

Gene Merriam, Chair
Greta Hesse Gauthier, Director

Ray Bohn • *MN Assn. of Watershed Districts*
Kathy Draeger • *Sustainability International Inc.*
Joe Duggan • *Pheasants Forever*
Judy Erickson • *MN Parks and Trails Council*
Nancy Gibson • *Citizens Advisory Committee*
Bill Heaney • *Northern States Power*
Gabe Horner • *Nature Conservancy*
Craig Johnson • *MN Ctr. for Enviro. Advocacy*
Tom Kelliher • *MN Deer Hunters Association*
Jim Klatt • *MN Outdoor Heritage Alliance*
Ron Nargang • *Dept. of Natural Resources*
Lance Ness • *Fish & Wildlife Legislative Alliance*
Cordelia Pierson • *The Trust for Public Land*
Ray Skelton • *Seaway Port Authority-Duluth*
Barbara Toren • *Izaak Walton League*
Dorothy Waltz • *National Audubon Society*
Appointment pending • *Minnesota Forest Industries*

Questions? Call the Coalition office at (612)381-1261.
Please send us your address corrections.



RECEIVED
JAN 12 1998



Minnesota Environmental Trust Fund Coalition
P.O. Box 16532
St. Louis Park, MN 55416

Next Coalition Meeting:
January 12!

Ron Harnack
BWSR
One West Water St. #200
St. Paul MN 55107

The Minnesota Environmental Trust Fund Coalition
P.O. Box 16532
St. Louis Park, Minnesota 55416
(612)381-1261
Fax: (612)377-7942

Gene Merriam, Chair
Governor Elmer L. Andersen, Honorary Co-Chair
Sue Perpich Bifulk, Honorary Co-Chair

MEMBERSHIP FORM

Minnesota Environmental Trust Fund Coalition Mission Statement:

The mission of the Minnesota Environmental Trust Fund Coalition is to pursue in the 1997 and 1998 legislative sessions (to be on the ballot in 1998) the passage of legislation to continue the constitutional dedication of at least 40% of lottery revenues to the Environment and Natural Resources Trust Fund. The current dedication expires December 31, 2000.

The Coalition requests that you designate a contact for an organizational membership. Please indicate on the form below. In addition, to facilitate a count of the number of Minnesotans the Coalition represents, please fill in your current membership level on the line provided.

Name: _____

Contact name (if different than above): _____

Organization: _____

Number of members in organization: _____

Address: _____

City/State/Zip: _____

Telephone: (w)_____ (h)_____ Fax: _____

Email: _____

Membership categories (check one):

☐ Organizations	(1 - 1,000 members)	$ 50.00
☐ Organizations	(Over 1,000 members)	$100.00
☐ Individual		$ 20.00

In addition to annual dues, I am enclosing an extra contribution of: _____

Total amount enclosed: ☐

New _____ Renewal _____

The Coalition does not want to exclude anyone from participating. Please give as you are able. Thank you.

You may use my name (or contact name) on a published list of members: yes___ no___
You may use the name of the organization on a published list of members: yes___ no___

To join, please send this form and your check to:
Minnesota Environmental Trust Fund Coalition
P.O. Box 16532
St. Louis Park, Minnesota 55416

SAMPLE LETTER

Tips for writing to your legislator:

- Be brief and neat--one page only and typed if possible.
- Write on only one issue per letter and identify it at the top of the letter.
- Personalize the sample letter below (form letters are not as effective as personal letters).
- Identify yourself as a constituent (if you are).
- Trust Fund legislation passed the House last year so there is no need to write to your representative.

Dear Sen. (last name):

I urge you to vote in favor of legislation to put a question on the 1998 general election ballot asking voters to extend the dedication of 40% of lottery net revenues to the Minnesota Environment and Natural Resources Trust Fund. The current dedication expires December 13, 2000. Last year, the Minnesota House of Representatives passed legislation to allow voters to approve a constitutional amendment in the 1998 election that will extend the lottery proceeds to the year 2020.

Over the past seven years, the Trust Fund has funded many projects statewide that protect and enhance our natural resources and environment. Accomplishments include: fish and wildlife habitat improvement and acquisition; environmental education projects that have involved over 250,000 students; natural resource information programs, such as the forest ecosystem studies, blufflands protection, and mapping projects; water pollution prevention, research, and restoration projects on every major watershed in the state; biological control and other agricultural projects affecting 95% of cropland in Minnesota; and acquisition and development of trails, parks, and public water accesses.

All these benefits reflect critical, ongoing needs which must be addressed if we are to provide our children and grandchildren with clean water, clean air, and a healthy environment. Continued dedication of lottery proceeds to the Environment & Natural Resources Trust Fund will provide ongoing funds to help meet these urgent needs.

Senators Steve Morse, Roger Moe, Steve Novak, Dennis Frederickson, and Gary Laidig have authored legislation to place a question on the 1998 ballot allowing voters to re-dedicate 40% of net lottery proceeds to the Environment & Natural Resources Trust Fund. Please vote "yes" to S.F. 76.

Sincerely,

Finance:GS allocation

MASWCD

Minnesota Association of Soil and Water Conservation Districts
790 Cleveland Avenue South, Suite 216, St. Paul, MN 55116 612-690-9028

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1-320-833-2083

AUXILIARY PRESIDENT
AUDREY OEHLKE
Route 2, Box 118
Grand Meadow, MN 55936
1-507-754-5459

January 27, 1998

Kathleen Roer
Chair
Minnesota Board of Water and Soil Resources
One West Water Street
St. Paul, MN 55107

Dear Kathy,

It is the recommendation of the MASWCD Board of Directors that BWSR distribute the entire 1998-99 General Service Allocation equally among the 91 SWCDs.

Your staff is to be commended for their assistance to the association during the debate and discussion regarding General Service Allocations.

Sincerely,

D'Wayne D. De Ziel
Executive Director

cc: Ron Harnack
MASWCD Board of Directors

February 1998

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
FEBRUARY 25, 1998

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approval of Minutes of January 28, 1998

Introduction of new board members and recognition of Tim Hvidsten's retirement from the BWSR

Reports
- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports
- Jim Anderson, Minnesota Extension Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

Recognition of Darrell Apelgrain's Retirement

Committee Recommendations
1. Hubbard County and Chisago County Comprehensive Local Water Plan - recommended for approval by the northern subcommittee - DECISION

New Business

1. Capitol Region Watershed District Establishment Hearing - Jim Haertel - DECISION

2. FY99 State Cost-Share Program Allocation Policies - Wayne Zellmer - DECISION

3. River Watch - Molly MacGregor, Rivers Council of Minnesota - INFORMATION

4. St. Louis County Wetland Functional Assessment - John Jaschke - DECISION

Old Business

1. 1997 RIM Reserve Sign-Up Results - Tim Fredbo - INFORMATION

2. Legislative Update - Ron Harnack - INFORMATION

Advisory Comments

- Rick Reimer, MACDE
- Vern Wilker, MASWCD
- Franklin Denn, MAT
- Ray Bohn, MAWD
- Bill Hunt, NRCS

Upcoming Meetings

1. Next BWSR Meeting, March 25, St. Paul

Other Board Issues

Adjourn

Minnesota Board of Water & Soil Resources

One West Water Street
Suite 200
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Fax (218) 723-4794

3217 Bemidji Avenue N.
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Fax (218) 755-4201

217 S. 7th Street
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Southern Region:
261 Highway 15 S.
New Ulm, MN 56073-8915
(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

An equal opportunity employer

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DATE: February 13, 1998

TO: Board of Water and Soil Resources Members, Advisors, and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: February 25, 1998 Board Meeting

The BWSR meeting scheduled for February 25 will be held in St. Paul rather than in St. Cloud. The retreat will be postponed until April, due to the legislative session.

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, February 25, 1998, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Committee Recommendations

1. Hubbard County Comprehensive Local Water Plan: The northern subcommittee of the Board has reviewed the Hubbard County water plan and recommends approval. DECISION

New Business

1. Capitol Region Watershed District Establishment Hearing: A watershed district establishment petition to form the Capitol Region Watershed District was filed with the board on February 4, 1998. The petition was signed by more than 50 resident owners, which was certified by Ramsey County on February 9, 1998. Upon determining an establishment petition has the requisite number of signatures, M.S. 103D.221, Subd. 1 (c) requires the board, within 35 days, to order the time and location for an establishment hearing. The attached draft order stipulates the hearing to take place at the Como Park Pavillion on Monday, April 6, 1998, starting at 7:00 p.m. with the metro subcommittee presiding.

2. FY99 State Cost-Share Program Allocation Policies: The State Cost-Share Program allocations are grants to Soil and Water Conservation Districts (SWCDs) to cost-share with landowners the application of soil and water conservation and water quality improvement practices. The annual legislative appropriation to BWSR for this program is $1,620,000. This appropriation is allocated to SWCDs via the base grants and special project grants programs. The Board will be requested to decide the appropriate amount to allocate for each program and establish certain policies for FY99. DECISION

3. River Watch: Molly MacGregor, Rivers Council of Minnesota, will review the Council's role and explain programs and opportunities. INFORMATION

4. St. Louis County Wetland Functional Assessment: St. Louis County has taken this opportunity to submit the functional assessment methodology portion of their Comprehensive Local Wetland Management Plan to the BWSR for approval at the Board's February 1998 regular meeting. The BWSR field staff and program staff recommend that the BWSR approve the use of the SWAG to fulfill the requirements of MN Rule 8420.0650 regarding Comprehensive Local Wetland Protection and Management Plans. Because this is a new methodology, approval should include a condition requiring an evaluation of effectiveness on a semi-annual basis to ensure accuracy and consistency are being obtained. DECISION

Old Business

1. 1997 RIM Reserve Sign-Up Results: See the attached memo and information from Tim Fredbo. INFORMATION

2. Legislative Update

If you require additional information, please feel free to give me a call. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the board office by noon on Tuesday, if possible. Travel safely, I look forward to seeing you on the 25th!

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

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

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Recognition of Darrell Apelgrain's Retirement

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1. Hubbard Hubbard Comprehensive Local Water Plan - recommended for approval by the northern subcommittee - DECISION

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3. River Watch - Molly MacGregor, Rivers Council of Minnesota - INFORMATION

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- Rick Reimer, MACDE
- Vern Wilker, MASWCD
- Franklin Denn, MAT
- Ray Bohn, MAWD
- Bill Hunt, NRCS

Upcoming Meetings
1. Next BWSR Meeting, March 25, St. Paul

Other Board Issues

Adjourn

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

Hubbard County Comprehensive Local Water Plan Update

(For Board Action)

The Minnesota Board of Water and Soil Resources (Board) approved the Hubbard County Comprehensive Local Water Plan (plan) on December 20, 1989. The Hubbard County Board adopted the plan on February 7, 1990. Hubbard County submitted a plan update, required in the plan, to the Board on November 19, 1997, to begin the final 90-day review period. The final review period ended on February 17, 1998.

Board staff prepared and included a written overview of the plan update in the January 28, 1998, board packet. The Board Water Plan Review Committee met with representatives of Hubbard County on February 20, 1998, to review and discuss the plan update.

Counties updating their plan must include water planning requirements established under the Local Water Planning Statute 103B. They also have to include objectives for wellhead protection, sensitive groundwater areas, storm water management, high priority wetland preservation area designation and watershed assessment. The Hubbard County Plan Update includes these new requirements and the eighteen required assessments.

Hubbard County individually reviewed and updated the 55 information and data items. They summarized and added any new information to the **Resource Information: Data Inventory Update** section of the plan. The Local Water Plan Task Force used new and existing information to make assessments and to develop goals, objectives, and action items. These can be found in the **Water Plan Strategies** section of the plan. The plan focuses on 8 priority issues - development & population growth; development of a land use plan and enforcement; surface and ground water quality; education; ground water sensitivity; sewage treatment; and wellhead protection.

The plan includes four broad goal categories with associated goal statements. The plan considers them in the context of the county's major watersheds.

Surface and Ground Water Quality and Quantity
Non-degradation of surface and ground water quality.
Provide for adequate surface and ground water quantity for current and future use.

Land Development, Use, and Management
To sustain a diverse, water dependent economy.
Develop a sustainable land use plan and appropriate protection tools to enhance the potential for higher levels of development without degrading the county's water resources.

Education and Information
Provide knowledge to the county's citizens to generate a comprehensive understanding of their water resources.
Instill a sense of personal responsibility for the stewardship of the county's water resources.

Administration
Give elected officials, citizen planners, and government employees a common vision so that they can provide leadership to plan, develop, and implement appropriate regulations to achieve the goals in the CLWP.

Board staff has reviewed the Hubbard County Plan Update and finds that they have satisfied all relevant requirements of the law and rule under MS 103B and MCAR 9300.

c:\...\hubbclwp.rev

New Business #1

DRAFT

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

In the Matter of the Establishment of the Capitol Region Watershed District in Ramsey County pursuant to Minnesota Statutes Section 103D.221, Subdivision 1

ORDER ESTABLISHMENT HEARING

Whereas, more than fifty (50) resident owners residing in the Central Ramsey Watershed Management Organization (CRWMO) in Ramsey County filed a Petition dated January 20, 1998 with the Board of Water and Soil Resources (Board) on February 4, 1998, to establish a watershed district in the CRWMO pursuant to Minn. Stat. § 103D.205, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **District Name.** The name of the proposed district shall be the "Capitol Region Watershed District".

2. **Property Description.** The territory to be included in the watershed district is the Central Ramsey Watershed Management Organization area with the addition of the Southwest Ramsey Watershed Management Organization area and/or the Ramsey-Washington Metro Watershed District area.

3. **Necessity for Watershed District.** Minn. Stat. § 103B.231, Subd. 1(a) requires a watershed management plan for all watersheds within the metropolitan area. Minn. Stat. § 103B.231, Subd. 3(c) does not allow for Ramsey County to prepare, adopt, and implement a watershed management plan. Since the Central Ramsey Watershed Management Organization (CRWMO), a joint power agreement WMO, has been unable to execute a joint powers agreement that is fully compliant with rule and law, a watershed district must be established.

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The CRWMO watershed management plan identifies the Trout Brook stormwater interceptor ownership as a problem, but the CRWMO has failed to solve this important inter-community stormwater transport issue. The CRWMO plan also identifies the Godfried Pit flooding as a problem, but the CRWMO has failed to solve the problem. The CRWMO has failed to address water quality problems for Lake Como and Lake McCarrons. The CRWMO has failed to produce target in-lake nutrient concentrations and corresponding pollutant loadings for sediment and nutrients for any surface waterbody within the CRWMO. The CRWMO has failed to adequately address re-development and erosion control. The petition states "The CRWMO seats are held by a majority of public works officials from member cities who have publicly stated that the CRWMO "exists to do nothing"."

4. **Contemplated Improvements.**

   A. Ownership of the Trout Brook interceptor and associated activities.
   B. Flood relief in the Godfried Pit area.
   C. Water quality improvement in Lake Como and Lake McCarrons
   D. Erosion and sediment controls.

5. **Number of Managers.** The number of managers proposed for the watershed district is five (5) or seven (7).

6. **Signatures.** The Establishment Petition dated January 20, 1998 was filed with the Board on February 4, 1998. The Petition was signed by more than fifty (50) resident owners in the CRWMO pursuant to Minn. Stat. § 103D.205, Subd. 3 (4). On February 9, 1998, Dorothy McClung, Director of the Department of Property Records and Revenue for Ramsey County, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district.

7. **Filing.** The petition was filed with Ramsey County Property Records and Revenue, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters.

8. **Hearing Location.** The hearing should be held at the Como Lakeside Pavilion at Como Park, 1360 North Lexington Parkway, Saint Paul, Minnesota. The facility is handicap accessible and located within the CRWMO.

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9. **Hearing Panel.** The Metro Water Planning Subcommittee should preside over the hearing due to their familiarity with the issues.

10. **Hearing Time.** The principal people involved with the hearing have been coordinated with such that the hearing should be held on Monday, April 6, 1998, starting at 7:00 PM.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of ordering a watershed district establishment hearing.

ORDER

The Board hereby orders that the hearing on the establishment petition for the Capitol Region Watershed District be heard by the Metro Water Planning Subcommittee on Monday, April 6, 1998, starting at 7:00 PM at the Como Lakeside Pavilion at Como Park, 1360 North Lexington Parkway, Saint Paul, Minnesota.

Dated this 25th day of February, 1998.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Kathleen M. Roer, Chair

Ramsey Soil and Water Conservation District

2015 Rice Street
Roseville, MN 55113
Fax 612-488-3478
Telephone 612-488-1476

February 7, 1998

Mr. Ronald Harnack, Executive Director
MN Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107

Dear Mr. Harnack:

It has come to our attention that the MN Board of Water and Soil Resources (BWSR) has tentatively scheduled a public hearing for Monday, April 6, 1998 regarding the establishment of a watershed district within the geographic area currently managed by the Central Ramsey Watershed Management Organization. **On behalf of the Ramsey Soil and Water Conservation District Board (Ramsey SWCD) and the affected citizens of Ramsey County, we request that BWSR assist the Ramsey SWCD facilitate several public meetings on the subject matter prior to a public hearing. We further request that the public hearing be rescheduled for sometime in May or June, 1998.**

The conversion of the current water management authority and possibly the adjacent joint powers water management authority, i.e., Southwest Ramsey Water Management Organization, into a watershed district will have far reaching effects on public finance and expenditure, water resource governance, and inter-governmental partnerships. Therefore, it is essential that the public and its elected officials are well informed on these complex issues. It is our belief that additional time and public meetings will be needed to properly inform the public and its elected officials.

As you know, the Ramsey County Board of Commissioners, city council members and mayors from the cities of St. Paul, Falcon Heights, Roseville, and Maplewood all have a vested interest and responsibility in this issue. With a relatively new County Board and St. Paul City Council, it is extremely important that these public officials have sufficient time to become well versed in the issues.

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 2
To RON HARNACK AND MATT MOORE	From John Peterson
Dept. MN BWSR	Co. Ramsey SWCD
Fax # 297-5615	Phone # 493-1476 Ext. 11
	Fax # 493-3478

If you have any questions, please call Tom Petersen, District Manager (488-1476 ex. 11).

Sincerely,

Joe Fox, T.H.
Ramsey SWCD Chair

cc. Ramsey County Board
Cities of St. Paul, Falcon Heights, Roseville, Maplewood
St. Paul District 10 Community Council

harnack.209

Minnesota
Board of
Water & Soil
Resources

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February 13, 1998

Joe Fox, Chair
Ramsey Soil and Water Conservation District
2015 Rice Street
Roseville, MN 55113-6814

Dear Mr. Fox:

We have received the Ramsey SWCD's February 7, 1998 letter regarding the petition BWSR has received for establishment of a watershed district in the central Ramsey watershed area.

The District's first request is that BWSR assist the District in facilitating several public meetings before the public hearing on the establishment petition. We are very willing to provide such assistance and suggest a meeting be scheduled promptly.

The second of the District's two requests concerns delaying the public hearing on the establishment petition. We are unable to comply with this request since Minn. Stat. § 103D.221, Subd. 1 (c) requires the hearing to be held in a timely manner. The planned hearing date of April 6, 1998 is the latest date BWSR has determined the hearing can be held. Consequently, the planned hearing date gives the maximum time possible for discussions and planning to occur before the hearing. Also, BWSR has the option of holding the record open or continuing the hearing.

Please feel free to contact Jim Haertel of my staff at 297-2906 should you wish to discuss this matter further.

Sincerely,

Ronald D. Harnack
Executive Director

cc: Janice Rettman, Ramsey County Board
Anne Weber, St. Paul Public Works
Susan Hoyt, Falcon Heights
Karl Keel, Roseville
Ken Haider, Maplewood
Mike Perniel, Chair, District 10 Community Council
BWSR Staff: Doug Thomas, Jim Haertel, Matt Moore

BWSR AGENDA ITEM

FY 99 STATE COST SHARE PROGRAM ALLOCATION POLICIES

Annual Legislative Appropriation - $1,620,000

The Regular Statewide Cost Share Program and the Special Projects Program are two BWSR cost share programs that share the same legislative appropriation. The Board is requested to determine how much of this appropriation should be allocated to each Program for FY 99 (July 1, 1998 - June 30, 1999). The Cost Share Program Rules state that the Board must allocate at least 70% of the total appropriation.

For FYs 97 and 98 the BWSR allocated 85% or $1,377,000 of this amount in the Regular Statewide Cost Share Program allocation. The remaining 15%, along with any roll-over funds, were allocated for Special Projects.

FY 99 REGULAR STATEWIDE COST SHARE ALLOCATION

The following table shows examples of appropriation percentages and amounts allocated to the Regular Statewide Cost Share Program and the resulting amount remaining for the Special Projects Program.

% Allocated	Amount Allocated	Amount Remaining
100	$1,620,000	$ 0
95	1,539,000	81,000
90	1,458,000	162,000
85	**1,377,000**	**243,000**
80	1,296,000	324,000

FY 99 SPECIAL PROJECTS PROGRAM

Historical Special Project Requests and Allocations

FY	Requests	Allocations
98	$1,867,319	$500,000*
97	1,350,187	494,162
96	812,590	365,032
95	561,246	368,060
94	1,106,089	373,599
Ave.	$1,139,486	$420,171

*In FY 98 the BWSR set a cap of $500,000 for the Special Projects Program. Any additional roll-over funds received by BWSR were added to the Regular Statewide Allocation.

As of January 6, 1998 the BWSR had approximately only $85,000 in roll-over funds. This amount is less than normal because $134,000 of roll-over funds were allocated last fall in the FY 98 Special Projects Flood Recovery Program. It can also be assumed that the amount of roll-over funds available will continue to decrease because of the change to two-year grant agreements in FY 97, allowing SWCDs an additional year to spend funds.

The Cost Share Committee's recommendation is in line with FY 97 and 98 and would provide an estimated FY 99 Special Project allocation as follows:

15% of Legislative Appropriation	$243,000
Current Roll-Over Funds Available	85,000
Est. Additional Roll-Over through Spring of 1998	80,000
Total	$408,000

AREA ALLOCATION PLANS

For FY 97, at the request of MASWCD, the Board approved an alternative allocation process for the Regular Statewide Cost Share Program. This alternative allowed allocations to MASWCD Areas according to the BWSR approved Plans they would provide. This process was to provide Areas greater flexibility with their cost share dollars, allowing them to target and direct cost share dollars to their regional technical, administrative, and conservation practice needs.

In FYs 97 and 98, 5 and 4 of the Areas, respectively, participated in the Area Allocation Process. These Area Allocation Plans included no changes from previous years in how cost share dollars were to be allocated or utilized, except that any potential roll-over funds were to remain in their respective Areas.

Because of the lack of Area participation in the last two years, no changes in cost share management in Areas that did participate (except for roll-over), and the extra MASWCD Area Committee meetings and planning required for the Area Allocation Process, the BWSR Cost Share Committee recommends that the Area Allocation Process be discontinued for FY 99 and all SWCDs will receive their allocations as they have according to the historical allocation formula.

BWSR Cost Share Committee Policy Recommendations for the FY 99 State Cost Share Program

- The Board will allocate 85% of the legislative appropriation ($1,377,000) for the Regular Statewide Cost Share Program.
- The MASWCD Area Allocation Process will be discontinued for FY 99.
- The Board will allocate 15% ($243,000) of the legislative appropriation (plus roll-over funds) up to $500,000 for Special Projects. If roll-over plus this 15% exceeds $500,000, then the excess will be added to base grant allocations.
- The maximum allocation per Special Project will be $20,000.
- No amount of Special Project allocations may be used to pay for technical and administrative (T & A) costs.

Minnesota Board of Water & Soil Resources

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DATE: February 6, 1998

TO: BWSR Wetlands Committee

FROM: Daniel Eklund, Wetland Specialist
Mark Nelson, Board Conservationist
John Jaschke, WCA Program Manager

SUBJECT: Saint Louis County Wetland Assessment Guide (SWAG): Staff Recommendation

Saint Louis county has taken this opportunity to submit the functional assessment methodology portion of their Comprehensive Local Wetland Management Plan ("Plan") to the Board of Water and Soil Resources for approval at the Board's February 1998 regular meeting.

Background

In April 1997, Saint Louis County decided to pursue the development of a local plan for management of the county's wetland resources. As a prerequisite to implementing a local plan, Saint Louis County is responsible for evaluating the functions of wetlands within the plan area using a methodology approved by the Board.

Saint Louis County retained a consultant to work with their wetland technical advisory committee (TAC) to select a functional assessment methodology to be incorporated into their local plan. The TAC consists of county staff, regulatory agencies, and resource specialists with specific knowledge of the county's natural resources. After review of several Board approved functional assessment methodologies, the TAC recommended adoption of a hybrid methodology. This methodology contains elements from the US Army Corps of Engineers-Wetland Evaluation Technique(WET), version 1.0 of the Minnesota Routine Method for Evaluating Wetland Functions(MNRAM), and US Army Corps of Engineers- Hydrogeomorphic Assessment Method(HGM). This new hybrid method is known as the Saint Louis Wetland Assessment Guide (SWAG)

Because WET and SWAG are not listed as a pre-approved wetland functional assessment method, they require Board approval (per M.S. 103G.2243, Subd. 2, subitem (1) (ii) and M.S. 103B.3355; Minnesota Rules 8420.0650, Subp. 2, item a (2) and 8420.0540, Subp. 10, item G). Without Board approval, Saint Louis County cannot move forward with further development and implementation of the County's local plan.

Agency Comments

Staff from the MDNR Sections of Wildlife, Fisheries, and Ecological Services, and Divisions of Waters and Enforcement actively participated in the review, selection and modification of the hybrid assessment method to accurately measure county wetland resources. The US Army Corps of Engineers Regulatory representative also provided input regarding the appropriateness of the SWAG. Saint Louis County reviewed and incorporated all comments received deemed relevant to the improvement of the SWAG.

Legal Process

MN Rule 8420.0650, Subpart 2 states in part that:

A plan must provide for the classification of wetlands in the plan area based on:

> (1) an inventory of wetlands in the plan area;
> (2) an assessment of wetland functions listed in Minnesota Statutes, section 103B.3335, using a methodology chosen by the technical evaluation panel from one of the methodologies established or approved by the board under that section.

BWSR Staff Comments/ Recommendations

The initial comments from BWSR staff included a need for BWSR to review the consistency and accuracy of the SWAG methodology in defining the functions of particular wetlands. Additionally, several comments were made by BWSR Staff concerning the validity of creating a hybrid system without intensive testing. We also pointed out that the SWAG did contain elements of methods approved by the Board but as a hybrid system, it would require Board approval.

Like the Minnesota Routine Assessment Method or MNRAM(a board approved methodology), the SWAG is a hybrid method for measuring wetland functions. After reviewing results generated from testing the SWAG on TAC selected reference wetlands, it appears that the SWAG is capable of accurately and consistently measuring wetland functions. When compared with other scientifically acceptable methods, it appears to perform consistently. The one drawback of the SWAG is the fact that it must be used on site instead of using it as a pre-visit predictor of functions such as Cass County Wetland Model does. However, having mandatory on-site evaluations for regulatory purposes is a very beneficial way to ensure that proper consideration of project options has occurred. The BWSR field Staff and program staff recommend that the BWSR approve the use of the SWAG to fulfill the requirements of MN Rule 8420.0650 regarding Comprehensive

The BWSR field Staff and program staff recommend that the BWSR approve the use of the SWAG to fulfill the requirements of MN Rule 8420.0650 regarding Comprehensive Local Wetland Protection and Management Plans. Because this is a new methodology, approval should include an condition requiring an evaluation of effectiveness on a semi-annual basis to ensure the accuracy and consistency are being obtained.

A copy of a draft Board Resolution is attached. If you would like to see a copy of the SWAG please contact one of us to request a copy.

attch.

c: Ron Harnack
Greg Larson
Ron Shelito
BWSR Board Members

s:st.lou

BWSR RESOLUTION # _____

DRAFT

DATE: February 25, 1997

SUBJECT: Saint Louis County Wetland Assessment Guide (SWAG)

WHEREAS; Saint Louis County has taken this opportunity to submit the functional assessment methodology portion of their Comprehensive Local Wetland Management Plan ("Plan") to the Board of Water and Soil Resources for approval at the Board's February 1998 regular meeting, and

WHEREAS; In April 1997, Saint Louis County decided to pursue the development of a local plan for management of the county's wetland resources. As a prerequisite to implementing a local plan, Saint Louis County is responsible for evaluating the functions of wetlands within the plan area using a methodology approved by the Board, and

WHEREAS; Saint Louis County retained a consultant to work with their wetland technical advisory committee (TAC) to select a functional assessment methodology to be incorporated into their local plan. The TAC consists of county staff, regulatory agencies, and resource specialists with specific knowledge of the county's natural resources. After review of several Board approved functional assessment methodologies, the TAC recommended adoption of a hybrid methodology. This methodology contains elements from the US Army Corps of Engineers-Wetland Evaluation Technique(WET), version 1.0 of the Minnesota Routine Method for Evaluating Wetland Functions(MNRAM), and the US Army Corps of Engineers-Hydrogeomorphic Assessment Method(HGM). This new hybrid method is known as the Saint Louis Wetland Assessment Guide (SWAG), and

WHEREAS; Because WET and SWAG are not listed as a pre-approved wetland functional assessment method, they require Board approval (per M.S. 103G.2243, Subd. 2, subitem (1) (ii) and M.S. 103B.3355; and per Minnesota Rules 8420.0650, Subp. 2, item a (2) and 8420.0540, Subp. 10, item G). Without Board approval, Saint Louis County cannot move forward with further development and implementation of the County's local plan, and

WHEREAS; Staff from the MDNR Sections of Wildlife, Fisheries, and Ecological Services, and Divisions of Waters and Enforcement actively participated in the review, selection and modification of the hybrid assessment method to accurately measure county wetland resources. The US Army Corps of Engineers Regulatory representative also provided input regarding the appropriateness of the SWAG. Saint Louis County reviewed and incorporated all comments received deemed relevant to the improvement of the SWAG, and

WHEREAS; MN Rule 8420.0650, Subpart 2 states in part that:

A plan must provide for the classification of wetlands in the plan area based on:

(1) an inventory of wetlands in the plan area;
(2) an assessment of wetland functions listed in Minnesota Statutes, section 103B.3335, using a methodology chosen by the technical evaluation panel from one of the methodologies established or approved by the board under that section, and

WHEREAS; The initial comments from BWSR staff included a need for BWSR to review the consistency and accuracy of the SWAG methodology in defining the functions of particular wetlands. Additionally, several comments were made by BWSR Staff concerning the validity of creating a hybrid system without intensive testing, and

WHEREAS; Like the Minnesota Routine Assessment Method or MNRAM (a board approved methodology), the SWAG is a hybrid method for measuring wetland functions. After reviewing results generated from testing the SWAG on TAC selected reference wetlands, it appears that the SWAG is capable of accurately and consistently measuring wetland functions. When compared with other scientifically acceptable methods, it appears to perform consistently, and

WHEREAS; The one drawback of the SWAG is the fact that it must be used on site instead of using it as a pre-visit predictor of functions. However, having mandatory on-site evaluations for regulatory purposes is a very beneficial way to ensure that proper consideration of project options has occurred.

NOW THEREFORE; The BWSR approves the use of the SWAG to fulfill the requirements of MN Rule 8420.0650 regarding Comprehensive Local Wetland Protection and Management Plans. Because this is a new methodology, this approval includes an condition requiring an evaluation of the method's effectiveness on a semi-annual basis to ensure the accuracy and consistency are being obtained.

_____ _____

Kathleen Roer, BWSR Chairperson Date

s:stlou.res

Old Business #1

February 12, 1998

TO: Board Members

FR: Tim Fredbo, Easement Program Manager

RE: **INFORMATION** - 1997 RIM Reserve Sign-up Results

For your information, results of the 97-02 RIM sign-up are shown on the attached pie chart. This chart shows easement numbers by type which have been accepted for funding, and total dollar amounts and corresponding acreage of funded and non-funded applications.

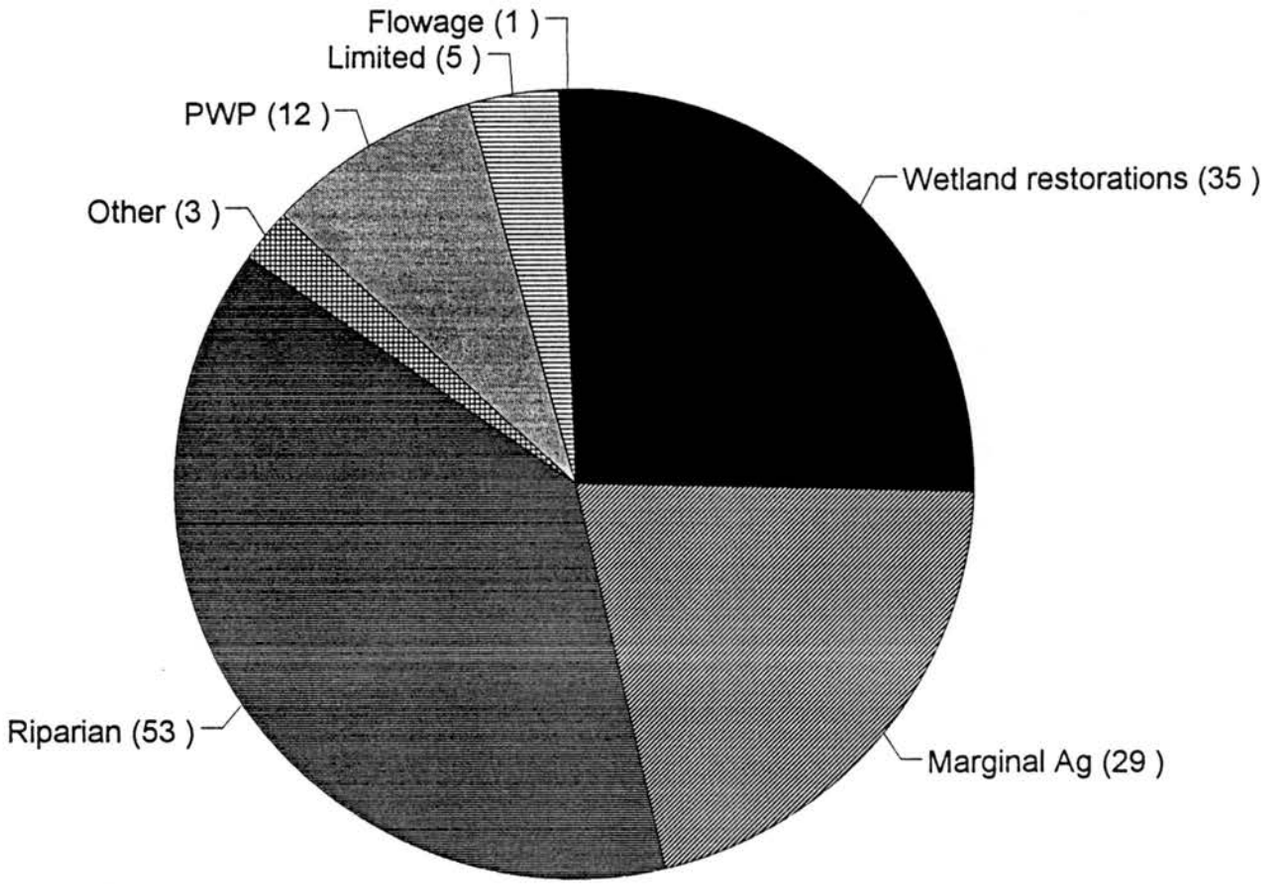
A total of 138 applications, which encompass 5,464 acres, have been approved for funding at a cost of $4,656,092.

Important items to note from this chart: **1)** Approximately 55% of easement funds from this sign-up have been allocated to the MN River watershed area. **2)** A total of $3.8 million was made available through our BC allocation process for the 97-02 sign-up. **3)** Total demand from landowners (applications received) was approximately $6.3 million. **4)** We were able to fund 33 additional easement applications at a cost of approximately $900,000. The $900,000 was available as a result of canceled RIM Reserve applications from previous sign-ups. BC's are asked to submit 3 pending applications that they would want funded if funds are available.

I will be at the Board meeting on February 25th to answer any questions you may have regarding this information.

RIM 97-02 Sign-up

breakdown by easement type



	Number of easements	***Dollars***	***Acres***
Total funded apps	138	4,656,092.17	5,464.5
Total nonfunded apps	54	$1,640,729.59	2,227.0
Total	192	$6,296,821.76	7,691.5

Total MNRiver funded apps $2,571,353.94 = 55.2%

	Number of easements	***Dollars***	***Acres***
Wetland restorations	35	$1,600,686.75	1,456.2
Marginal Ag	29	732,129.48	1,167.5
Riparian	53	1,861,243.61	2,094.0
Other	3	35,812.60	68.7
PWP	12	351,833.80	534.5
Limited	5	74,385.93	139.4
Flowage	1	0.00	4.2
Total	138	$4,656,092.17	5,464.5

File Copy - Do Not Remove Old Business #2

12/23/97 [REVISOR] EB/LM 97-4219

Introduced by Stumpf

S.F. No. 2269

January 26, 1998
Referred to Committee on ENVIRONMENT & NATURAL RESOURCES

Companion H.F. No. 2686

Reproduced by PHILLIPS LEGISLATIVE SERVICE

A bill for an act

relating to water; clarifying provisions relating to hearings of the board of water and soil resources; modifying the public review period for wetland replacement plans; requiring approval of certain wetland replacements; amending Minnesota Statutes 1996, sections 103B.231, subdivision 9; 103D.105; and 103G.2242, subdivision 8.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 103B.231, subdivision 9, is amended to read:

Subd. 9. [APPROVAL BY THE BOARD.] After completion of the review under subdivision 8, the ~~board of water and soil resources shall review the plan as provided in sections 103D.401 and 103D.405. The~~ board shall review the plan for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. If the capital improvement program is the subject of a dispute between counties, the board of water and soil resources shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved. The board shall complete its review under this section within 90 days.

Sec. 2. Minnesota Statutes 1996, section 103D.105, is amended to read:

103D.105 [BOARD HEARINGS.]

Subdivision 1. [PROCEDURE.] (a) A rulemaking hearing must be conducted under chapter 14.

~~(b) A hearing in a proceeding to establish or terminate a watershed district must be conducted.~~

(b) Notwithstanding chapter 14, other hearings under this chapter, except hearings under paragraph (a), shall be conducted by the board under this section. The board may refer the hearing to one or more members of the board or an administrative law judge to hear evidence and make findings of fact and report them to the board.

Subd. 2. [PROCEDURE FOR NONCONTROVERSIAL PLANS OR PETITIONS.] (a) If the board finds that a watershed management plan or petition that would be given a hearing under subdivision 1, paragraph ~~(c)~~ (b), is noncontroversial, the board may, except in a proceeding to establish or terminate a watershed district, proceed under this subdivision.

(b) The board must give notice that the watershed management plan or petition has been filed. The notice must be made:

(1) by publication in a legal newspaper in each county affected by the watershed district;

(2) by mail to the auditor of each county affected by the watershed management plan or petition; and

(3) by mail to the chief executive officer of each city affected.

(c) The notice must:

(1) describe the actions proposed by the plan or petition;

(2) invite written comments on the plan or petition for consideration by the board;

(3) state that a person who objects to the actions proposed in the plan or petition may submit a written request for hearing to the board within 30 days of the last publication of the notice of filing of the plan or petition; and

(4) state that if a timely request for hearing is not received, the board may make a decision on the plan or petition

at a future meeting of the board.

(d) If one or more timely requests for hearing are received, the board must hold a hearing on the plan or petition.

Sec. 3. Minnesota Statutes 1996, section 103G.2242, subdivision 8, is amended to read:

Subd. 8. [PUBLIC COMMENT PERIOD.] ~~Except for activities impacting less than 10,000 square feet of wetland,~~ Before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period ~~of 30 days~~ as determined by the local government unit and stated in the notice of application.

Sec. 4. [MINELAND RECLAMATION PERMITS.]

Notwithstanding Minnesota Statutes, section 103G.222, subdivision 1, the commissioner of natural resources shall approve the location of wetland replacements, through mineland reclamation permits authorized pursuant to Minnesota Statutes, section 93.481, for projects where the wetlands have already been replaced in accordance with individual permits issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344.

Water & Soil Resources Board

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars in Thousands ($137,500 = $138 thousand)

Projects Summary

Project Title	1998 Agency Priority Ranking	Agency Project Requests for State Funds ($ by Session)				Statewide Strategic Score	Governor's Recommendation 1998	Governor's Planning Estimate	
		1998	2000	2002	Total			2000	2002
RIM Reserve Permanent Wetlands - HABITAT	1	$20,000	$24,500	$24,500	$69,000	340	$20,000	$24,500	$24,500
Local Govt Road Replacement	2	5,830	8,130	8,130	22,090	185	5,830	8,130	8,130
Area II MN River Grant-in-Aid Program	3	1,000	800	400	2,200	275	1,000	800	400
Metro Greenway	4	900	1,830	1,330	4,060	80	0	0	0
Grass Lake Prairie Wetland		0	1,500	0	1,500		0	0	0
Conservation Farming Grants		0	4,500	4,500	9,000		0	0	0
Riparian Erosion Control		0	2,400	2,400	4,800		0	0	0
Total Project Requests		$27,730	$43,660	$41,260	$112,650		$26,830	$33,430	$33,030

Old Business #2

BMRK

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AGENCY MISSION STATEMENT:

The mission of the Board of Water and Soil Resources (BWSR) is to assist local governments to manage and conserve the state's irreplaceable water and soil resources.

Although other agencies are involved in resource management, the BWSR is unique in that it is the only agency that accomplishes its goal by directly increasing the capabilities of local government units.

To accomplish our mission, the BWSR:

- promotes communication and partnerships among state, local, and federal governments, as well as private organizations;
- administers a number of grant programs providing funding to local governments for resource management;
- conducts training sessions and provides technical assistance to local units of government; and
- coordinates state government activities as they affect local governments.

TRENDS, POLICIES AND OTHERS ISSUES AFFECTING THE DEMAND FOR SERVICES, FACILITIES, OR CAPITAL PROGRAMS:

The following trends and issues are shaping the development of policies and programs at the BWSR:

- Even before Minnesota was a state, people were drawn by the region's bounty of natural resources. From the pristine lakes and stately pines of the north to the fertile prairies of the southwest, it was a land rich in fish and wildlife, timber, minerals and scenic splendor. Through wise stewardship, Minnesota's natural wealth has survived and it continues to exert a powerful influence on the state's culture and economy. Millions of state residents hunt, fish and watch wildlife. Many more enjoy the calming beauty of our pristine natural areas. All of which fuels a multi-billion dollar outdoors recreation and tourism economy. Past partnerships between state government and private conservationists have paid off by producing some of the best wildlife-based recreation in the country. But the natural foundation upon which so much of our state's health and heritage rests wont hold up forever without ongoing stewardship. Just as Minnesotans recognize the importance of spending time and money on such vital basics as schools and transportation systems, it's also necessary to continue making investments in our ecological infrastructure. The Reinvest in Minnesota Reserve program has proven to be a sound vehicle to make such an investment.

- Minnesota's lakes are our most visible and valuable natural resource and are the foundation of the Minnesota way of life. Minnesota's lakes are the cornerstone of the recreation and tourism industry and a significant portion of many local economies. Much of the state's recreation, tourism and resort industry is focused on lakes in fact: 96% of resorts, 55% of campgrounds and 16% of hotels are located on lakes. Minnesota's lakes generate billions of dollars for local and state economies.

- Increased reliance on partnerships for resource management. Partnerships - particularly between state, local and federal government - are an effective way to accomplish resource protection goals. State and federal government can provide the things that local government needs: technical and financial assistance, leadership, structure and a "big picture" view of resource management. Local governments can provide local perspective, local resource information, local funding and efficient implementation.

- Increased awareness among the general public, including landowners, of resource problems, and increased willingness to make reasonable sacrifices to accomplish resource conservation. More Minnesotans are becoming concerned about our environment, particularly water quality; many people have noticed deteriorating conditions in their favorite lakes or fishing streams. With approximately one-third of Minnesota adults either owning a cabin or having a family cabin, people are more willing to make reasonable sacrifices to protect and improve water quality.

  A continued emphasis on education will result in greater commitment of landowners to conservation practices and elected officials with increased leadership and decision making ability.

- Increased acknowledgement of the role of local government. Over the past several years, state agencies in Minnesota have grown increasingly dependent on local governments to carry out various state initiatives. Programs such as the Local Water Resources Protection and Management Program, the Wetland Conservation Act, and the Feedlot Program rely on local governments to implement day-to-day activities. State agencies acknowledge that local government officials and staff have advantages that the state does not: knowledge of local resources and attitudes, personal friendships, and an awareness of local needs and priorities.

- Increased local government capabilities. With these increased expectations and BWSR assistance, some local government capabilities in resource management have grown significantly over the past few years. Local governments now need a

wider variety of training and assistance, from the most basic level to advanced, in areas such as technical skills, leadership, and management. The BWSR must adjust its assistance to ensure that each local government meets a base level of capability, while those who need a higher level of training receive it.

- Movement from planning to implementation phase of non-point source strategy. As Minnesota moves from the planning to the implementation stage of its non-point source strategy, BWSR's local government network increases in importance as a means of disseminating financial and technical aid to local governments. The BWSR has the structure and the relationships needed, through local water planning, to address non-point concerns at the local level.

- Increased public willingness to use non-judicial methods of appeal. Both the Wetland Conservation Act (approved in 1991) and amendments passed to the Watershed District Act (M.S. 103D) assign BWSR responsibility for hearing appeals. In the past few years the number of appeals coming before the BWSR has increased dramatically, both in number and complexity.

- Federal actions. Federal actions over the past several years have tended to increase pressure on BWSR and local governments. Federal Conservation Reserve Program (CRP) contracts began expiring in 1995, and current program policy indicates significantly fewer CRP funds are being directed toward Midwestern states. Unless state programs, such as the Reinvest in Minnesota Reserve Program (RIM) offer landowners easements, we will see many of these marginal, erodible acres returned to cropland. Minnesota's erosion rate is already the second highest in the country. Returning these acres to production will increase erosion. Finally, decreased USDA staffing levels for the Natural Resources Conservation Service (NRCS) has elevated pressure on local and state governments to provide the technical assistance necessary to design and install conservation practices.

PROVIDE A SELF-ASSESSMENT OF THE CONDITION, SUITABILITY, AND FUNCTIONALITY OF PRESENT FACILITIES, CAPITAL PROJECTS, OR ASSETS:

The capital budget projects proposed and the corresponding funding in this request are our best estimate of funds needed to accomplish the tasks as described in the individual project detail analysis narratives.

DESCRIBE THE AGENCY'S LONG-RANGE STRATEGIC GOALS AND CAPITAL BUDGET PLAN:

The BWSR uses state bond funds to accomplish projects on public property or on private lands that will have long-term public benefit. To protect the public interest, projects on private lands are accomplished through easement acquisitions.

The BWSR Strategic Plan identifies resource management strategies and related goals. The resource management strategies specified are education, incentives and regulation. The plan also identifies goals that focus on assisting local governments and landowners in controlling natural resource management problems. One of the BWSR's major tenets is that water and soil management is best implemented at the local level on a voluntary, comprehense, and collaborative basis. The projects outlined in the capital budget request use the "incentive strategy" as tools available to local government to enhance local program delivery. Incentives should discourage harmful land and water use activities and encourage beneficial ones. Incentives should encompass urban as well as rural values, and should promote loan programs as well as traditional grant programs.

Some agency goals and objectives that are achieved through capital projects include:

- Protecting or retiring marginal and highly sensitive agricultural lands.

- Targeting land retirement programs to the highest priority marginal and sensitive agricultural lands.

- Retiring marginal and highly sensitive agricultural land permits land managers to focus their stewardship efforts on more productive lands.

- Creating and protecting natural retention systems to aid in the management of surface water runoff and enhance groundwater recharge.

- Striving towards a "net gain" of wetland resources.

- Installing best management practices on Minnesota lands.

- Targeting land treatment cost-share programs to erosion-prone productive lands.

Most, if not all, of BWSR's programs and areas are affected by these capital bonding requests. This is due to the interdependent nature of our areas of expertise.

AGENCY PROCESS USED TO ARRIVE AT THESE CAPITAL REQUESTS:

Budget requests were based on historic requests from local governments for financial assistance. Both the RIM Reserve Habitat and the BWSR Lakes initiative requests were derived in collaboration with other agencies through the Environmental Cluster group.

The agency relied on acreage and sign up estimates based on historical program

demands to propose the request for the RIM Reserve Program to the Environmental Cluster. Assumptions were made that the Conservation Reserve Enhancement Program (CREP) would be fully funded. All estimates considered the amount of eligible land for the program and forecasted landowner interest. Internal agency estimates were used to arrive at the amount requested for the permanent wetland preserve program. All requests are a reflection of demands for service or assistance of local government and citizens.

The Area II request was based on the short and long range work plans which reflect project priorities and available capabilities.

AGENCY CAPITAL BUDGET PROJECTS DURING THE LAST SIX YEARS (1992-1997) (In $000)

FY 1992/1993

Wetland Restorations	$5,000
Wetland Easements	$7,000
Rim Easements	$3,150

FY 1994/1995

Redwood River Project 22	$ 800
RIM Easements	$9,000

FY 1996/1997

Area II Minnesota River Basin Grants	$ 250
RIM/PWP Easements	$11,500
Wetland Replacement Credits	$ 3,000

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PROJECT LOCATION: Statewide

AGENCY PROJECT PRIORITY: 1 of 4

1998 STATE APPROPRIATION REQUEST: $20,000

PROJECT DESCRIPTION:

This request is for $16.8 million in bonding to acquire conservation easements and a direct appropriation of $3.2 million for the professional and technical services necessary to administer and implement the RIM Reserve and PWP Easement programs. This would supplement the $805 thousand received for RIM in the F.Y. 1998-99 General Fund appropriation.

Minnesota's natural wealth exerts a powerful influence on the state's culture, while fueling a multi-billion dollar outdoor recreation and tourism economy. At a time when outdoors recreational activities are on the rise, acting now to enhance fish and wildlife habitat and to preserve remaining natural areas will assure that the wild and natural heritage we've inherited will be passed on as a living legacy. The RIM Reserve/Permanent Wetlands is one component of the Governor's Access to the Outdoors Habitat Initiative which aims at protecting Minnesota's outdoor legacy.

The RIM Reserve program was established in 1986 (M.S. 103F.505 to 103F.531) "to keep certain marginal agricultural land out of crop production to protect soil and water quality and support fish and wildlife habitat." Funds will be used to acquire conservation easements on marginal lands in order to restore wetlands and establish permanent vegetative cover. Lands targeted for acquisition include riparian lands, drained restorable wetlands, sensitive groundwater areas and marginal agricultural croplands.

The permanent wetland preserve (PWP) program was enacted under the Laws of 1991 (M.S. 103F.516). Funding from this request will be used to acquire perpetual conservation easements on existing type 1 (seasonally flooded basin or flat), type 2 (inland wet meadow), type 3 (cattail) wetlands and type 6 (shrub) and adjacent lands, and for the establishment of permanent cover on the adjacent lands.

PROJECT RATIONALE AND RELATIONSHIP TO AGENCY LONG-RANGE STRATEGIC PLAN AND CAPITAL PLAN:

Project Rationale

The RIM Reserve and PWP programs conform with the Board of Water and Soil Resources' (BWSR's) strategic plan by providing an incentive for local resource managers to protect and improve their water and soil resources. RIM Reserve and PWP are implemented at the local level by soil and water conservation districts (SWCDs).

RIM promotes the retirement of marginal intensive-use lands by paying landowners to replace cropping and grazing with conservation practices. This reduces runoff, erosion, and sedimentation, and benefits land, water, fish and wildlife resources. Specific benefits to the public include:

- preventing groundwater contamination to aquifers through the retirement of cropland overlying wellhead protection areas or in the immediate proximity of sinkholes;
- preventing further degradation of surface water quality by retiring riparian land, marginal agricultural cropland and restoring wetlands, which greatly reduces the sediment and nutrient loads associated with erosion;
- enhancing fish and wildlife by retiring marginal agricultural lands and establishing them to permanent vegetative cover.

The permanent wetland preserve (PWP) program was enacted during the same legislative session that the Wetland Conservation Act (WCA) of 1991 was passed. Both programs strive to protect the state's remaining wetland resources. The PWP program discourages the conversion of wetlands that are exempt from the regulatory restrictions of the WCA, and offsets the financial burden that may result when individuals are denied authorization to drain or fill a wetland. The PWP was created as the state waterbank program was ended. Even though the 2 programs are not identical, the PWP program was intended to replace the state waterbank program.

Both the RIM Reserve and PWP programs meet the goals and objectives of BWSR's strategic plan. They protect the state's water and soil resources by retiring existing marginal agricultural lands, by restoring drained wetlands and by protecting existing wetlands that are highly susceptible to alteration.

Anticipated Outcomes

Target enrollment for the RIM Reserve and PWP programs is 17,500 acres for the 1998-99 biennium. This includes 12,075 acres of marginal lands (including riparian lands and groundwater sensitive lands); 3,500 acres of drained wetlands; and 1,925 acres of existing PWP wetlands.

Only the most environmentally sensitive lands are targeted for easement acquisition under the RIM Reserve. Lands that significantly contribute to the degradation of ground and surface water resources, lands that continually flood, and lands in critical habitat areas where important wildlife habitat will be restored or enhanced. RIM promotes the retirement of these marginal, environmentally sensitive lands by paying landowners to stop cropping and grazing and to establish conservation practices. This conserving use reduces runoff and erosion and benefits land, water, fish and wildlife resources.

For PWP easement acquisition the BWSR will give highest priority to enrolling existing wetlands that are highly susceptible to alteration, i.e., farmed wetlands or wetlands not protected by state or federal laws.

Acreage Enrollment Goals:

Year	Rim Marginal Acres	Rim Wetland Acres	PWP Acres	Total Acres
98-99	12,075	3,500	1,925	17,500
00-01	17,500	5,000	3,000	25,500
02-03	17,500	5,000	3,000	25,500
Total	47,075	13,500	7,925	68,500

Funds Required To Enroll Goal Acreage:

Year	Marginal Lands	Wetland Restore	PWP	Total $$$
98-99	$11,580	$3,360	$1,860	$16,800
00-01	$16,800	$4,800	$2,900	$24,500
02-03	$16,800	$4,800	$2,900	$24,500
Total	$45,180	$12,960	$7,660	$65,800

The average cost / acre dollar amount of $959.00 was used to figure funds required to enroll goal acreage.

Achieving the enrollment acreage goals will be dependent on:

1. The state's financial commitment to the program.
2. The economic appeal of the program in relation to a landowner's management decisions.
3. The degree to which other conservation agencies and organizations contribute to the protection of the identified acres.

Project Alternatives

The BWSR acknowledges that alternative resource management techniques should be employed in conjunction with Rim Reserve and PWP to protect environmentally sensitive lands. Comprehensive resource management techniques should include local adoption and enforcement of ordinances to reduce erosion and sedimentation, and to promote maintenance of flood plain hardwood forests. A model *Agricultural Erosion Control Ordinance* has been drafted to assist counties wishing to voluntarily adopt such a measure. A regulatory approach, such as ordinances, will be successful only if implemented in conjunction with educational efforts and incentive programs.

The agency also believes there is a role for limited-use conservation easements (see the Conservation Farming Grants request). Limited-use would only be allowed in a manner compatible with the program goals to protect water quality and enhance wildlife habitat. Funding limited-use easements without a concomitant increase in overall program funding would detract from the current emphasis on wildlife habitat and permanent protection of environmentally sensitive areas. Because the state is acquiring fewer land rights, easement payment rates can be reduced and consequently more acres can be protected. Limited use is most applicable to a managed grazing or haying system. Several tools exist to assist landowners with the management of their grazing lands. The Land Stewardship Project and the MN Department of Agriculture have been promoting managed and holistic grazing systems, and both are actively investigating the compatibility of conservation easements and grazing. Currently, 5 SWCDs participate in this pilot program.

Acquiring limited-use easements does require frequent monitoring and consistent enforcement of easement terms. To accelerate the program, SWCDs and counties must have enough properly trained technical staff to execute such alternative resource management strategies. Approximately 75% of the monitoring and enforcement costs would be paid by the state through the existing cost share grants.

Previous Project Funding

Since its inception in 1986, $56.8 million for RIM Reserve and PWP programs has been appropriated from the sale of bonds, and $1.82 million has been appropriated from the environmental trust and future resources funds.

The BWSR has solicited and received matching funds from federal partners for wetland restoration easements. In 1990, BWSR received $162 thousand from the North American Wetlands Conservation Act (NAWCA) to enhance restorations in the Minnesota River watershed, and in 1994 received an additional $850 thousand for restoration easements and enhancement in the Minnesota River watershed. In 1996 the agency received $753 thousand from NAWCA for restorations in the Minnesota River and Heron Lake watersheds. In 1997, we received $175 thousand for restorations in the Northern Tallgrass Prairie Ecoregion. To date, BWSR has received a total of approximately $1.9 million from the NAWCA. The BWSR continues to seek grants from NAWCA to fund conservation easements associated with the special projects or within priority watersheds. This matching program requires a 1.5:1 match to be competitive nationally.

It is anticipated that conservation groups such as Pheasants Forever, Ducks Unlimited, Isaac Walton League, Minnesota Waterfowl Association, Trout Unlimited and the U.S. Fish and Wildlife Service will continue to leverage dollars towards the establishment of conservation practices on RIM easements. From 1992 to present, these organizations directly contributed approximately $400 thousand to the program, with additional donations in the form of grass seed and in-kind services. The BWSR continues to seek funding from these groups.

A funding history of the easement programs, along with the program dollars requested by landowners (landowner interest), is depicted in the following table:

Year	Amount ($000)	Source	Landowner Requests ($000)
1986	9,400	Bonding	25,500
1987	9,000	Bonding	5,500
1988	0	Bonding	5,000
1989	1,500	Bonding	6,300
1990	750	Bonding	4,200
	162	NAWCA	
1991	6,900	Bonding	7,800
	1,000	Trust Fund	
1991*	7,000	Bonding	
1992	1,250	Bonding	3,700
1993	500	Trust Fund	17,800
	323	Future Resources	
	500	Bonding	
	850	NAWCA	
1994	9,000	Bonding	20,000
1995	0	Bonding	8,000
1996	11,500	Bonding	8,900
	753	NAWCA	6.9
1997	0	Bonding	**
	175	NAWCA	15,700
Totals	60,563		112,700

* PWP Appropriation. Landowner requests included with 1992-96 figures.
** A fall/winter sign-up is scheduled for 1997.

With the funding we have received since 1986, the BWSR has secured approximately 2,329 conservation easements, encompassing 68,564 acres.

IMPACT ON AGENCY OPERATING BUDGETS (FACILITIES NOTE):

A direct appropriation of $3.2 million is requested from the General Fund. The cost to administer and implement the conservation easement programs in F.Y. 1998-99 will be $4.005 million ($3.2 million + $805 thousand balance from the F.Y. 1998-99 general fund appropriation). This amount is necessary to support the realty, engineering and administrative functions associated with easement acquisition and establishment of conservation practices on easement lands. The SWCDs will receive approximately 75% of this total as general service grants to offset their costs to secure easements, develop conservation plans, and monitor compliance. The BWSR plans on hiring additional staff, (3 FTE's) to assist with conservation easement processing.

OTHER CONSIDERATIONS:

Funding levels requested in this budget proposal reflect additional demand that we anticipate being placed on our conservation easement programs as a result of the 1997 flooding in the Red River and MN River basins. Easement funds requested in sign-ups as a result of the 1993 flood exceeded the $17.8 million appropriation by approximately $7.0 million.

Governor Carlson has submitted a Conservation Reserve Program (CRP) enhancement proposal to the USDA to help finance a $250 million plan to permanently protect 190,000 acres of flood-prone private land in the MN River watershed. This proposal, if approved for full funding by the USDA, would enable the state to partner with the USDA to apply approximately $200 million in federal CRP funds to secure permanent RIM Reserve easements on these 190,000 acres over 7 years. The state will be obligated to provide $50 million for the 7 year program period. Funding amounts requested for easements in this budget request would fulfill the state's funding obligation for the next three bienniums. The BWSR currently is operating under a policy that obligates a minimum of 50% of available RIM and PWP easement funds to the MN River watershed area.

If the Conservation Reserve Program (CRP) Enhancement proposal is approved by USDA, an additional $2.0 million per year may be needed to implement the program. This program has the potential to bring in approximately $20 million in federal funds, each year, for RIM Reserve Easements to enhance CRP contract lands. This partnership will leverage four federal dollars for each state dollar committed.

RIM Reserve has been a popular program stemming from the 1984 Report of the Governor's Citizens Commission to promote Hunting and Fishing in Minnesota. Many individuals and organizations praised the report for its insightful recommendations, and led to the passage of the landmark legislation that created RIM. To not fund this program would eliminate a vital incentive tool utilized in promoting good land and water stewardship. In addition, growing partnerships with other public and private organizations would be greatly diminished.

PROJECT CONTACT PERSON, TITLE, ADDRESS, PHONE, FAX, AND E-MAIL:

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Water & Soil Resources Board
RIM Reserve Permanent Wetlands - HABITAT

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars in Thousands ($137,500 = $138 thousand)

Project Cost

TOTAL PROJECT COSTS All Years and All Funding Sources	Project Costs All Prior Years	Project Costs FY 1998-99	Project Costs FY 2000-01	Project Costs FY 2002-03	Project Costs All Years	Project Start (Month/Year)	Project Finish (Month/Year)
1. Property Acquisition						07/1998	06/2003
Land, Land and Easements, Options	$60,963	$16,800	$64,700	$64,700	$207,163		
Buildings and Land	0	0	0	0	0		
SUBTOTAL	60,963	16,800	64,700	64,700	207,163		
2. Predesign SUBTOTAL	0	0	0	0	0		
3. Design Fees							
Schematic	0	0	0	0	0		
Design Development	0	0	0	0	0		
Contract Documents	0	0	0	0	0		
Construction Administration	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
4. Project Management						07/1998	06/2003
State Staff Project Management	2,050	2,450	0	0	4,500		
Construction Management	0	0	0	0	0		
SUBTOTAL	2,050	2,450	0	0	4,500		
5. Construction Costs							
Site & Building Preparation	0	0	0	0	0		
Demolition/Decommissioning	0	0	0	0	0		
Construction	0	0	0	0	0		
Infrastructure/Roads/Utilities	0	0	0	0	0		
Hazardous Material Abatement	0	0	0	0	0		
Construction Contingency	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
6. Art SUBTOTAL	0	0	0	0	0		
7. Occupancy							
Furniture, Fixtures and Equipment	0	0	0	0	0		
Telecommunications (voice & data)	0	0	0	0	0		
Security Equipment	0	0	0	0	0		
Commissioning	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
8. Inflation							
Midpoint of Construction							
Inflation Multiplier		0.00%	0.00%	0.00%			
Inflation Cost **SUBTOTAL**		0	0	0	0		
9. Other SUBTOTAL	6,000	1,350	0	0	7,350	07/1998	06/2003
GRAND TOTAL	$69,013	$20,600	$64,700	$64,700	$219,013		

CAPITAL FUNDING SOURCES	Prior Years	FY 1998-99	FY 2000-01	FY 2002-03	TOTAL
State Funds :					
G.O Bonds/State Bldgs	58,623	16,800	24,500	24,500	124,423
General Fund Projects	0	3,200	0	0	3,200
State Funds Subtotal	58,623	20,000	24,500	24,500	127,623
Agency Operating Budget Funds	8,050	0	0	0	8,050
Federal Funds	1,940	450	40,000	40,000	82,390
Local Government Funds	0	0	0	0	0
Private Funds	400	150	200	200	950
Other	0	0	0	0	0
TOTAL	**69,013**	**20,600**	**64,700**	**64,700**	**219,013**

IMPACT ON STATE OPERATING COSTS	Current FY 1998-99	Projected Costs (Without Inflation)			
		FY 1998-99	FY 2000-01	FY 2002-03	FY 2004-05
Compensation -- Program and Building Operation	0	800	1,600	1,600	1,600
Other Program Related Expenses	0	2,400	6,000	6,000	6,000
Building Operating Expenses	0	0	0	0	0
State-Owned Lease Expenses	0	0	0	0	0
Nonstate-Owned Lease Expenses	0	0	0	0	0
Expenditure Subtotal	0	3,200	7,600	7,600	7,600
Revenue Offsets	0	0	0	0	0
TOTAL	**0**	**3,200**	**7,600**	**7,600**	**7,600**
Change from Current FY 1998-99		3,200	7,600	7,600	7,600
Change in F.T.E. Personnel		0.0	0.0	0.0	0.0

PREVIOUS STATE CAPITAL APPROPRIATIONS FOR THIS PROJECT (Legal Citations) Laws of Minnesota (year), Chapter, Section, Subdivision	Amount
ML 1996, Chap. 463, Sec. 11, Subd. 3	11,500
ML 1994, Chap. 643, Sec. 26, Subd. 3	9,000
ML 1993, Chap. 373, Sec. 13, Subd. 1	500
ML 1993, Chap. 172, Sec. 14, Subd. 3(e)	500
ML 1993, Chap. 172, Sect. 14, Subd. 3(e)	323
ML 1992, Chap. 558, Sec. 19	1,250
ML 1991, Chap. 354, Art. 11, Sec. 1, Subd. 1(b)	7,000
ML 1991, Chap. 354, Art. 11, Sec. 1, Subd. 1(a)	5,000
ML 1991, Chap. 254, Art. 1, Sec. 17(a)	1,900
ML 1991, Chap. 254, Sect. 14, Subd. 6(d)	600
ML 1991, Chap. 254, Sec. 14, Subd. 9(h)	400
Other Citations (5 defined)	20,650

SOURCE OF FUNDS FOR DEBT SERVICE PAYMENTS (For bond-financed projects)	Amount	Percent of Total
General Fund	16,800	100.0%
User Financing	0	0.0%

STATUTORY AND OTHER REQUIREMENTS Project applicants should be aware that the following requirements will apply to their projects after adoption of the bonding bill.	
No	MS 16B.335 (1a): Construction/Major Remodeling Review (Legislature)
Yes	MS 16B.335 (1b): Project Exempt From This Review (Legislature)
No	MS 16B.335 (2): Other Projects (Legislative Notification)
No	MS 16B.335 (3): Predesign Requirement (Administration Dept)
No	MS 16B.335 (4): Energy Conservation Requirements (Agency)
No	MS 16B.335 (5): Information Technology Review (Office of Technology)
No	MS 16A.695: Use Agreement Required (Finance Dept)
No	MS 16A.695: Program Funding Review Required (Agency)
No	Matching Funds Required (as per agency request)

Department of Finance Analysis:

BWSR's portion of the Governor's Habitat Initiative requests $16.8 million in bond funds to purchase RIM easements and $3.2 million in general funds for administration, professional, and technical services. BWSR estimates the majority (75%) of the general fund dollars will pass through to local SWCD's. BWSR will hire 8 FTE's to assist with the expanded workload this level of spending will generate.

The funding requested for these positions will be consumed over a two year period. If BWSR is unable to liquidate or encumber all the bond funds appropriated over this timeperiod, it may be required to seek additional funding for the positions in the next bonding bill.

BWSR estimates on-going state spending to be $32.1 million per biennium ($24.5 million bonding, $7.6 million general fund). These amounts assume the USDA funds the enhanced Conservation Reserve Program discussed in the 'Other Considerations' section at the $250 million level.

This project has been funded from bond proceeds at an average level of $5.5 million per year since 1990. This amount is substantially less than that necessary to match the level of landowner requests. The RIM Easement program currently receives $805 thousand in BWSR's general fund base for program administration. The $3.2 million general fund appropriation requested here is in addition to this base level funding.

Governor's Recommendation:

The Governor recommends general obligation bonding of $16.8 million and a general fund appropriation of $3.2 million for this project, contingent upon federal funds of $450 thousand and private funds of $150 thousand. Also included are budget planning estimates of $24.5 million in 2000 and $24.5 million in 2002. The planning estimates are contingent upon federal funding of the Conservation Reserve Enhancement Program.

STATEWIDE STRATEGIC SCORE		
Criteria	**Values**	**Points**
Critical Life Safety Emergency - Existing Hazards	0/700	0
Critical Legal Liability - Existing Liability	0/700	0
Prior Binding Commitment	0/700	0
Strategic Linkage - Agency Six Year Plan	0/40/80/120	120
Safety/Code Concerns	0/35/70/105	0
Customer Service/Statewide Significance	0/35/70/105	70
Agency Priority	0/25/50/75/100	100
User and Non-State Financing	0-100	0
State Asset Management	0/20/40/60	0
State Operating Savings or Operating Efficiencies	0/20/40/60	0
Contained in State Six-Year Planning Estimates	0/25/50	50
TOTAL	**700 Maximum**	**340**

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PROJECT LOCATION: Statewide

AGENCY PROJECT PRIORITY: 2 of 4

1998 STATE APPROPRIATION REQUEST: $5,830

PROJECT DESCRIPTION:
This request is for $5 million in bonding for the Local Government Public Road Replacement Program and targeted Permanent Wetlands Preserve (PWP) and $830 thousand in general funds for program administrative costs.

The Local Government Public Road Replacement Program was established in 1996 (M.S. 103G.222, Subd. 1, item (m)) as part of comprehensive amendments to the Wetland Conservation Act (WCA). This legislation requires the Board of Water and Soil Resources (BWSR) to replace wetlands drained or filled by local government public transportation authorities upgrading existing roads. A WCA replacement plan is not required for the repair, rehabilitation, reconstruction, or replacement of currently serviceable existing state, city, county, or town public roads -- provided that annual reports are submitted to the BWSR by January 15th of each year. The report must describe the wetland impact (amount, location, wetland type, etc.) for both the previous and the upcoming year.

PROJECT RATIONALE AND RELATIONSHIP TO AGENCY LONG-RANGE STRATEGIC GOALS AND CAPITAL PLAN:

Project Rational
The local government road replacement program was developed and supported by a broad group of interested organizations (local government road authorities, environmental groups and state agencies) because it transferred the responsibility of making replacement wetlands to an organization with the requisite expertise. This consolidated the administrative, financial, and technical work, and resulted in a more effective and efficient program.

Without continued funding, the commitments made by this legislation to county, city, and township road authorities, and to environmental interests, would be voided. The result would be the loss of a simplified "win-win" regulatory outcome and the return of controversy and confusion.

This program meets the goals and objectives of BWSR's strategic plan. It protects the state's water and soil resources by restoring or creating wetlands that have been lost due to unavoidable road construction.

Anticipated Outcomes
Estimates from the January 1997 reports indicate that an annual total of about 430 acres of wetland (100 acres of which are in the 7-county metro area) will need replacement. Projecting this ratio to the 1998-1999 biennium results in an estimate of the total number of acres to be replaced in the range of 900 to 1,000 acres. The amount of wetlands impacted per year will depend on the local funding for road construction, and will vary by location as wetlands are not equally distributed across the state. The cost of establishing the wetlands varies tremendously (mostly because of land values). The costs can range from a low of $2 thousand per acre in rural Minnesota to well over $100 thousand/acre for selected metro area sites.

Selection Criteria
In general, projects will be selected using 2 main criteria:

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

Partnerships:
High - public and private entities involved with project (i.e. cost-shared projects)
Medium or low - private-only submittals - ranking will depend upon entities involved and resulting ownership (see below)

Ownership:
Highest - Public ownership/acquisition.
Medium - Easement acquisition
Low - Deed restriction on private property (must provide for adequate access for maintenance purposes)

Project Cost:
High - most New Wetland Credit (NWC) compared to project cost
Medium - combination of NWC and Public Value Credit (PVC) resulting
Low - PVC only resulting

Maintenance/Sustainability:
Highest priority - minimal long-term maintenance needs (i.e. simpler is better) acknowledging that urban renewal projects are by nature more complex. Projects that have minimal long term maintenance needs will be higher priority. Simple ditch plugs and/or tile riser type restorations may fare better than more complex structures. Sites on public land and/or easy access to site would receive higher priority.

Geographic Area:
Overall geographic distribution in critical areas will be a consideration, specific items to consider: flood prone areas; e.g., along rivers; in regional/watershed priority areas where wetlands restored or created could provide functional benefits to rivers, lakes or other high priority water bodies.

Complexes of Wetland Types:
Highest priority will be placed on those projects which will restore (first priority) or create (second priority) a variety of wetland types, especially types that have sustained significant losses in the region. Those opportunities which provide a varied complex of wetland types will be higher priority.

Areas to consider should include, but not be limited to, sites which applied for but were denied funding through the Reinvest In Minnesota (RIM) or U.S. Fish and Wildlife Service (USFWS) conservation programs and other public or private programs, as well as sites identified as high priority for restoration or creation of wetlands in local comprehensive water/wetland management plans or other resource management plans.

The BWSR will insure that all costs will be covered for projects selected for this program. BWSR, with the assistance of cooperating agencies, will review applications and perform on-site review to select sites. BWSR will contract with the selected project sponsors to undertake work necessary to complete the projects. The following costs are eligible for reimbursement under this program:

- reconnaissance or site exploration
- land purchase or easement payments and expenses
- project design
- legal work
- construction and vegetation establishment
- projected maintenance costs for the life of the project
- indirect (overhead) costs.

The following average cost /acre dollar amounts are estimates used to project funds required to meet acreage needs.
Average Cost/Acre:

7 county Metro	$25,000*125 acres =	$3,125,000
Greater MN	$ 3,000*325 acres =	$1,875,000
TOTAL		$5,000,000

3-4 million metro

Previous Project Funding
The legislature, as part of the 1996 changes, provided the BWSR with $3 million for establishment of replacement sites, at least half of which must be used in the seven-county metropolitan area with priority given to projects that complement urban renewal and redevelopment, according to M.S. 1036.222, Subd. 2. The $3 million was made available to local and state government project sponsors as partners of the BWSR in establishing priority replacement wetlands. The BWSR will make payments to the selected project sponsors to establish the wetland sites and will retain the wetland credits resulting from the replacement wetlands.

IMPACT ON AGENCY OPERATING BUDGETS:
A direct appropriation of $830 thousand from the general fund would be required by the BWSR to administer this program. This will cover the costs of assimilating the annual reports from township, city and county road authorities, record keeping, site exploration, negotiating purchases, designing and managing projects, developing partnerships and local support and acquiring easements/title to sites and then managing the contracts and payment schedules. The following chart explains that direct appropriation cost in detail:

Database Development (one time cost)	$100,000
Engineer/Hydrologist	$62,500 (salary + fringe)
Engineer Technician	$47,000 (salary + fringe)
Wetland Restoration Biologist	$48,500 (salary + fringe)
Clerk Typist 3	$38,000 (salary + fringe)
Realty Specialist, Senior	$52,000 (salary + fringe)
Legal/Contract Assistance (0.5 FTE Attorney)	$40,000 (salary + fringe)
Office space, communications, supplies, Travel, Equipment, etc.	$77,000
ANNUAL SUBTOTAL:	$365,000
BIENNIAL BUDGET REQUEST:	$830,000

(14.5%) → 730,000

OTHER CONSIDERATIONS:
Without continued funding, the commitments made to county, city and township road authorities and environmental interests to achieve a "win-win" regulatory simplification outcome for all will be voided and result in controversy and confusion.

PROJECT CONTACT PERSON:
John Jaschke, WCA Program Manager
Board of Water and Soil Resources
One West Water Street, Ste. 200
St. Paul, MN 55107
Phone: 297-3432
Fax: 297-5615
E-mail: john.jaschke@bwsr.state.mn.us

may be less if we are able to double-tail with other agency initiatives DOT & DNR.

Water & Soil Resources Board
Local Govt Road Replacement

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars In Thousands ($137,500 = $138 thousand)

Project Cost

TOTAL PROJECT COSTS All Years and All Funding Sources	Project Costs All Prior Years	Project Costs FY 1998-99	Project Costs FY 2000-01	Project Costs FY 2002-03	Project Costs All Years	Project Start (Month/Year)	Project Finish (Month/Year)
1. Property Acquisition						07/1998	06/2003
Land, Land and Easements, Options	$0	$5,000	$7,400	$7,400	$19,800		
Buildings and Land	0	0	0	0	0		
SUBTOTAL	0	5,000	7,400	7,400	19,800		
2. Predesign SUBTOTAL	0	0	0	0	0		
3. Design Fees							
Schematic	0	0	0	0	0		
Design Development	0	0	0	0	0		
Contract Documents	0	0	0	0	0		
Construction Administration	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
4. Project Management						07/1998	06/2003
State Staff Project Management	0	830	730	730	2,290		
Construction Management	0	0	0	0	0		
SUBTOTAL	0	830	730	730	2,290		
5. Construction Costs							
Site & Building Preparation	0	0	0	0	0		
Demolition/Decommissioning	0	0	0	0	0		
Construction	0	0	0	0	0		
Infrastructure/Roads/Utilities	0	0	0	0	0		
Hazardous Material Abatement	0	0	0	0	0		
Construction Contingency	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
6. Art SUBTOTAL	0	0	0	0	0		
7. Occupancy							
Furniture, Fixtures and Equipment	0	0	0	0	0		
Telecommunications (voice & data)	0	0	0	0	0		
Security Equipment	0	0	0	0	0		
Commissioning	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
8. Inflation							
Midpoint of Construction							
Inflation Multiplier		0.00%	0.00%	0.00%			
Inflation Cost **SUBTOTAL**		0	0	0	0		
9. Other SUBTOTAL	0	0	0	0	0		
GRAND TOTAL	$0	$5,830	$8,130	$8,130	$22,090		

CAPITAL FUNDING SOURCES	Prior Years	FY 1998-99	FY 2000-01	FY 2002-03	TOTAL
State Funds :					
G.O Bonds/State Bldgs	0	5,000	7,400	7,400	19,800
General Fund Projects	0	830	730	730	2,290
State Funds Subtotal	0	5,830	8,130	8,130	22,090
Agency Operating Budget Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Local Government Funds	0	0	0	0	0
Private Funds	0	0	0	0	0
Other	0	0	0	0	0
TOTAL	**0**	**5,830**	**8,130**	**8,130**	**22,090**

IMPACT ON STATE OPERATING COSTS	Current FY 1998-99	Projected Costs (Without Inflation)			
		FY 1998-99	FY 2000-01	FY 2002-03	FY 2004-05
Compensation -- Program and Building Operation	0	0	0	0	0
Other Program Related Expenses	0	0	0	0	0
Building Operating Expenses	0	0	0	0	0
State-Owned Lease Expenses	0	0	0	0	0
Nonstate-Owned Lease Expenses	0	0	0	0	0
Expenditure Subtotal	0	0	0	0	0
Revenue Offsets	0	0	0	0	0
TOTAL	**0**	**0**	**0**	**0**	**0**
Change from Current FY 1998-99		0	0	0	0
Change in F.T.E. Personnel		0.0	0.0	0.0	0.0

SOURCE OF FUNDS FOR DEBT SERVICE PAYMENTS (For bond-financed projects)	Amount	Percent of Total
General Fund	5,000	100.0%
User Financing	0	0.0%

STATUTORY AND OTHER REQUIREMENTS Project applicants should be aware that the following requirements will apply to their projects after adoption of the bonding bill.	
No	MS 16B.335 (1a): Construction/Major Remodeling Review (Legislature)
Yes	MS 16B.335 (1b): Project Exempt From This Review (Legislature)
No	MS 16B.335 (2): Other Projects (Legislative Notification)
No	MS 16B.335 (3): Predesign Requirement (Administration Dept)
No	MS 16B.335 (4): Energy Conservation Requirements (Agency)
No	MS 16B.335 (5): Information Technology Review (Office of Technology)
No	MS 16A.695: Use Agreement Required (Finance Dept)
No	MS 16A.695: Program Funding Review Required (Agency)
No	Matching Funds Required (as per agency request)

Department of Finance Analysis:

As stated in the narrative, M.S. 103G.222 subd. 1(m) requires BWSR to carry out this program. BWSR was appropriated $3.0 million in the 1996 bonding bill for land acquisition, but nothing for program staffing or administration.

This request includes $730 thousand general fund dollars to fund 5.5 permanent FTE's for a two year period, and $100 thousand for one-time database development costs necessary to implement this program.

Governor's Recommendation:

The Governor recommends general obligation bonding of $5 million and a general fund appropriation of $830 thousand for this project. Also included are budget planning estimates of $8.13 million in 2000 and $8.13 million in 2002.

STATEWIDE STRATEGIC SCORE		
Criteria	**Values**	**Points**
Critical Life Safety Emergency - Existing Hazards	0/700	0
Critical Legal Liability - Existing Liability	0/700	0
Prior Binding Commitment	0/700	0
Strategic Linkage - Agency Six Year Plan	0/40/80/120	40
Safety/Code Concerns	0/35/70/105	0
Customer Service/Statewide Significance	0/35/70/105	70
Agency Priority	0/25/50/75/100	75
User and Non-State Financing	0-100	0
State Asset Management	0/20/40/60	0
State Operating Savings or Operating Efficiencies	0/20/40/60	0
Contained in State Six-Year Planning Estimates	0/25/50	0
TOTAL	**700 Maximum**	**185**

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PROJECT LOCATION: Subbasins of the Minnesota River

AGENCY PROJECT PRIORITY: 3 of 4

1998 STATE APPROPRIATION REQUEST: $1,000

PROJECT DESCRIPTION:

In 1978 the legislature created a grant-in-aid program (M.S. 103F.171-187) to share the costs with local government of building floodwater retention structures in 5 major subbasins of the Minnesota River. The project area is characterized by broad upland and lowland plains connected by a steep transition known as the Coteau des Prairie, fertile soils, frequent flooding (including many interbasin floodwater overflows) and substantial erosion. These 5 subbasins were referred to as Study Area II in the Minnesota River Basin Study conducted by the U.S. Soil Conservation Service during the 1970s. A 10 county joint powers board was established in 1978 to coordinate local implementation and cost sharing for the program.

The projects for which funds are requested include: flood control reservoirs, "road retention structures" involving temporary floodwater storage upstream from public roads, typically constructed by downsizing old bridges and culverts; and other potential floodwater and sediment retarding measures, such as buffer strips and wetland restorations.

The projects covered by this program are components of a general plan for flood control and floodplain management. The Minnesota River Basin Study identified over 100 potential floodwater retention sites within the project area. A subsequent joint study conducted by the SCS and U.S. Army Corps of Engineers during the 1980s documented recurring severe flood damage and soil loss within the 5 major Area II watersheds. The direct flood damages were estimated to be $8 million annually. An average of 346 thousand tons of soil per year was estimated to erode from these watersheds in to the Minnesota River. This soil loss was estimated to result in up to $20 million in annual productivity losses, with significant impacts on water quality.

The joint SCS/COE study provided technical, environmental and economic analyses of the potential floodwater retention sites identified and set the basis for prioritizing projects. That study also recognized local project implementation as being the most cost effective. Road retention structure sites within Area II were identified in cooperation with county and state highway departments and have been prioritized based on the estimated costs and benefits of the sites. Total cost of projects identified:

Road retention projects	$1.2 million
Lazarus Creek reservoir	$1.2 million
Peterson reservoir	$ .4 million

Funds requested will be used for Lazarus Creek (if permitted) or for road retention projects. These state funds would be matched by a range of 25% to 50% of local funds.

PROJECT RATIONALE AND RELATIONSHIP TO AGENCY LONG-RANGE STRATEGIC PLAN AND CAPITAL PLAN:

The severe flooding in the Minnesota River basin in 1993 highlighted the need to reduce flood damage to roads and bridges, public and private structures, farm fields, river banks and urban centers within the project area. An interagency hazard mitigation team led by the Federal Emergency Management Agency (FEMA) prepared a report for Minnesota, including the Area II, that identified floodwater retention at roads, flood control reservoirs and wetland restorations as appropriate measures to reduce flood damage in the future. The reservoirs and road retention structures included in this cost share program retard floodwaters in the upstream areas of watersheds, which reduces downstream flood peaks and sediment transport. Lower flood peaks result in reduced direct flood damages to roads, bridges, structures and fields, as well as reduced downstream sedimentation. The sediment and associated nutrient trapping efficiency of these floodwater retarding projects is 50 - 90%, providing significant water quality improvement benefits.

BWSR's strategic plan states: "Runoff should be managed to minimize property loss and environmental damage by moderating high flows and maintaining low flows of streams." Both state and federal floodplain management and flood control programs rely upon local partners and local implementation. To date the Area II partnerships between local, state and federal governments have resulted in the construction of 8 flood control reservoirs and 45 road retention projects. These partnerships have capitalized on the efficiencies of local implementation through focused efforts, mutual commitments and streamlined procedures. Numerous additional road retention projects, reservoirs and associated watershed management measures are planned within Area II.

BWSR's basic strategy, as capsulized in its mission statement and outlined in its strategic plan, is to empower local governments and private citizens to be effective resource managers. The statewide local water planning efforts have been very successful in this regard, and have become an important basis for the strategic plan for the Area II joint powers group. On a watershed basis, successful local water management requires joint efforts among local units of government. The Area II joint powers board and state grant-in-aid program have provided opportunities to achieve this kind of local government cooperation for flood control and floodplain management. The Area II grant-in-aid program has also provided opportunities for partnerships associated with erosion and sedimentation control, river and reservoir water quality monitoring, streamflow data collection and related technical assistance.

The strategic plan for Area II includes increased ties to comprehensive local water plans, as well as expanded partnerships under the state's Minnesota River improve initiative. The board of directors for the Area II joint powers group has expressed to the Governor and area legislators its commitment to an expanded role under the Minnesota River improvement initiative.

IMPACT ON AGENCY OPERATING BUDGETS (FACILITIES NOTE):

None.

OTHER CONSIDERATIONS:

The requested funding would involve a maximum state cost-share of 75%, if federal funding is not available, and maximum 50% of the local sponsor cost-share, if federal funding is available, in accordance with the program statutes. In all instances, local government and BWSR have leveraged the optimum availability of federal funds. If no action is taken to fund this project, the rate of implementation (by local governments alone) will be greatly curtailed, or halted, and the opportunity for a continued local/state partnership focus on flood control and related water quality protection in a large portion of the Minnesota River basin will be foregone.

PROJECT CONTACT PERSON, TITLE, ADDRESS, PHONE, FAX, AND E-MAIL:

Tabor Hoek, Board Conservationist
Board of Water and Soil Resources
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Water & Soil Resources Board
Area II MN River Grant-in-Aid Program

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars in Thousands ($137,500 = $138 thousand)

Project Cost

TOTAL PROJECT COSTS All Years and All Funding Sources	Project Costs All Prior Years	Project Costs FY 1998-99	Project Costs FY 2000-01	Project Costs FY 2002-03	Project Costs All Years	Project Start (Month/Year)	Project Finish (Month/Year)
1. Property Acquisition						07/1998	06/2003
Land, Land and Easements, Options	$0	$19	$320	$160	$499		
Buildings and Land	0	0	0	0	0		
SUBTOTAL	0	19	320	160	499		
2. Predesign SUBTOTAL	0	0	0	0	0		
3. Design Fees							
Schematic	0	0	0	0	0		
Design Development	0	0	0	0	0		
Contract Documents	0	0	0	0	0		
Construction Administration	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
4. Project Management							
State Staff Project Management	0	0	0	0	0		
Construction Management	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
5. Construction Costs							
Site & Building Preparation	0	0	0	0	0		
Demolition/Decommissioning	0	0	0	0	0		
Construction	0	0	0	0	0		
Infrastructure/Roads/Utilities	0	0	0	0	0		
Hazardous Material Abatement	0	0	0	0	0		
Construction Contingency	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
6. Art SUBTOTAL	0	0	0	0	0		
7. Occupancy							
Furniture, Fixtures and Equipment	0	0	0	0	0		
Telecommunications (voice & data)	0	0	0	0	0		
Security Equipment	0	0	0	0	0		
Commissioning	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
8. Inflation							
Midpoint of Construction							
Inflation Multiplier		0.00%	0.00%	0.00%			
Inflation Cost **SUBTOTAL**		0	0	0	0		
9. Other SUBTOTAL	1,383	1,314	747	373	3,817	07/1998	06/2003
GRAND TOTAL	$1,383	$1,333	$1,067	$533	$4,316		

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars in Thousands ($137,500 = $138 thousand)

CAPITAL FUNDING SOURCES	Prior Years	FY 1998-99	FY 2000-01	FY 2002-03	TOTAL
State Funds :					
G.O Bonds/State Bldgs	1,300	1,000	800	400	3,500
State Funds Subtotal	1,300	1,000	800	400	3,500
Agency Operating Budget Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Local Government Funds	83	333	267	133	816
Private Funds	0	0	0	0	0
Other	0	0	0	0	0
TOTAL	**1,383**	**1,333**	**1,067**	**533**	**4,316**

IMPACT ON STATE OPERATING COSTS	Current FY 1998-99	Projected Costs (Without Inflation)			
		FY 1998-99	FY 2000-01	FY 2002-03	FY 2004-05
Compensation -- Program and Building Operation	0	0	0	0	0
Other Program Related Expenses	0	0	0	0	0
Building Operating Expenses	0	0	0	0	0
State-Owned Lease Expenses	0	0	0	0	0
Nonstate-Owned Lease Expenses	0	0	0	0	0
Expenditure Subtotal	0	0	0	0	0
Revenue Offsets	0	0	0	0	0
TOTAL	**0**	**0**	**0**	**0**	**0**
Change from Current FY 1998-99		0	0	0	0
Change in F.T.E. Personnel		0.0	0.0	0.0	0.0

PREVIOUS STATE CAPITAL APPROPRIATIONS FOR THIS PROJECT (Legal Citations) Laws of Minnesota (year), Chapter, Section, Subdivision	Amount
L1996, Chap. 463	250
L1994, Chap. 643	800
L1993, Chap. 172	250

SOURCE OF FUNDS FOR DEBT SERVICE PAYMENTS (For bond-financed projects)	Amount	Percent of Total
General Fund	1,000	100.0%
User Financing	0	0.0%

STATUTORY AND OTHER REQUIREMENTS Project applicants should be aware that the following requirements will apply to their projects after adoption of the bonding bill.	
No	MS 16B.335 (1a): Construction/Major Remodeling Review (Legislature)
Yes	MS 16B.335 (1b): Project Exempt From This Review (Legislature)
No	MS 16B.335 (2): Other Projects (Legislative Notification)
No	MS 16B.335 (3): Predesign Requirement (Administration Dept)
No	MS 16B.335 (4): Energy Conservation Requirements (Agency)
No	MS 16B.335 (5): Information Technology Review (Office of Technology)
No	MS 16A.695: Use Agreement Required (Finance Dept)
No	MS 16A.695: Program Funding Review Required (Agency)
Yes	Matching Funds Required (as per agency request)

Department of Finance Analysis:

This program was given $250 thousand in the FY 96 bonding bill, and $378 thousand from the general fund during the 1997 legislative session.

Governor's Recommendation:

The Governor recommends general obligation bonding of $1 million for this project, contingent upon local government funds of $333 thousand. Also included are budget planning estimates of $800 thousand in 2000 and $400 thousand in 2002.

STATEWIDE STRATEGIC SCORE		
Criteria	**Values**	**Points**
Critical Life Safety Emergency - Existing Hazards	0/700	0
Critical Legal Liability - Existing Liability	0/700	0
Prior Binding Commitment	0/700	0
Strategic Linkage - Agency Six Year Plan	0/40/80/120	80
Safety/Code Concerns	0/35/70/105	0
Customer Service/Statewide Significance	0/35/70/105	70
Agency Priority	0/25/50/75/100	50
User and Non-State Financing	0-100	25
State Asset Management	0/20/40/60	0
State Operating Savings or Operating Efficiencies	0/20/40/60	0
Contained in State Six-Year Planning Estimates	0/25/50	50
TOTAL	**700 Maximum**	**275**

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PROJECT LOCATION: Metropolitan Area

AGENCY PROJECT PRIORITY: 4 of 4

1998 STATE APPROPRIATION REQUEST: $900 Not recmd'd by Gov. Recmd it be integrated with DNR initiative.

PROJECT DESCRIPTION:

The project proposal is for a grant program to promote the development of greenway corridors in the urban core and developing first ring cities that link lake, stream and wetland habitats on a watershed basis. The funding would be used to purchase necessary land or conservation easements, reconstruct stream and wetland habitats, and reestablish native forest cover types. The grant program would provide economic incentives to metro cities to restore and integrate natural aquatic habitats that have been lost because of urban redevelopment projects. The program funding would be made available on a competitive basis in order to promote integrated resource management as a focal point in the many urban development opportunities that are currently in the planning stages.

PROJECT RATIONALE AND RELATIONSHIP AND LONG-RANGE STRATEGIC PLAN AND CAPITAL PLAN:

The Board of Water and Soil Resources 1997 strategic plan has recognized that there needs to be an investment by the state in the redevelopment of blighted urban core and first ring suburbs as one of the strategies needed to slow down the rate of urban sprawl. The BWSR believes that urban redevelopment projects that include the restoration of natural water resource features such as streams and wetlands will stimulate private investment in urban redevelopment projects. There are numerous opportunities available to accomplish this and at the same time reduce non-point pollution to the Mississippi, St. Croix and Minnesota Rivers, provide attractive passive open space uses and promote development of "greenway corridors." Other major cities that have successfully utilized the greenway corridor concept in urban redevelopment include San Francisco, California and Chattanooga, Tennessee.

The following is a list of potential projects that could benefit from this proposal.

1. Swede Hollow Revitalization
   Location: ravine area just east of the DNR / PCA building
   Project goals: restore stream currently in pipe-link to walking trails; passive open space, greenway link to Miss. R.; storm water pond
   Sponsor: City of St. Paul, very active citizen group

2. Phalen Lake Area Projects
   Location: Phalen Shopping Center and outlet corridor to Miss. R.
   Project goals: restore wetland under parking lot; restore natural stream now in pipe; open space, nature study area; improve water quality
   Sponsor: City of St. Paul, Ramsey Washington Metro WD

3. City of Lauderdale Ravine
   Location: U of M Golf Course
   Project Goals: wetland restoration; storm water quality improvement
   Sponsors: Lauderdale, St. Anthony, Middle Mississippi River WMO, Ramsey Co.

4. Mississippi Corridor Reforestation
   Location: along Mississippi River in Mpls.
   Project goals: restore forest corridor; buffer strip; passive open space
   Sponsors: MN Landscape Arboretum, MN State Horticultural Society, Mpls.

5. Construct Wetland for Storm Water Treatment
   Location: South East Mpls. Industrial Area
   Project Goals: create wetland in an industrial area; treat storm water
   Sponsor: Middle Mississippi River WMO

IMPACT ON AGENCY OPERATING BUDGETS (FACILITIES NOTE):

None.

PROJECT CONTACT PERSON, TITLE, ADDRESS, PHONE, FAX, AND E-MAIL:

Bruce Sandstrom, BWSR Metro Region Supervisor
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Water & Soil Resources Board
Metro Greenway

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars in Thousands ($137,500 = $138 thousand)

Project Cost

TOTAL PROJECT COSTS All Years and All Funding Sources	Project Costs All Prior Years	Project Costs FY 1998-99	Project Costs FY 2000-01	Project Costs FY 2002-03	Project Costs All Years	Project Start (Month/Year)	Project Finish (Month/Year)
1. Property Acquisition							
Land, Land and Easements, Options	$0	$500	$1,000	$500	$2,000	07/1998	06/2003
Buildings and Land	0	0	0	0	0		
SUBTOTAL	0	500	1,000	500	2,000		
2. Predesign **SUBTOTAL**	0	0	0	0	0		
3. Design Fees							
Schematic	0	25	50	50	125	07/1998	06/2003
Design Development	0	0	0	0	0		
Contract Documents	0	0	0	0	0		
Construction Administration	0	0	0	0	0		
SUBTOTAL	0	25	50	50	125		
4. Project Management							
State Staff Project Management	0	5	10	10	25	07/1998	06/2003
Construction Management	0	20	40	40	100		
SUBTOTAL	0	25	50	50	125		
5. Construction Costs							
Site & Building Preparation	0	0	0	0	0		
Demolition/Decommissioning	0	0	0	0	0		
Construction	0	0	0	0	0		
Infrastructure/Roads/Utilities	0	0	0	0	0		
Hazardous Material Abatement	0	0	0	0	0		
Construction Contingency	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
6. Art **SUBTOTAL**	0	0	0	0	0		
7. Occupancy							
Furniture, Fixtures and Equipment	0	0	0	0	0		
Telecommunications (voice & data)	0	0	0	0	0		
Security Equipment	0	0	0	0	0		
Commissioning	0	0	0	0	0		
SUBTOTAL	0	0	0	0	0		
8. Inflation							
Midpoint of Construction							
Inflation Multiplier		0.00%	0.00%	0.00%			
Inflation Cost **SUBTOTAL**		0	0	0	0		
9. Other **SUBTOTAL**	0	350	730	730	1,810	07/1998	06/2003
GRAND TOTAL	$0	$900	$1,830	$1,330	$4,060		

AGENCY CAPITAL BUDGET REQUEST
Fiscal Years 1998-2003
Dollars in Thousands ($137,500 = $138 thousand)

CAPITAL FUNDING SOURCES	Prior Years	FY 1998-99	FY 2000-01	FY 2002-03	TOTAL
State Funds :					
G.O Bonds/State Bldgs	0	900	1,830	1,330	4,060
State Funds Subtotal	0	900	1,830	1,330	4,060
Agency Operating Budget Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Local Government Funds	0	0	0	0	0
Private Funds	0	0	0	0	0
Other	0	0	0	0	0
TOTAL	**0**	**900**	**1,830**	**1,330**	**4,060**

IMPACT ON STATE OPERATING COSTS	Current FY 1998-99	Projected Costs (Without Inflation)			
		FY 1998-99	FY 2000-01	FY 2002-03	FY 2004-05
Compensation -- Program and Building Operation	0	0	0	0	0
Other Program Related Expenses	0	0	0	0	0
Building Operating Expenses	0	0	0	0	0
State-Owned Lease Expenses	0	0	0	0	0
Nonstate-Owned Lease Expenses	0	0	0	0	0
Expenditure Subtotal	0	0	0	0	0
Revenue Offsets	0	0	0	0	0
TOTAL	**0**	**0**	**0**	**0**	**0**
Change from Current FY 1998-99		0	0	0	0
Change in F.T.E. Personnel		0.0	0.0	0.0	0.0

SOURCE OF FUNDS FOR DEBT SERVICE PAYMENTS (For bond-financed projects)	Amount	Percent of Total
General Fund	900	100.0%
User Financing	0	0.0%

STATUTORY AND OTHER REQUIREMENTS Project applicants should be aware that the following requirements will apply to their projects after adoption of the bonding bill.	
No	MS 16B.335 (1a): Construction/Major Remodeling Review (Legislature)
Yes	MS 16B.335 (1b): Project Exempt From This Review (Legislature)
No	MS 16B.335 (2): Other Projects (Legislative Notification)
No	MS 16B.335 (3): Predesign Requirement (Administration Dept)
No	MS 16B.335 (4): Energy Conservation Requirements (Agency)
No	MS 16B.335 (5): Information Technology Review (Office of Technology)
No	MS 16A.695: Use Agreement Required (Finance Dept)
No	MS 16A.695: Program Funding Review Required (Agency)
No	Matching Funds Required (as per agency request)

Department of Finance Analysis:

The local projects identified in this project should be addressed through BWSR's existing programs.

Governor's Recommendation:

The Governor does not recommend capital funds for this project.

STATEWIDE STRATEGIC SCORE		
Criteria	**Values**	**Points**
Critical Life Safety Emergency - Existing Hazards	0/700	0
Critical Legal Liability - Existing Liability	0/700	0
Prior Binding Commitment	0/700	0
Strategic Linkage - Agency Six Year Plan	0/40/80/120	0
Safety/Code Concerns	0/35/70/105	0
Customer Service/Statewide Significance	0/35/70/105	35
Agency Priority	0/25/50/75/100	25
User and Non-State Financing	0-100	0
State Asset Management	0/20/40/60	20
State Operating Savings or Operating Efficiencies	0/20/40/60	0
Contained in State Six-Year Planning Estimates	0/25/50	0
TOTAL	**700 Maximum**	**80**

Introduced by Holsten, Osthoff, Tingelstad, Munger, Weaver
February 9, 1998
Referred to Committee on ENVIRONMENT, NATURAL RESOURCES & AGRICULTURE FINANCE
Reproduced by PHILLIPS LEGISLATIVE SERVICE

H.F. No. 3510

Companion S.F. No. _____

A bill for an act

relating to appropriations; appropriating money for a lakes initiative.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [LAKES INITIATIVE.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund to the agencies and for the purposes specified in the fiscal years indicated for each purpose.

SUMMARY BY FUND

	1998	1999
General Fund	-0-	$37,200,000

Sec. 2. POLLUTION CONTROL AGENCY -0- 9,200,000

$3,500,000 is appropriated for grants to local units of government for the clean water partnership program and $500,000 is appropriated for technical assistance and project support.

$2,000,000 is appropriated for grants to local governments for the individual sewage treatment system program.

$500,000 is appropriated to provide assistance for wastewater treatment in lake areas. Of this amount, $200,000 is for grants to local governments for wastewater treatment planning.

$700,000 is appropriated for technical assistance for lake monitoring, assessment, and analysis.

$1,600,000 is appropriated for a mercury reduction initiative to assess

mercury levels in humans and wildlife.

$300,000 is appropriated for a biological assessment of lake riparian wetlands.

$100,000 is appropriated to conduct a Landsat project in northern Minnesota.

Sec. 3. NATURAL RESOURCES -0- 7,700,000

$1,000,000 is appropriated to stabilize eroding shoreline on Lac qui Parle and Lake Winnibigoshish.

$4,000,000 is appropriated for acquisition of aquatic management areas.

$200,000 is appropriated for aquatic plant restoration.

$300,000 is appropriated for long-term monitoring of lake ecosystems.

$200,000 is appropriated for an enhanced lake classification system to provide comprehensive lake descriptions.

$500,000 is appropriated to identify lake watershed boundaries for lakes greater than 100 acres in a geographic information system format.

$300,000 is appropriated to develop methodologies to assess the cumulative effects of development on lakes.

$200,000 is appropriated for publication of an aquatic plant identification manual.

$1,000,000 is appropriated for enhancement of the exotic species control program.

Sec. 4. BOARD OF WATER AND SOIL RESOURCES -0- 13,300,000

$4,000,000 is appropriated for easements to protect riparian areas.

$1,000,000 is appropriated for shoreland and watershed best management practices cost-share to protect watershed and riparian areas.

$1,000,000 is appropriated for lake planning assistance to local units of government. Of this amount, $500,000 is for lake planning grants.

$3,000,000 is appropriated for on-site and feedlot grants to locally administer individual sewage treatment system, wastewater, and feedlot programs. These funds shall be distributed through the challenge grant program.

$300,000 is appropriated for establishment of a lakes heritage

council.

$1,400,000 is appropriated for drainage education and technical assistance for addressing local water quality issues in the drainage network.

$2,200,000 is appropriated for grants to counties and local water planning agencies for lake assessment activities.

$200,000 is appropriated for a grant to the University of Minnesota extension service to improve existing Minnesota extension guidance and guide books.

$200,000 is appropriated for a heritage lakes recognition program.

Sec. 5. AGRICULTURE -0- 7,000,000

$3,100,000 is appropriated for low interest loans for failing septic systems upgrades and replacement.

$100,000 is appropriated for an agricultural drainage education and technical assistance project.

$2,000,000 is appropriated for the agricultural best management practices loan program.

$500,000 is appropriated for the assessment and management of potential agricultural sources of contamination in lakes. Of this amount, $185,000 is for grants.

$1,000,000 is appropriated for agricultural best management practices development, demonstration, and promotion. Of this amount, $527,000 is for development, promotion, and demonstration grants; $163,000 is for best management practices development and administration; and $310,000 for a community-based, whole farm planning project.

$300,000 is appropriated for an agricultural producer outreach project.

Sec. 6. [AVAILABILITY OF APPROPRIATION.]

The appropriations in sections 1 to 5 are available until July 1, 2000.

Old Business #2

2/11/98 **BWSR Legislative Tracking Sheet**

HF/SF	Title	Staff	Author	Status	Comments
SF 2019 HF 2384	Crookston - $1,800,000 for Flood Control Project		Senator Moe Rep. Lieder	Senate Committee on Env. & Natural Resources House Committee on Judiciary	
SF 2026	Capital Project Grants to Local Government - Standards	Doug	Senator Cohen	Senate Committee on Gov. Operations	-Requires local government to submit capital bonding requests to finance by June 1 or odd numbered years. -Finance to rank submittals and submit to legislature. -State will recommend no more than 50% funding if included in Governor's budget. -No action required.
SF 2033 HF 2367	Mountain Iron & Virginia -- $650,000 Flood Mitigation Projects		Senators Janezich, Solon Rep. Rukavina	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	
SF 2056 HF 2393	Willernie -- $200,000 In Bonding to Stop Erosion	Bruce	Senators Wiger, Kelley Rep. Mares	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	This bill proposes to correct an erosion problem on an intermittent stream in the City of Willernie that is allegedly placing three houses, two garages and a duples in jeopardy. The proposed solution is to install a 36-inch pipe and erosion controls to correct the problem. In 1997, Washington SWCD applied to BWSR for $50,000 of C-S special project funds. The request was denied. Rice Creek WD approved $33,000 grant for the project. Estimated total cost of project is $179,000. The Washington County Board is passing a resolution of support. Bruce recommends BWSR support this bill.

SF 2073 HF 2596	Flood Damage Area -- Appropriate for Ring Dikes	Greg	Senators Stumpf, Moe	Senate Committee on Env. & Natural Resources	
SF 2075	Abandoned Ag Homesteads - Notice to County Assessors	Greg	Senator Stumpf	Senate Committee on Local & Metro Gov't.	
SF 2115 HF 2408 HF 2361	Linwood Township in Anoka County -- $100,000 for Drainage System	Bruce	Senators Hanson, Vickerman, Higgings Rep. Sekhon	Senate Committee on Env. & Natural Resources House Committee on Env., Natural Resources, and Ag Finance	
SF 2126	Hennepin County - $24 Million for Humboldt Avenue Greenway	Bruce	Senators Higgins, Robertson, Pappas, Lourey, Scheid	Senate Committee on Jobs, Energy & Comm. Development	
SF 2154 HF 2609	Anoka County - Transfer & Protect Tax-Forfeited Land as Open Space	Bruce	Senators Hanson, Betzold, Novak Rep. Delmont, Johnson, Weaver, Sekhon	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	
SF 2177	Truth In Taxation Hearings - Metro Special District Hearings	Doug Bruce	Senators Betzold, Novak	Senate Committee on Local & Metro Gov't.	Doug's comments: -Changes the day or week for required public hearing. -Does not apply to metro Wds -No action required. Bruce's comments: -Legislation only affects "Metropolitan Special Taxing Districts" (which does not include Wds). Recommend that BWSR take no official position on this.
SF 2248 HF 2604	Taxation, Providing Property Tax Rebate	Doug	Rep. Macklin	House Committee on Taxes	-Creates 1998 property tax rebate. No action required.
SF 2269 HF 2686	BWSR - Reviews, Hearings	Ron H.	Senator Stumpf Rep. Munger, Rukavina, Finseth, Sviggum, McCollum	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	

SF 2279 HF 2627	Regional Development Commissions - Appropriating Money for Regional Planning	Greg	Senators Vickerman, Solon, Hottinger, Janezich, Frederickson Rep. Winter, Skare, Mulder, Jaros, Olson	Senate Committee on Local & Metro Gov't. House Committee on Gov't. Operations	
SF 2297 HF 2549	Property Taxation; Changing the Levy Limits of Regional Development Commissions	Doug	Senators Vickerman, Solon, Hottinger, Janezich, Lesewski Rep. Winter, Skare, Mulder, Jaros, Olson	Senate Committee on Local & Metro Gov't. House Committee on Taxes	-Increases levy limits for regional development commissions -No action required.
SF 2307 HF 2830	Marshall - $745,000 for Stage III of Flood Control Project		Senators Lesewski, Vickerman, Belanger, Laidig, Stumpf Reps. Seifert, Kubly, Davids, Trimble, Holsten	Senate Committee on Env. & Natural Resources House Committee on Env., Natural Resources, and Ag Finance	

SF 2376 HF 2997	Pollution Control - Task Force on Water Quality Standards	Doug Eric	Senators Hottinger, Laidig, Lessard, Morse Rep. Knoblach, Leppik	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	-Task force to prepare scoping document for a study of cost/benefit for MN water quality standards. -PCA supports this and Governor has included $150,000 in budget to prepare. -First step in a $2-3 million study. Action required - Support Eric's Comments: This is supported by MPCA. It comes from some discussions that MPCA has been having with Council of Greater MN Cities (CGMC), environmental groups and others. There is a feeling, especially in industry, that existing water quality standards do not incorporate cost-benefit analysis. The bill is a compromise which starts the first phase of a 2-phase process. It will accomplish a some of the cost-benefit analysis while keeping MPCA oversight in the process. MPCA contact is Lori Martinson 6-7360 Support/Neutral
SF 2450 HF 2862	Watershed Districts - Administrative Fund for Additional Costs	Ron H. Jim B. Doug	Senators Olson, Oliver, Robertson Reps. Sykora, Abrams, Smith, Munger	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	-Last conversation with Barb Sykora was she is pulling request for hearing. -Action required - after session meet with Barb to start a process to develop a management audit approach for Wds for her to introduce next session.
SF 2473 HF 2798	Pipeline Easements - Compensation Requirements	Greg	Senator Johnson, Frederickson, Dille, Hottinger	Senate Committee on Ag. & Rural Development	
SF 2476	Sauk River Dam - $300,000 for Renovation Costs		Senator Larson, Fischbach, Sams	Senate Committee on Env. & Natural Resources	

SF 2492 HF 2647	Environmental Trust Fund - use for Sewage Treatment & Wells	Eric	Senators Janezich, Johnson, Solon Rep. Tomassoni, Anderson, Solberg, Bakk, Rukavina	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	Permits using ETF $s for grants to LGU's for: -ISTS systems; cluster systems; water filtering sytems; sealing existing wells Sounds like a good idea to me. I don't see LCMR listed here - does this mean they won't control these grants? If all this stuff had to run through LCMR it would be messy. Does this mean we would be back in the well-sealing business? What about the ISTS grants - would we have to administer or is this MPCA. (No agencies are specifically mentioned, just "money in the state trust fund") Philosophical question: (1) from a policy perspective, sure, it makes sense to spend state $s on ISTS, abandoned wells, etc. I would support it on these grounds. (2) from a RIM perspective, here's yet another diversion of ETF funds to non-RIM activities. Eric's opinion: Support. RIM staff: would probably not support BWSR support?
SF 2523 HF 3311	State Government Supplemental Appropriations Bill - $30.4 Million	Ron H. Doug Tom S.	Senator Frederickson Rep. Mares	Senate Committee on Gov. Operations & Veterans House Committee on Gov't. Operations	-Authorizes agencies to spend federal money 20 days after Governor's budget request to legislature that includes federal money, unless a member of LAC requests review. -Eliminates performance report and changes to "report on performance of agency operations, and the accomplishment of agency goals in the agency's biennial budget". Action required - Support bill as the performance of agency in attaining its goals is more meaningful than setting performance measures, which were difficult for an agency like BWSR

SF 2552 HF 3041	Levy Limits - Add Growth Factor	Doug	Senator Betzold, Hanson, Krentz Rep. Johnson, Delmont, Long	Senate Committee on Local & Metro Gov't. House Committee on Taxes	-Modifies levy limit calculations to allow for growth counties to adjust automatically. -No action required.
SF 2554 HF 2815	Local Gov't Internal Audit Documents Private	Doug	Senator Betzold	Senate Committee on Judiciary	-Adds internal audit offices of political subdivisions of state to law which states that any draft reports, data, notes, etc. are considered confidential data. -No action required.
SF 2575 HF 3242	Governor's Capital Improvements Bonding Bill $1.014 Billion	Ron H. Doug Tom S.	Senator Laidig, Cohen, Frederickson, Spear, Kelly Reps. Bishop, Kalis, Sekhon, Dempsey, Pelowski	Senate Committee on Gov't. Operations and Veterans House Committee on Capital Investment	Governor's Bonding Bill
SF 2578	Feedlots - No Local Bars to Construction, Expansion	Al	Senator Berg	Senate Committee on Ag. & Rural Development	As written, this would be the only exception to an otherwise general definition of municipal authority to enact interim ordinances. Narrow focus of an exception is often bad precedent.
SF 2622	Feedlots - Grants Program, Assessment, Permit Denial Standards	Al	Senator Scheevel, Sams, Lesewski	Senate Committee on Ag. & Rural Development	Permittee character and record requirements could be difficult to apply. Seems to fail to recognize the Ag BMP loan program as a loan program (or expand it to include grants?) Needs assessment could involve substantial technical assistance and cost much more than $500,000. Narrow focus of feedlot registration requirements expected to be very controvrsial.
SF 2671	Stillwater Flood Control Project	Al	Senators Laidig, Morse, Belanger, Krentz, Johnson	Senate Committee on Env. & Natural Resources	DNR Flood Damage Reduction Program has typically been conduit for this type of non-federal cost-share.

SF 2754 HF 3433	Watonwan River Flood Abatement Project	Al	Senator Vickerman Reps. Harder, Gunther	Senate Committee on Env. & Natural Resources House Committee on Env., Natural Resources, & Ag Finance	
SF 2789 HF 3126	Comprehensive Plans/Repeal Community-Based Planning Law	Doug	Senators Stevens, Lessard, Langseth, Pariseau, Fischbach Reps. Osskopp, Finseth	Senate Committee on Local & Metro Gov't. House Committee on Local Gov't. & Metro Affairs	-Amends sections of municipal (city) law relating to adopting ordinances, particularly references to orderly and staged development. -Bill also repeals community based planning act and cancels any unspent money authorized in 1997 to Office of Strategic and Long Range Planning and grants. -No action necessary. Based on Phil Belifiori's participation they are having a hard time pulling this together.
SF 2813	Feedlots - Town Zoning Ordinances No More Restrictive Than County	Al	Senator Dille	Senate Committee on Ag. & Rural Development	Restriction of township authority to enact feedlot ordinance more restrictive than county sure to draw fire.
SF 2815	Expand Ag Product Loan Program; Feedlots; Funding	Al	Senators Dille, Sams, Scheevel, Lesewski, Vickerman	Senate Committee on Ag. & Rural Development	Addresses opposition to PCA's current "phased and connected" policy for feedlot environmental review and permitting. Restricts petition for an EAW to residents within 5 mile radius of a proposed feedlot. $10 M Ag BMP loan appropriations from general fund. $3 M cost-share appropriation to SWCDs via BWSR - doesn't speak to technical assistance.
SF 2839 HF 3159	Administrative Rules - Must Be Enacted Into Law To Take Effect	Greg	Senators Lesewski, Scheevel, Johnson, Ourada, Fischbach	Senate Committee on Gov't. Operations & Veterans	

SF 2930 HF 3448	BWSR - $400,000 to Provide Private Forest Land Management	Ron H., Jim L.	Senators Sams, Morse, Lessard Reps. Munger, Rukavina, Johnson, Nornes, Finseth	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources	Jim spoke with DeZiel at length about this bill. D'Wayne assured Jim that he has worked out an agreement with Bob Tomlinson and Jerry Rose. They have agreed to give the appropriation to the DNR to run through the Forest Stewardship Program. They also agreed to delete the term non industrial private forest land and change to just private land holdings. If they remove the NIPF term from the bill, he's not sure if it will fit the Forest Stewardship Program With the change to just private land would it be better to run the apprpriation through BWSR instead of the DNR, since now they have taken the forestry issue out of language of the bill?
SF 2934	SWCD - Mileage Reimbursements	Jim B.	Senators Sams, Price	Senate Committee on Env. & Natural Resources	The bill removes the "stateofficers and employees" restriction but leaves the mileage reimbursement open - no body is designated the authority to set rates; it is assumed this would be the SWCD Board. A better approach would be to use similar language to M.S. Ch. 471.665, Subd. 1 which is the enabling statute by which counties, cities, towns and school districts set mileage rates. The proposed bill will work as its not worth opposing. Amended language would be better.

SF 2977 HF 3354	Twin Lake Flooding Problems	Jim B., Bruce	Senator Krentz Rep. Holsten	Senate Committee on Env. & Natural Resources House Committee on Env., Natural Resources & Ag Finance	This lake is downstream of Square Lake. Twin Lake has no outlet. The flooding problem is not identified in the Marine on St. Croix WMO plan. Twin Lake appears to be a "water of local importance" meaning that it and it's watershed affect only one community (as per pg. 30 of MSCWMO plan). Suggest that funding be contingent upon amending the WMO plan. May Township may be the responsible LGU as per the WMO plan. BWSR should support the legislative intent but try to link it to the WMO planning process.
SF 2985	Repeal 1997 Local Government Levy Limits	Doug	Senators Johnson, Flynn	Senate Committee on Taxes	-Repeals 1997 levy limit imposed by legislature. Effective 1998 taxes payable in 1999. -Support bill especially if we will be seeking an increase in local water planning base grant and levy in 1999.
SF 2991 HF 3399	DNR - $41,000,000 for Flood Hazard Mitigation	Ron H.	Senators Stumpf, Langseth, Marty, Kelly Rep. Lieder	Senate Committee on Env. & Natural Resources House Committee on Env., Natural Resources, & Ag Finance	
SF 3040	Small Feedlot Upgrades - Cost-Sharing Program, Limit Enforcement	Al	Senators Murphy, Sams, Dille, Vickerman, Lesewski	Senate Committee on Agriculture and Rural Development	
SF 3057 HF 3461	Brown's Creek in Washington County - $750,000 in Bonding	Bruce	Senator Krentz Reps. Holsten, Osthoff, Weaver, munger	Senate Committee on Env. & Natural Resources House Committee on Env., Natural Resources & Ag Finance	

SF 3104	St. Paul - $5,082,000 for Hoyt Ave. Area Flood Mitigation	Bruce	Senators Wiger, Kelly Rep. McCollum	Senate Committee on Env. & Natural Resources House Committee on Env. & Natural Resources, & Ag Finance	
SF 3109	Feedlot Regulation - Training, Structures, EIS, Dispute Process	Al	Senators Sams, Dille, Beckman, Morse	Senate Committee on Agriculture & Rural Development	
SF 3127	Property Tax - Reduce Valuation of Vegetative Filter Strips	Greg	Senators Sams, Hottinger, Lourey, Fischbach	Senate Committee on Taxes	
HOUSE					
HF 2588 SF 2670	Metro Government - elected Council Including County Commissioners	Bruce	Rep. Orfield, Larsen Senators Flynn, Kelley, Pariseau	House Committee on Local Gov't. & Metro Affairs Senate Committee on Local & Metro Gov't.	Bill is proposing election of Met council members - suggest BWSR take no position in this matter.
HF 2592	Private Property Protection Act - Pay for Inverse Condemnations	Greg	Rep. Rifenberg, Kielkicki, Anderson	House Committee on Judiciary	
HF 2605	Economic Development; Allowing Designation as an Enterprise Zone of Property in St. Paul	Bruce	Rep. Dawkins	House Committee on Economic Development and International Trade	No comment - Bruce recommends that BWSR take no position on this bill
HF 2640	Appropriations, Authorizing State Bonds; Money for Stillwater Flood Control Project		Reps. Holsten, Osthoff	House Committee on Env. & Natural Resources and Ag. Finance	
HF 2713	Flood Protection Plans & Mitigation Grants/Water Use Permit Fees	Greg	Reps. Westfall, Munger, Lieder, Osthoff	House Committee on Env. & Natural Resources	
HF 2768	EQB - Statewide Comprehensive Land Use Planning	Greg	Rep. Orfield	House Committee on Local Government & Metro Affairs	

HF 2776 SF 2971	Environment, Natural Resources, Ag Supplemental Appropriations	Ron H., Doug, Tom S.	Rep. Holsten, Munger, Leppik, Osthoff Senators Laidig, Frederickson	House Committee on Env. & Natural Resources Senate Committee on Env. & Natural Resources	None
HF 2808	Agency Rules - Local Gov'ts. May Petition for Amendment/Repeal	Doug	Rep. Knoblach	House Committee on Gov'.t Operations	-Allows elected Governor body of an LGU affected by an agency rule to petition said agency to amend or repeal parts of rule based on new evidence relating to need or reasonableness and/or less costly or instrusive methods of achieving the purpose of the rule are identified. -Could apply to WCA and LWP and C-S. -Action required - Negative position. It may not be a bad idea however, if agency disagrees it does require hearing, preside over hearings (costly).
HF 2831	Environmental Supplemental Appropriations -- $202,524,000	Ron H., Doug, Tom S.	Reps. Leppik, Munger, Holsten, Weaver, Osthoff	House Committee on Env., Natural Resources and Ag Finance	Governor's Bonding Bill - House introduction, Section 5.
HF 2902 SF 3018	Metro Greenways & Natural Areas -- $20,000,000	Bruce	Reps. Osthoff, Carruthers, Holsten, Trimble, Jefferson Senators Price, Cohen, Wiener, Pariseau, Johnson	House Committee on Env., Natural Resources, Ag Finance Senate Committee on Env. & Natural Resources	BWSR should support this bill. This is the one that the Greenways Collaborative is supporting. Not aware of how the $20 million would be spent (easements, aquisitions, development?)

HF 2916	Lazarus Creek Floodwater Retention Project -- $1,250,000	Al	Reps. Seifert, Peterson	House Committee on Env., Natural Resources, Ag Finance	This project is part of BWSR's capital budget request. In the past, the BWSR has provided specific project funds directly to the local sponsor of the project, which was not Area II, Inc. This is in accordance with the Area II statutes, which require the local sponsor to obtain necessary land rights and assume responsibility for maintenance. This bill would require Area II, Inc. To serve as a financial intermediary.
HF 3076	Appropriation to BWSR for Faribault	Jeff N., Wayne	Rep. Kalis	House Committee on Env., Natural Resources, Ag Finance	
HF 3102 SF 3047	Wetland Replacement - $50,000 for BWSR to Make Grants to Cities	Ron H., Greg, John	Rep. Schumacher Senators Stevens, Scheevel, Lesewski, Samuelson	House Committee on Env. & Natural Resources Senate Committee on Env. & Natural Resources	
HF 3256	Heritage Lakes Initiative - Lake & Ecosystem Quality Policy/Board	Ron	Reps. Leppik, Munger, Holsten, Osthoff	House Committee on Env. & Natural Resources	
HF 3319	Feedlots - License Waste Technicians, New Ordinances, Studies	Al	Reps. Peterson, Winter, Trimble, Kalis	House Committee on Agriculture	Seems to have been superseded by HF 3441.
HF 3320 SF 2970	Moratorium on Large Feedlots Until 7/1/2000 or Later/Studies	Ron H., Al	Reps. Peterson, Munger, Osthoff, Kalis, Winter Senators Beckman, Morse, Lourey, Hottinger	House Committee on Env. & Natural Resources Senate Committee on Ag. & Rural Development	Moratorium on permitting feedlots greater than or equal to 750 animal units and open-air manure storage structures until 7-1-2000 and feedlot rules adopted, NPDES permitting in place for feedlots with 750 a.u. or more, and compliance program in place. Exceptions for repair/replacement and non-expansions. "Open-air" terminology and public access to compliant info seem to indicate focus on odor issue.

HF 3323 HF 3387	Private Property Rights Protection Act	Greg	Reps. Rifenberg, Reuter, Seifert, Clark, Erickson	House Committee on Judiciary	
HF 3398	Low Impact Forestry on State Forest Land	Jim L.	Reps. Hausman, Sekhon, Rhodes, Munger, Milbert	House Committee on Env. & Natural Resources	
HF 3421	Limit Feedlots, Generic EIS, Industry Steering Committee	Al	Reps. Winter, Kalis, Kubly, Juhnke	House Committee on Agriculture	
HF 3441 SF 3069	Feedlots - License Waste Technicians, New Ordinances, Studies	Al	Reps. Peterson, Osthoff, Kahn, Winter, Munger Senators Morse, Beckman, Piper, Lourey	House Committee on Agriculture Senate Committee on Agriculture and Rural Development	PCA has EPA 319 grant proposal for development of manure application certification program. Task force, including commerical pumpers, MDA and others has been looking into, with pesticide applicator license program as a model. Exception for application on leased/rented land, in addition to owned, is request of some. Section 5 prohibition of clay, earthen or plastic lined manure storage is problematic for producers, regulators and techical assisters; because greatly restricts alternatives. Sec. 8, Inventory of Feedlots could be very costly and conflict with current inventory incentive program. Note MDA role in providing grants for inventories. Producer group concerns about use of inventory data. Sec. 9 moratorium provisions opposed by many.
HF 3510	Lakes Initiative - $37,200,000 for Water Quality Improvement/Studies	Ron H., Doug	Reps. Holsten, Osthoff, Tingelstad, Munger, Weaver	House Committee on Env., Natural Resources, & Ag Finance	

February 4, 1998

Environmental Quality Board

Minnesota Pollution Control Agency

Minnesota Department of Agriculture

Minnesota Department of Health

Board of Water and Soil Resources

Minnesota Department of Natural Resources

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Feedlot Generic Environmental Impact Statement (GEIS)

Why do a study of feedlots?

In recent years, there has been increasing controversy regarding animal feedlots in Minnesota. Many of the concerns that have been raised are about the potential for contamination of the air, surface water and ground water. There are also important questions regarding the social and economic impacts of animal agriculture. While these issues are raised in individual permit decisions, the broader issues are beyond the scope of existing regulations.

A Generic Environmental Impact Statement (GEIS) includes a review of the environmental issues as well as the broader social and economic issues associated with trends in animal agriculture. A study of these issues can assist state and local policy makers as they make decisions affecting our rural communities and natural resources.

What is a GEIS?

A GEIS is a type of broad environmental review used to study issues that cannot be adequately evaluated on a case-by-case basis. The GEIS serves as a long-range planning tool that provides information about widespread, long-term consequences unlikely to be identified through a project-specific review. A GEIS may also address the important economic and social concerns connected to the industry while involving all stakeholders in the process.

How does a GEIS differ from other environmental reviews?

A GEIS differs from project-specific environmental reviews in a number of ways. There are two important differences in the context of a feedlot GEIS.

First, a project-specific EIS or environmental assessment worksheet (EAW) typically looks at the environmental impact of a specific project within a limited geographic area. A GEIS can analyze the cumulative effects associated with a number of separate but similar activities over a larger area.

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Second, a project-specific environmental impact statement assesses the consequences associated with various alternative courses of action without taking a preference. A GEIS, however, may include recommendations and may propose changes to state or local rules, ordinances or statutes.

Does a GEIS look only at environmental issues?

No. A GEIS may also consider the social and economic impacts, both positive and negative, of an industry. This may include effects on employment, economic development, families, quality of life, and other issues.

What will the proposed feedlot GEIS accomplish?

Information and recommendations developed through the GEIS process can provide the basis for more informed decision-making about feedlot operations on the part of state and local governments, as well as industry and private citizens.

The GEIS process will help interested parties reach consensus on feedlot issues and policy options for addressing them. The GEIS will also help clarify the roles and responsibilities of different units of government in addressing feedlot issues. Finally, the GEIS will help set a course for agricultural and environmental policy by expanding and clarifying our knowledge of feedlot operations and their impacts.

What happens while the GEIS is being prepared?

The Minnesota Pollution Control Agency (MPCA) will move ahead with rule-making and will continue to review projects and issue permits during the GEIS process. The GEIS process does not exempt feedlot activities from normal, project-specific environmental review requirements. At the same time, the University of Minnesota research funded by the Legislature, will continue to look for ways to reduce odor and manage manure more efficiently.

Who initiates a GEIS?

Under current law the Minnesota Environmental Quality Board (EQB) can order a GEIS. The EQB is composed of commissioners from the MPCA, the Departments of Health, Agriculture, Natural Resources, Public Services, Transportation, and the directors of the Office of Strategic and Long Range Planning and the Office of Environmental Assistance, along with a representative from the Board of Water and Soil Resources. There are also five citizens appointed to the EQB.

What factors trigger a GEIS?

Before ordering a GEIS, the EQB must consider several things:

- The regional and statewide significance of any environmental effects.
- Whether reviewing the proposed action can be better accomplished through a GEIS than through a case-by-case review of each project or activity.
- Whether the potential environmental effects are unknown, or the risks are unique.
- The cumulative potential impact on the environment of all activities within the particular category -- e.g., feedlot operations.

What goes into preparing a GEIS?

The feedlot GEIS is expected to take between two and one half and three years and would likely include the following components:

- A compilation of feedlot data from state agencies and other national and international sources.
- A formal scoping process of the issues to be addressed, including (1) the geographic area of concern, (2) the potential impacts, mitigation and alternatives to be studied, and (3) the level of detail required for each topic. A stakeholders' advisory group would be established by EQB to help review and guide the scoping process as well as provide input through subsequent stages of the GEIS.
- Public scoping meetings would be held throughout the state and a draft scoping document would be circulated before making a final scoping decision.
- EQB rules on the adequacy of the scoping document.
- Completion of the tasks identified in the scoping document (which might include a feedlot inventory, survey of manure management practices, cumulative air quality modeling and demographic or economic analyses) by staff or consultants.
- Preparation, public review and revision of the draft GEIS by the EQB with agency staff or consultants as needed. The stakeholder group would again help review and guide this revision process.
- Submission of the final document to the EQB for review and acceptance.

What is the 1998 proposal?

The Administration is recommending that the EQB order a GEIS on feedlots. The agencies estimate that the total cost of the GEIS will be approximately $2.7 million for the two and a half to three year study. The Governor is requesting $1.2 million for the GEIS in fiscal year 1999. These funds will be used to compile feedlot data for scoping, complete the critical scoping process and to initiate the priority research tasks identified by the stakeholders groups in the scoping process. The Legislature will be asked to consider a request for approximately $1.5 million to complete the GEIS in the next biennium.

For further information, please contact:

Environmental Quality Board: Michael Sullivan, 296-9027
Pollution Control Agency: Dave Nelson, 296-9274, or Susan Schmidt, 297-7573
Department of Agriculture: Paul Burns, 296-1488
Department of Health: Kathy Svanda, 215-0878
Department of Natural Resources: Wayne Edgerton, 297-8341
Board of Water and Soil Resources: Al Kean, 297-2907

OVERVIEW 1998

Chisago County Comprehensive Local Water Plan Update

Background

The original comprehensive local water plan was developed from April 19, 1990, with the passing of a county resolution to develop a comprehensive plan, to December 16, 1992 when Chisago County's final plan provided to the BWSR was approved. In January of 1993, the Chisago County Board of Commissioners also approved the plan for implementation.

Local Comprehensive Water Plan Update

Chisago County passed a resolution to update their plan on December 4, 1996. After a series of monthly task force meetings, they completed the plan and began the 60 day preliminary review process on July 7, 1997. Chisago County Environmental Services was delegated by the County to administer and update the Local Water Plan in coordination with the local task force and County Commissioners.

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County Description

Chisago County is 444 square miles of farmland, forest and wetlands located in East-Central Minnesota. The County is surrounded by the St. Croix River on the East, the Metro area to the South, Pine County to the North, and Isanti County to the West.

Although Chisago County is projected to be one of the fastest growing non-metropolitan counties in the State it still depends primarily on agricultural land uses, particularly in the northern and central parts of the county. Urban development is heaviest in the southwestern part of the county. I-35 runs north and south through the county and is also the focus of urban development, as is Highway 8. Forest lands fringe the St. Croix River, other streams, and the Carlos Avery Wildlife Management area. Forests and non-urban land uses declined from 1969 to present, while urban land uses increased. Most land use changes have occurred adjacent to municipalities, lakes and major highways. Land development is projected to continue strong growth in the southern part of the county. Population was 33,000 in 1993. It is projected to increase 31% by the year 2020.

Chisago county has an abundance of surface water. Major watersheds in Chisago County include the Snake River, Rum River and the St. Croix River. 95% of the county drains to the St. Croix watershed. Major tributaries include Goose and Rush Creeks in the North, and the Sunrise River in the central part of the county. The county has 400 feet of relief. Topography is typical of a glacial till plain, level to rolling. Chisago County has two clusters of lakes; the chain in the Lindstrom-Center City area and a cluster in the Rush City area to the northwest.

The Anoka Sandplain covers about 25% of Chisago County. The sandplain is noted for its porus soils, high water tables and high potential for land uses to contaminate groundwater.

Plan Update Review

The second generation of plans encourage 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 Statute MS 103B, counties updating their plan are encouraged to include stormwater management in the goals and objective and must address new mandates, including wellhead protection, sensitive groundwater areas, and high priority wetland areas.

The Chisago County Water Plan update includes the new mandates. The updates reflect partnerships with neighboring counties, including the Anoka Sandplain project, State Revolving Fund (SRF) Joint Powers group, and the Snake River Joint Powers Board. Chisago County's goals and objectives have accelerated both traditional and non traditional BMP's such as fencing cattle from riparian sources, erosion and sedimentation control in the agricultural and lakeshore areas, and waste management systems just to mention a few. This is being accomplished through the development of Federal, State, and Local partnerships. In addition to the incentive programs, Chisago County administers a number of ordinances.

BWSR staff has reviewed the Chisago County Comprehensive Local Water Plan update and found that the requirements of law and rule have been satisfied under MS 103B and 9300.

OVERVIEW
ROSEAU COUNTY
COMPREHENSIVE LOCAL WATER PLAN

BACKGROUND:

On February 28, 1990 The Board of Water and Soil Resources approved the Roseau County Comprehensive Local Water Plan (CLWP). On _____ , 1990 the Roseau County Board of Commissioners locally adopted the CLWP. Shortly thereafter coordination of plan implementation was delegated to the Roseau Soil and Water Conservation District. On December 21, 1994 the Roseau County Board of Commissioners passed a resolution to update the CLWP..

Some of the major activities that have been implemented over the past seven years have been a very active education and information program, abandoned well sealing and cost share program, Roseau River water quality monitoring project, well water testing service, assistance in the development of a Roseau River Management Plan, assistance in the development of Roseau River Flood Control Plan, and the offering of numerous hazardous and pesticide container collection projects.

INTRODUCTION TO ROSEAU COUNTY:

Roseau County is located in the far northwestern corner of Minnesota, approximately 375 miles northwest of St. Paul. It is 1,670 square miles in size. It is bordered by Manitoba, Canada on the north and is one county in from the North Dakota border. Lake of the Woods borders the county in its far northeastern corner. With the industries of Polaris, Marvin Windows, and Christian Bros. Hockey Sticks, Roseau County has experienced a large growth in population. The population of the county is 16,230.

Roseau County lies within the basin of Glacial Lake Agassiz, known today as the Red River Basin. The topography is level except in local areas where the major streams have entrenched themselves or where gravel and sand ridges have formed along the edges of the receding lake level of Lake Agassiz. This is referred to as the beach ridges of Lake Agassiz.

The majority of Roseau County is agricultural land. The agricultural land runs from the southwest corner to the northeast corner of the county. Soils in this area of the county are generally silts, clays, and loams with small grain, sunflowers, and canola being the major crops. The southeastern corner of the county is generally forested and wetland and is part of the Agassiz peat land. Recreation , forestry activities and pasturing are the predominant land uses in this area. Across the northern edge of the county are many wetlands and these areas are generally peat soils as in the southeastern corner. This has proven to be a great area to grow a variety of grasses for seed, especially blue grass.

STAFF REVIEW:

The identified purpose of the Roseau County CLWP is to:

1) Identify existing and potential problems or opportunities for protection, management, and development of water resources and related land resources in the county.
2) Develop and implement a plan of action to promote sound hydrological management of water and related land resources in the county.
3) Work toward effective environmental protection and management in the county.

With these directives in mind, the data and general knowledge that was obtained from projects over the past five years, and issues that the citizens of Roseau County have brought forward the County has developed an implementation plan that for the next five years will focus on:

Education and information programs on water stewardship: Provide educational programs in the school systems and sponsor special educational events within the county.

Protect, improve, and monitor the quality and quantity of water in Roseau County: Identify additional potential ground and surface water contamination sources and follow up with educational and implementation activities that prevent and/or correct existing sources. Activities include well sealing, ground water monitoring program, well head protection planning, and implementation of agricultural BMP's.

Flood control and proper ditch maintenance and management in the County: In the aftermath of the 1997 flood in the Red River Valley, much time has been spent on preparing mitigation plans and projects to reduce the impacts in the future. Efforts will be spent on the planning and implementation activities identified in a flood control plan developed by the Roseau County Flood Control Committee. To date activities identified are: flood plan mapping, culvert inventory and sizing, educational efforts on wetland restoration and other on-farm storage methods, along with proper drainage ditch maintenance.

Land use management: With no comprehensive land use planning within the county, emphasis will be put on promoting and educating on individual land use decision making. This involves voluntary decision making and state regulatory actives such as WCA and septic system laws.

Management of solid and other special consideration waste: Assist in the implementation of the County's solid waste plan.

The updated Comprehensive Local Water Plan for Roseau County was submitted for final review on January 16, 1998. Staff will continue to assist the county in its updating process by providing final review comments and coordinating resolution of concerns identified by others reviewing this updated plan.

OFFICIAL COMMUNICATION

FROM THE OFFICE OF THE GOVERNOR OF THE STATE OF MINNESOTA

ARNE H. CARLSON
GOVERNOR



JOANNE E. BENSON
LT. GOVERNOR

FOR IMMEDIATE RELEASE
February 2, 1998

CONTACT: Cheryl Talberg
296-0077 (O)

GOVERNOR CARLSON APPOINTS MEMBERS TO BOARD OF WATER AND SOIL RESOURCES

Governor Arne H. Carlson today appointed the following members to the Board of Water & Soil Resources:

Appointee:	**LELAND COE**
Residing:	Tenstrike
Position:	County Commissioner member
Term expires:	January, 2002
Replaces:	Reappointment

Appointee:	**MARVELL TRIPP**
Residing:	Worthington
Position:	Representative of a watershed district
Term expires:	January, 2002
Replaces:	Reappointment

Appointee:	**PAUL KRABBENHOFT**
Residing:	Moorhead
Position:	Representative of Soil & Water Conservation District supervisors
Term expires:	January, 2002
Replaces:	Tim Hvidsten

Kathleen Roer, Long Lake, was also reappointed to a one-year term as chair.

The board coordinates the water and soil resources management activities of local units of government through educational activities, approval of local plans, administration of state grants and cost-sharing contracts.

# # #

On request, this release will be made available in alternative formats, (for example, braille, large print, audio tape or computer disk).

OPEN APPOINTMENTS APPLICATION FOR SERVICE ON STATE AGENCY

1/5/98

Agency Name: Minnesota Board of Water and Soil Resources
(Enter name of board, council, commission or task force to which you are applying.)

Appointment Sought: Board Member as representing the SWCD
(Enter type of membership position or state "member")

000745

Applicant Name: Paul Krabbenhoft
(First Name) (Last Name)

Applicant Address: 1119 25th Avenue So. Moorhead MN 56560
(Street) (City) (State) (Zip)

Daytime Phone: 701-239-5990 (RE/MAX) County: Clay

Evening Phone: 218-233-0313 Legislative District: 9 Congressional District: 7th

STATISTICAL INFORMATION

The following information is optional and is sought for the purpose of compiling the annual report to the governor and legislature on the open appointments process pursuant to Minnesota Statutes 15.0597, subdivision 7.

Gender
___ Female
X Male

Political Party
___ DFL
X IR
___ None or Other

Race/National Origin
___ African American
___ American Indian
___ Asian/Pacific
X Caucasian
___ Hispanic
___ Other

STATEMENT OF QUALIFICATION

Minnesota Statutes 15.0597 requires that the application include "a statement that the nominee satisfies any legally prescribed requirements and any other information the nominating person feels would be helpful to the appointing authority." (May include employment, community service, education.):

Please see attached

(may continue on the back or on attached sheets)

Did the appointing authority ask you to submit this application? YES XX NO ____

I, the undersigned, hereby state that I satisfy, to the best of my knowledge, all legally prescribed qualifications for the position sought.

Paul A. Krabbenhoft 12-21-97
(Signature of Applicant) (Date)

If applicant is being nominated by another person or group, signature indicates consent to nomination. You will not receive an acknowledgement of this application but the appointing authority will notify you if an interview is desired.

MAIL THIS COMPLETED APPLICATION TO: Secretary of State, Open Appointments
100 Constitution Ave.
180 State Office Building
St. Paul, MN 55155-1299

DEC 1997
Received
Minnesota
Secretary Of State

OR SUBMIT IN PERSON TO: Room 174, State Office Building. (612) 297-5845; Fax (612) 296-9073

FOR OFFICE USE: Sub by AA: AA: GW Res: ___ Trans Date: 12/31/97

JUL 27 '98 10:55 FAX 612 296 2003 TO E

STATEMENT OF QUALIFICATION

Born and raised on a farm near Moorhead, MN.

Graduated from Moorhead High School in 1972.

Received a Bachelor of Science Degree in Finance from the University of Montana in 1976.

Held a loan officer position with Production Credit Association located at Idaho Falls, ID in 1976.

Began farming in the spring of 1977 with my father and brother on the 1100 acre family farm near Moorhead, MN.

In 1979, my brother and I bought out my father and farmed together until 1987. We expanded the farm operation to 2600 acres, raising sugar beets, small grains, soybeans, corn and sunflowers. I also designed and marketed sugar beet spraying equipment. In the fall of 1987, I was disabled in a car accident. With the uncertainty of my ability to farm, in late 1988 I became a licensed real estate agent. 1989 was my final year of farming and I began marketing residential real estate in the Fargo-Moorhead area and have continued in that profession to the present time.

Community Service:

In 1984 I was elected Supervisor for the Clay SWCD. Since that time I have been active in the county and statewide conservation effort. I implemented conservation practices such as RIM, CRP, wildlife ponds, tree windbreaks, and minimum crop tillage personally while farming. Since I have left the farm, my conservation efforts have become more active with committee work and promotion. My current involvement consists of:

- Chairman of the Clay SWCD since 1993
- MASWCD Finance Committee member since 1995
- Area II Co-Director to the MASWCD State Board since 1996
- West Central Joint Powers Board (JPB#4) delegate and Vice-Chairman since 1996
- Clay County Planning Commission member since 1996

Other Services:

- Fargo-Moorhead Board of Realtors Governmental Affairs Committee member
- City of Moorhead Long Range Planning Committee member
- Red River Valley Farm Managers member

Awards:

- Eagle Scout with the Boys Scouts of America
- 1989 Fargo-Moorhead Board of Realtors " Rookie of the Year"

March 1998

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MARCH 25, 1998

AGENDA

9:00 a.m. **Call Meeting to Order**

Adopt Agenda

Approval of Minutes of February 25, 1998

Reports
- Vice-Chair - Barb Uppgaard
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports
- Jim Anderson, Minnesota Extension Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

Committee Recommendations

1. Norman County and Roseau County Comprehensive Local Water Plans - recommended for approval by the northern subcommittee - DECISION

2. Blue Earth County Comprehensive Local Water Plan - recommended for approval by the southern subcommittee - DECISION

New Business

1. Total Maximum Daily Loads (TMDLs) - Howard Markus, MPCA - INFORMATION

2. Resolution Adopting the Permanent Wetland Conservation Act (WCA) Rules - John Jaschke - DECISION

3. FY99 SWCD General Services Grant Allocation Policy - Wayne Zellmer - DECISION

Advisory Comments

- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Upcoming Meetings

- BWSR Meeting, April 22, 9:00 a.m. - noon
  BWSR Retreat, April 22, 1:00 p.m. - 6:00 p.m. and April 23, 8:00 a.m. - noon
  Riverwood Conference Center, Monticello

Other Board Issues

Adjourn

**** The Education Committee will meeting following the BWSR meeting**

Minnesota Board of Water & Soil Resources

One West Water Street
Suite 200
St. Paul, MN 55107
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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:
261 Highway 15 S.
New Ulm, MN 56073-8915
(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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DATE: March 16, 1998

TO: Board of Water and Soil Resources Members, Advisors, and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: March 25, 1998 Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 25, 1998, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

Committee Recommendations

1. Norman County and Roseau County Comprehensive Local Water Plans: The northern subcommittee of the Board has reviewed the Norman County and Roseau County water plans and recommends approval. DECISION

2. Blue Earth County Comprehensive Local Water Plan: The southern subcommittee of the Board has reviewed the Blue Earth County water plan and recommends approval. DECISION

New Business

1. Total Maximum Daily Loads (TMDLs): Greg Gross, MPCA, will present information on TMDLs. INFORMATION

2. Resolution Adopting the Permanent Wetland Conservation Act (WCA) Rules: The Office of the Administrative Hearings will be shortly issuing an affirmative decision on the adoption of the Wetland Conservation Act permanent rules. These rules are identical to those in place for the past two years as exempt/"emergency" rules. A formal Board decision adopting the rules and authorizing the executive director to act on the Board's behalf to get the rules published and enacted is needed. DECISION

3. FY99 SWCD General Services Grant Allocation Policy: The 1997 legislature increased the FY99 SWCD General Services appropriation from $227,000 to $1,759,000. This increase plus $76,000 carried forward from FY98 amounts to an additional $303,000 available for FY99 General Service Grants. The Board will be requested to approve an allocation method for FY99, as recommended by the BWSR Cost-Share/Soil Conservation Committee. DECISION

If you require additional information, please feel free to give me a call. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the board office by noon on Tuesday, if possible. Travel safely, I look forward to seeing you on the 25th!

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MARCH 25, 1998

PRELIMINARY AGENDA

9:00 a.m. **Call Meeting to Order**

Adopt Agenda

Approval of Minutes of February 25, 1998

Reports
- Vice-Chair - Barb Uppgaard
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports
- Jim Anderson, Minnesota Extension Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

Committee Recommendations
1. Norman County and Roseau County Comprehensive Local Water Plans - recommended for approval by the northern subcommittee - DECISION

2. Blue Earth County Comprehensive Local Water Plan - recommended for approval by the southern subcommittee - DECISION

New Business
1. Total Maximum Daily Loads (TMDLs) - Greg Gross, MPCA - INFORMATION

2. Resolution Adopting the Permanent Wetland Conservation Act (WCA) Rules - John Jaschke - DECISION

3. FY99 SWCD General Services Grant Allocation Policy - Wayne Zellmer - DECISION

Advisory Comments

- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Upcoming Meetings

- April 22-23, BWSR Meeting and Retreat, Riverwood Conference Center, Monticello

Other Board Issues

Adjourn

**** The Education Committee will meeting following the BWSR meeting**

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

Norman County Comprehensive Local Water Plan Update

(For Board Action)

The Minnesota Board of Water and Soil Resources (Board) approved the Norman County Comprehensive Local Water Plan (plan) on February 28, 1990. The Norman County Board adopted the plan on June 18, 1990. Norman County submitted a plan update, required in the plan, to the Board on December 10, 1997, to begin the final 90-day review period. Final state review of the plan ended on March 10, 1998.

Board staff prepared and included a written overview of the plan update in the January 28, 1998, board packet. The Board Water Plan Review Committee met with representatives of Norman County on March 2, 1998, to review and discuss the plan update.

Counties updating their plan must include water planning requirements established under the Local Water Planning Statute 103B. They also have to include objectives for wellhead protection, sensitive groundwater areas, storm water management, high priority wetland preservation area designation and watershed assessment. The Norman County Plan Update includes these new requirements and the eighteen required assessments.

Norman County individually reviewed and updated the fifty-five information and data items. They summarized and added any new information to the **County Resource Assessment** section of the plan. The Water Plan Advisory Group used new and existing information to make assessments and to develop goals, objectives, and action items. These can be found in the **Implementation Strategy** section of the plan. Norman County's plan focuses on seven goals - management of drainage and flood control; protect and improve water quality; encourage better land use management; promote education and information programs on water stewardship; establishment of a data base on water resources; address solid waste; and locate existing and unused wells, underground storage tanks, dumps, and feedlots.

The plan includes three broad implementation strategies that categorize objectives based on specific actions.

Information and Education
Educational programs encompass three major actions - promote land and water stewardship; promote practices that help to preserve water quality and prevent erosion; and provide information on existing and proposed state and local regulations dealing with water quality and management.

Monitor and Compile Information
Collect information to assess the quality of the county's water resources, evaluate trends in water quality, and evaluate the effectiveness of practices implemented to maintain or correct water quality conditions.

Regulations and Actions to Preserve Water Quality
Implement new regulations or ordinances to augment the enforcement of existing regulations. These would be options available to the county if voluntary or compliance is no longer effective in solving problems.

Board staff has reviewed the Norman County Plan Update and finds that they have satisfied all relevant requirements of the law and rule under MS 103B and MCAR 9300.

c:\...\normclwp.rev

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

Roseau County Comprehensive Local Water Plan Update **(For board Action)**

On February 28, 1990 the Board of Water and Soil Resources approved the Roseau County Comprehensive Local Water Plan (CLWP). On _____, 1990 the Roseau County Board of Commissioners locally adopted the CLWP. Shortly thereafter coordination of plan implementation was delegated to the Roseau Soil and Water Conservation District. On December 21, 1994 the Roseau County Board of Commissioners passed a resolution to update the CLWP.

A written overview of the Roseau Plan Update was prepared by BWSR staff on February 25, 1998 for BWSR Board information and review.

On March 16, 1998 the BWSR Water Plan Review Committee met with representatives of Roseau County and BWSR staff to review and discuss the Plan Update.

In addition to water planning requirements established under the Local Water Planning Statute 103b, the counties updating their CLWP must also include objectives for wellhead protection, sensitive ground water areas, storm water management, high priority wetland preservation area designation and watershed assessments.

The Roseau County Plan Update includes the new requirements. The plan also incorporated more locally gathered data and information which reflects more accurately on the issues in Roseau County rather than that of a larger scale such as the Red River Valley. This Plan Update includes a reassessment of water resources in Roseau County and a description of issues, goals, objectives and action items. This Plan Update will be an addendum to the existing CLWP for Roseau County.

With the use of new data, general knowledge that was obtained from implementation activities over the past seven years, and issues that the citizens of Roseau County have brought forward, the County has developed an implementation plan that for the next five years will focus on:

Education and information programs on water stewardship.

Protect, Improve, and monitor the quality and quantity of water in Roseau County.

Flood control and proper ditch maintenance and management in Roseau County.

Land use management.

Management of solid and other special consideration waste.

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

BLUE EARTH COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE - 1998 **(FOR BOARD ACTION)**

The Blue Earth County Comprehensive Local Water Plan was approved by the Minnesota Board of Water and Soil Resources (BWSR) on November 28, 1990 and adopted by Blue Earth County on December 18, 1990. Blue Earth County submitted a Comprehensive Local Water Plan Update (Plan Update), required in the Plan, to the BWSR on December 10, 1997, at which time the final ninety-day state review process began. The final review period ended March 10, 1998.

A written overview of the Plan Update was prepared by BWSR staff on January 28, 1998 for information and review.

On March 18, 1998, the BWSR Water Plan Review Committee met with BWSR staff and representatives of Blue Earth County to review and discuss the Plan Update.

In addition to the water planning requirements established under the Local Water Planning statute M.S. 103B, counties updating their Plan must also include objectives for wellhead protection, sensitive groundwater areas, high priority wetland preservation areas designation, and watershed assessment.

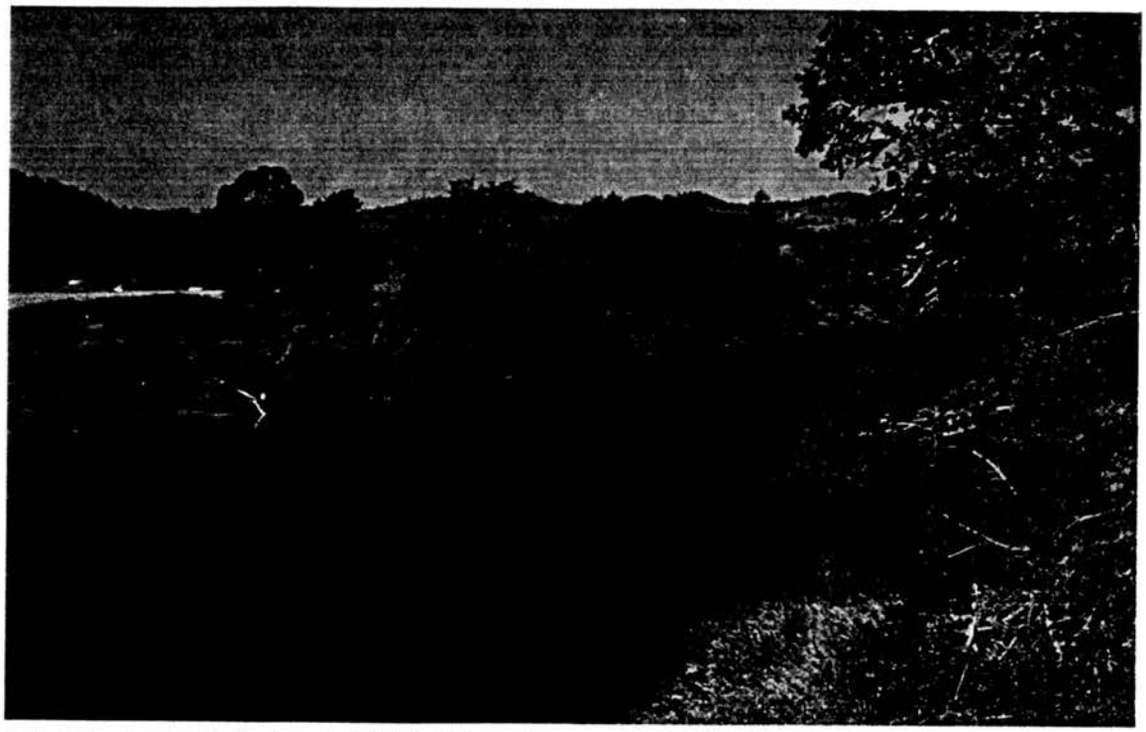
The Blue Earth County Comprehensive Local Water Plan Update includes the new requirements. The Plan Update incorporates the watershed approach to water resource management by describing in detail the Blue Earth River, Watonwan River, LeSueur River, Cannon River, and Middle Minnesota River major watersheds. Another new part of the document is the plan implementation schedule which defines the timing, cost, and partners for the actions in the Plan. Some of the high priority actions for the County include upgrading of non-compliant septic systems; continuation of the MPCA County feedlot program, including site inspections and data base management; strict enforcement of the county floodplain ordinance; continuation of the local well permitting and inspection programs; providing information and assistance in the analysis of geology, soils, land uses, and water quality data; assisting with wellhead protection planning, assess whether County land use policies and ordinances are adequate for wellhead protection, and amend the ordinances as necessary; seeking funds to identify and seal agricultural drainage wells and reroute the tile system to a legitimate outlet; supporting manure management education of livestock producers; assisting unsewered communities with planning and installation of sewage treatment solutions; and continuing operation of the County's regional household hazardous waste facility and associated programs.

BWSR staff have reviewed the Blue Earth County Comprehensive Local Water Plan Update 1998 to 2003 and find that relevant requirements of law and rule have been satisfied under M.S. 103B and M.C.A.R. 9300.

Know Your Watershed

TMDLs: Coming to a river near you?

By Steve Werblow



Total Maximum Daily Loads (TMDLs) have become a priority in many states. They're being written for various pollutants—which range from *E.coli* to high summer temperatures—for different stretches of Oregon's Umpqua River (above), among others.

Get your local watershed partnership started
...with *Building Local Partnerships,* a 12-page publication that outlines points from who should be included to building a consensus. One in a series of watershed guides available from CTIC. Send $6.00 for three copies (minimum order) or order the kit below.

Consider a Watershed Management Kit
...includes 13 minute video, a series of seven watershed management guides, directory and application form for local partnerships. $18.00. Contact CTIC (765) 494-9555.

If you have a stream or lake in your watershed that does not—or might not—meet water quality standards, now is the time to take voluntary action. Forming a watershed group could give stakeholders a chance to improve water quality standards before others set the rules. If the stream is already earmarked for Clean Water Act enforcement, watershed groups can help lead the recovery with an eye to local needs.

TMDLs

According to some regulators and water quality specialists, watershed groups are proving important in addressing control measures required for streams and lakes that fall under the federal law for Total Maximum Daily Loads (TMDLs). Mandated by Section 303(d) of the Clean Water Act, TMDLs have been required for years, but lawsuits over federal vs. state issues and the exact process for implementing TMDLs have slowed the TMDL process and tied many up in court. Under the law, states are required to identify waters that are and will remain polluted after the application of technology standards, identify pollutants causing the impairment to the water bodies, prioritize those waters, and establish TMDLs to meet state water quality standards. An individual TMDL is developed to address each pollutant, quantifying the pollution problem and identifying the contributors. The plans also map out a strategy for restoring the stream to state standards and using monitoring and assessment programs.

Stakeholders help

Lydia Taylor, deputy director of Oregon's Department of Environmental Quality, says the TMDL process is well-suited to involving stakeholders in water quality improvement. "TMDL lends itself better to working together than the permit process," she says. "You see the whole picture: we all have this problem to solve, and we all have to work together to solve it. We like to use existing watershed groups—they're usually made up of the stakeholders. The people who have to pay the tab have to participate in making the decisions."

Taylor notes the resulting plan has to be fair to really work as illustrated by Oregon's first TMDL. The 10-year-old plan for the Tualatin River has already achieved its goals on three out of four pollutants thanks to the cooperative efforts of rural, urban, and industrial stakeholders.

Another success story involves a watershed group that was formed in 1991 to protect salmonids in the Garcia River in northern California. The group was resurrected to help a regional quality control board write a

lawsuit-mandated TMDL for sediment in the river. As before, the Menocino County Resource Conservation District helped re-establish the watershed advisory group. The California Farm Bureau also helped agricultural stakeholders along the Garcia form an ag-specific group. "We proposed our own TMDL attainment plan as to how it would apply to agriculture," says Tess Dennis of the Farm Bureau. "Although it wasn't accepted in full, there were major components that were incorporated to bring to the water quality board."

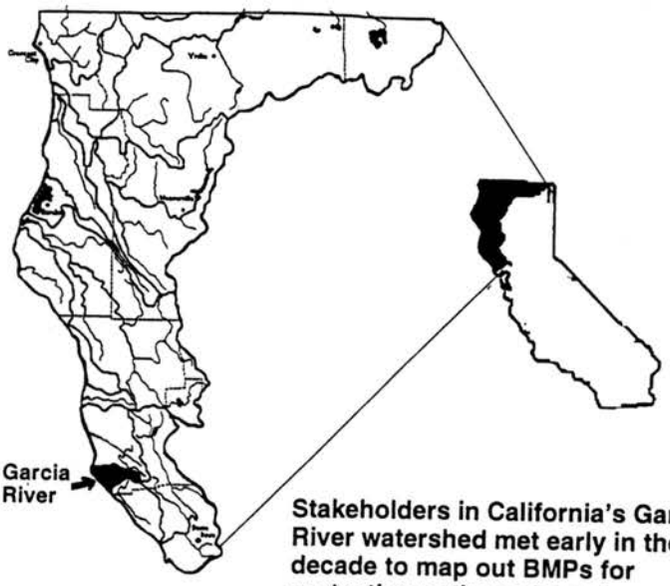
What's next

EPA plans to release four TMDL protocols for peer review soon, ultimately hoping to provide some guidance to states on the TMDL process. The water quality world is also anxiously awaiting an advisory committee's recommendations (due out in May) for improving the TMDL program. EPA is also developing several tools to aid in TMDL development including computer models, a georeferencing system, and an equation to help states estimate the costs of developing TMDLs.

Start work now

With all the controversy surrounding TMDLs, it could seem tempting to simply hope the state doesn't list your stream or lake as water quality impaired. But the California Farm Bureau's Dennis advises otherwise. "Work in a watershed capacity now, before the stream is ever listed", she urges. "Monitor and gather data now so you can prove the river is not impaired or get ahead by already having a plan in place to deal with impairments. Even if you start with a small, less diverse group of stakeholders, you can begin working on a program you can live with."

EPA's role in the TMDL process is to support the states by issuing guidance documents, developing regulations and policy and providing technical assistance—unless the state doesn't perform, in which case EPA can be required by the courts to intervene. Related court orders, pending lawsuits of notices of intent to sue have been filed in 28 current cases in 25 states.



Stakeholders in California's Garcia River watershed met early in the decade to map out BMPs for protecting native coho salmon and steelhead. More recently, the group reconvened to help develop a TMDL for the river.

EPA under court order to establish TMDLs if states don't:
Oregon, Alaska, Georgia, California, Arizona, New Mexico, Nevada, Delaware

Plantiffs have filed lititgation seeking to compel 303(d) listings or TMDLs:
New York, New Jersey, North Carolina, Alabama, Louisiana, Kansas, Colorado, Wyoming, Montana, Washington, Oregon, Columbia River

Notices of intent to sue filed:
Alabama, Florida, Mississippi, Maryland, Oklahoma, California

Source: U.S. EPA

Desdemona's Splash CD

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This CD made possible by: University of Nebraska Cooperative Extension, University of Nebraska-Lincoln Information Services, University of Nebraska-Lincoln Water Center/Environmental Programs, Papio-Missouri River Natural Resources District, Lower Platte South Natural Resources District, Nebraska Department of Environmental Quality, U.S. Environmental Protection Agency Region 5, U.S. Environmental Protection Agency Region 7, Music provided by Chip Davis, American Gramaphone, LLC.

Vol. 7 No. 5 ALLIANCE FOR THE CHESAPEAKE BAY BAY JOURNAL July/August 1997

Suits seek cleanup plans for waterways

TMDLs look good on paper; now states must figure out how to make them work

By: Karl Blankenship

Pennsylvania's waterways are likely to become more polluted soon-at least on paper. And Pennsylvania is not unique; the other Bay states may soon be in the same boat.

To resolve a citizen lawsuit, Pennsylvania recently signed an agreement with the EPA that will require it to monitor all its unassessed rivers, lakes and streams, and to do something it was legally required to do for the last two decades-write cleanup plans for polluted waters. Because about half of the state's waters have either never been monitored or not been examined in a long time, many expect the process to reveal new "impaired" waterways.

Environmental groups are preparing to sue over the same issue in Maryland. Similar action is considered possible in Virginia. Nationwide, more than two dozen suits have been filed in recent years over a paperwork requirement known as a TMDL.

TMDL stands for Total Maximum Daily Load, which is an estimate of the maximum amount of pollution that a body of water can receive and still meet water quality standards.

The original 1972 Clean Water Act required states to develop TMDLs for all impaired water bodies by 1979. If the states failed to do so, the EPA was supposed to withhold money from the offenders and write the TMDLs itself.

Despite the law, environmental groups contend that TMDLs, for the most part, have never been developed. They consider the documents critical plans that will help to guide cleanup efforts on the two-fifths of the nation's waterways that still fail to meet the Clean Water Act goal of being "fishable and swimmable."

"It sounds like a rather innocuous phrase with benign consequences, but TMDLs are the backbone of the Clean Water Act," said James May, director of the Environmental Law Clinic at the Widener University School of Law. May has worked on TMDL suits for years, including both the Pennsylvania and Maryland cases.

State and federal officials often dispute that they have failed to carry out the law,

saying that they have conducted watershed planning and other activities that were essentially the same as TMDLs. But the spate of suits against the EPA since the late 1980s are resulting in settlements that require actual TMDLs to be completed within set periods of time and that water quality monitoring programs be beefed up.

In the Pennsylvania case, for instance, the state signed an agreement with the EPA in April that committed it to evaluate all unassessed streams-roughly half the 54,000 miles of Pennsylvania waterways-in the next 10 years. The state will also write about 600 TMDLs in the next decade. After that, it has an additional three years to complete TMDLs for impaired waterways that turn up in the new stream assessment effort.

The agreement between the state and the EPA settled a suit brought by the American Littoral Society and the Public Interest Research Group of Pennsylvania against the EPA. The agreement states that neither the EPA nor the state Department of Environmental Protection admit to failing to implement the Clean Water Act.

Nonetheless, Stuart Gansell, director of DEP's Bureau of Watershed Conservation, said the new emphasis on TMDLs "will probably be a driving force in changing the focus of water management in Pennsylvania."

Specifically, he said, TMDLs will force the department to focus more on nonpoint pollution-runoff from farms, suburbs and city streets- than on the point source discharges from industry and wastewater treatment plants, which have historically received the most attention.

TMDLs are getting new attention in other states, too. In Virginia, the General Assembly this year passed legislation expanding the state's water monitoring network and specifically directing the state to identify and rank impaired waters, and then write and implement TMDLs for them.

Environmental groups, in turn, are monitoring the state's efforts. "We've done quite a bit of investigation on where Virginia stands on the TMDL process, and we still have a huge number of concerns," said Roy Hoagland, an attorney with the Chesapeake Bay Foundation's Virginia office.

In Maryland, where the state has yet to complete 300 TMDLs for the impaired waters it has identified, the Chesapeake Bay Foundation, the Sierra Club and the American Littoral Society on June 12 gave the EPA 60 days' notice of their intent to sue. "In our review of the program, we saw a lot of the typical inadequacies that we have seen in other states," said George Chmael, an attorney with CBF's Maryland office. "Generally speaking, most states have fallen down on their duties."

The groups claim that not only has the state missed the deadline for completing TMDLs by 18 years, but that the majority of its waters-including at least 65 percent of

its rivers and streams-have not beenadequately assessed to determine whether they meet water quality standards.

Proponents see TMDLs as a way to more holistically approach watershed pollution problems because it forces managers to look at all pollution sources-and their cumulative effects on resources-instead of individual problems.

It helps quantify-though not necessarily clean up-pollution stemming from suburban areas and farmland. Some see it as a tool to help restore habitat in watersheds, or as a means to control air pollution that impacts waterways.

Whatever the case, it's apparent that large amounts of time and money will be spent writing plans to clean up areas that are now polluted-or are found to be polluted in the expanded monitoring programs. Ultimately, environmentalists and government officials hope this will lead to cleaner water.

But that is not always guaranteed by the TMDL program.

TMDLs have their roots in the original 1972 Clean Water Act. That law required certain pollution-control technologies to be installed on all industries and wastewater treatment plants that discharge into public waterways.

In many areas, those basic controls were enough to meet water quality standards. For portions of lakes, rivers and streams that still fell short of the standards, the act required states to develop TMDLs. They were, in a sense, a backup device to help ensure water quality standards were met.

"It is a technical progression they envisioned under the act," Chmael said. "The technology standards were an initial step to address the pollution, and the TMDLs are the next step to address the condition of the water."

To meet the requirement, a state has to calculate the maximum amount of a pollutant that a segment of water could receive and still meet the water quality standard. The TMDL is supposed to factor in all sources of pollution-both point source discharges from industries and nonpoint runoff from farms and other lands. In addition, the TMDL must account for any natural "background" pollution.TMDLs are also supposed to include a margin of safety in the calculations, and to allow for future growth in the area.

Instead of looking at a specific discharge pipe, the TMDL, in effect, requires that agencies take a broad look at everything affecting a given body of water. With that information, a state can seek pollution reductions beyond those achieved by basic control technologies required under the Clean Water Act. Information in a TMDL also allows state officials to allocate pollution loads among the different sources in a way that ensures water quality objectives will be met.

"You figure out the maximum diet for that particular segment of whatever chemical is impairing its designated use, and you make sure that no more than that amount comes in from all sources," said Mike Haire, head of the Maryland Department of the Environment's Chesapeake Bay and Watershed Management Administration. "It really doesn't matter to a fish what the source of pollution is."

A TMDL is chemical specific: One is developed for each substance that causes a water body not to meet its water quality standard. In a heavily polluted area such as Baltimore Harbor, for example, many TMDLs may be developed. Nor are TMDLS limited to toxics. They can also be written for nutrients, sediment or other substances that degrade water quality.

TMDLs can be complex. They have to protect water quality both when water flows are low and point source discharges may overwhelm a stream-and when water flows are high, after heavy rains may have washed large amounts of nutrients and sediment off the land.

The EPA has estimated that the development of a simple TMDL that involves a single point source may cost about $4,000. But complex TMDLs in a river with large flow fluctuations and multiple pollution sources may cost hundreds of thousands of dollars and require full-time commitment from several workers to produce.

In the Christina River, which straddles the Pennsylvania-Delaware border, there are about 100 point sources, hazardous waste sites and multiple land uses generating nonpoint source pollution. State and federal agencies and local governments thus far have spent $600,000 just to do the computer modeling necessary to complete TMDLs.

"Obviously, it could be a big problem for states, not only in terms of money, but in terms of manpower," said Thomas Henry, who oversees state TMDL development for EPA Region III, which includes all the Bay states.

Such arguments are not always persuasive with environmental groups, which view TMDLs as a responsibility the states and the EPA have neglected for two decades. "This program is not newly developed," said Kim Coble, a CBF staff scientist. "What we are saying is, 'meet the law.'"

If states were just now implementing the permit system that regulates point source discharges, Coble said, it would look complex and expensive. But because the states have 20 years of experience, that program is now routine.

"I think the more TMDLs you do, the better you get at them, the more efficient you become," Coble said. "Just because it is difficult doesn't mean it shouldn't be done."

Though required under the original Clean Water Act, the program outlined by the law

is vague. States are required to monitor their waters, but it's unclear what constitutes an adequate water quality monitoring program. The EPA must approve the monitoring programs, but-judging from some of thelawsuits that have been settled-those programs are not adequate. Likewise, TMDLs are supposed toinclude margins of safety in load calculations, but it's unclear how that should be figured.

TMDLs have to be developed for any impaired water "segment," but what constitutes a segment has never been defined. "It could be a pond the size of my office, or a watershed as large as the Patuxent," said MDE's Haire, who is participating in an EPA-organized committee of state officialsthat is trying to develop consistent guidance for TMDL programs among the states.

Such guidance is critical, Haire said, to level the playing field among states. Otherwise, states with more comprehensive monitoring programs and tougher water quality standards will have to put moreresources into TMDL development than others.

And there are many other uncertainties. It's unclear whether a state can issue new permits in an area not meeting designated standards, especially if it doesn't have a TMDL developed for that location."How can we, in good faith, give a permit to put even one more source in?" Haire asked.

But if the state were to stop issuing permits in places like Baltimore Harbor-where it it trying to concentrate new industrial development-would new development be pushed into cleaner, undeveloped areas? "That's a predicament that has not been ironed out yet," Haire said. "What are the implications of being listed?"

It is even unclear whether a site can be removed from the TMDL list once water quality standards are met, Haire said. Some advocate that such sites should remain in a "threatened" category becausethey may be so borderline in meeting water quality standards that they continue to warrant specialattention.

Will industry, if faced with such uncertainties-and possibly smaller discharge allocations because ofTMDL restraints-opt to move to other water bodies where they may be given a higher loadallocation? "Those are the kinds of issues that have to be dealt with," Haire said.

How those issues play out is also of keen interest to environmental groups.

"Clearly, what we don't what to happen is to have TMDLs be implemented and have businesses race to the greenfields of the state to avoid the load limitation in the more developed areas," said CBF's Chmael.

"But the solution is not to relax regulatory controls regarding pollution entering the harbor," Chmael said. "The answer is to provide other incentives to attract businesses into that area. It doesn't makeany sense to essentially give over a particular resource

because you want to bring business in there."

The biggest question about TMDLs, though, is not how to develop them, but what to do with them after they are written.

"If you look at the letter of the law, there is nothing there at all about implementing a TMDL, it's all about developing a TMDL," said DEP's Gansell. "We, along with everyone else, don't want to endup at the end of all this time and money with a bunch of paper and have no good result from it on theground."

In fact, a TMDL itself is not enforceable. The EPA requires states to achieve water quality standards in waterways, so the TMDL can serve as a guide to how those standards can be met if waste loadsare allocated a certain way. That works for point sources that have discharges that can be ratcheteddown in enforceable permits.

But if the pollution is coming from nonpoint sources, such as suburban yards, crop lands and most stormwater systems-sources for which there are typically no discharge permits-there is no way to guarantee that the TMDL can be implemented. "It's unclear how we can actually do this withnonpoint sources when they are the significant cause of the pollution," said the EPA's Henry.

When the original Clean Water Act was written, pipes from industry were viewed as the major threat to water quality, and enforceable programs were never developed for nonpoint sources. But 25 yearslater, the EPA blames nonpoint sources for most of the problems that keep water bodies from being"fishable and swimmable." States have some regulatory programs, but rely primarily on voluntaryefforts, such as educational programs aimed at homeowners and cost-share and incentive programsthat encourage farmers to implement various strategies to reduce runoff.

As a result, a TMDL written for nonpoint sources is a piece of paper with no power. The EPA is reviewing, internally, options for adding more teeth to nonpoint source control programs, somethingmany environmental groups have urged. "There may be some need for additional enforceability withrespect to TMDLs applied to nonpoint sources," said CBF's Chmael. "Certainly we would look atthat and likely support it if necessary."

Nonpoint source controls, TMDL proponents say, are also needed out of fairness. Otherwise, they say, point sources could be forced to make even steeper discharge reductions to "make up" foruncontrolled nonpoint source pollution in order for a water body to attain water quality standards.

This has raised concerns in the agricultural community, which worries that it could be targeted for regulatory controls. Some draft ideas floated within the EPA, such as requiring enforceable dischargepermits for all livestock operations regardless of size,

could be "very threatening" to agriculture, saidEmily Wilson, of the Maryland Farm Bureau. She noted that many programs for nonpoint sourcesare relatively new, and need time to be adopted by farmers.

"We want to give the voluntary, incentive-based programs a chance to work and let the progress from that speak for itself," Wilson said. "We feel we've taken some pretty big strides in the past fewyears when it comes to improving water quality."

Attorney May, who has been working on the issue for a decade, said TMDLs are "on the road to meeting the fishable and swimmable standards" but are not capable of fulfilling the goal. "There willbe no silver bullet," he said. "Congress didn't write the law strong enough, and it needs to be, in mymind, revisited."

But in some cases, many agree that TMDLs can be creatively used to remedy problems. The EPA suggests, for example, that TMDLs can result in states dealing with pollutants for which they have nostandards, if that is what is keeping them from achieving clean water.

Some people, including Bob Perciasepe, the EPA's assistant administrator for water, have suggested that TMDLs may be the tool that allows air pollution to be controlled to benefit water quality-something that is increasingly seen as a major problem for the Bay and other water bodies.

Because much of the air pollution stems from regulated sources with enforceable permits, Henry said it was conceivable that TMDLs could be used to seek reduced air emissions if problems could betraced back to particular sources. "There may be avenues in the permitting process" to deal with airpollution, Henry said, though he cautioned that estimating the amount of pollution affecting awaterway from a smokestack that may be in another state could be "an administrative nightmare."

TMDLs may provide a mechanism to meld water quality with habitat improvement and restoration ina watershed. In agricultural or developed areas, for example, a TMDL could recommend that forestbuffers be planted along streams to reduce water temperature or control sediment and nutrient runoff."If people allow it to do what it can, you can do a lot of neat things with it," Henry said.

Whatever the outcome of the whole TMDL process, the one certainty is that increased monitoring will result in far better information about the water quality of rivers.

And one of the best things about the effort, said Jolene Chinchilli, director of CBF's Pennsylvania office, is that the new monitoring information can help state agencies and citizens target for protectionthe streams that are in good quality and don't need TMDLs.

"Philosophically," she said, "I think TMDLs are an after-the-fact approach. It doesn't

kick in until waters are already impaired. I think that goes against the whole idea of prevention-that preventingwater quality degradation in the first place is not only the best environmental approach, it is also thebest economic approach. I hope that we are not going to wait for TMDLs to protect watersheds."

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BWSR AGENDA ITEM

FY 99 SWCD GENERAL SERVICES GRANT ALLOCATION POLICY

Background

The 1997 Minnesota Legislature increased the SWCD General Services appropriation to the BWSR from $1,317,298 in FY 97 to $1,532,000 in FY 98. At the May 28, 1997 Meeting of the BWSR Cost Share/Soil Conservation Committee, the Committee moved to recommend that this increase be allocated by granting all SWCDs $16,000 for FY 98. This action left an unallocated balance of $76,000 to be carried forward to FY 99. Carrying forward this $76,000 to FY 99 would afford an opportunity to explore alternative allocation options for this $76,000. This recommendation was adopted by the Board at their June, 1997 Meeting.

Issue

The 1997 Minnesota Legislature also increased the FY 99 SWCD General Services appropriation to the BWSR, to $1,759,000. This increase plus the $76,000 carried forward from FY 98 amounts to an additional $303,000 available for FY 99 SWCD General Services Grants.

On May 28, 1997, a subcommittee was formed to explore allocation options for the FY 99 General Services Grant. At the July 22, 1997 meeting of the MASWCD Board of Directors, a resolution was passed that the subcommittee prepare at least three allocation options for MASWCD Areas to consider during their 1997 fall Meetings. Then, at the 1997 MASWCD Annual Convention, the most popular options would be voted on. The option receiving majority votes would be forwarded to the BWSR as a recommendation. This resolution was also supported by the BWSR Cost Share/Soil Conservation Committee on July 22, 1997.

At the 1997 MASWCD Annual Convention, ballots were cast for five allocation options. The results are as follows:

FOR	AGAINST	OPTION
37	77	1. Withold $76,000 to establish a leadership training program--then distribute the remaining $227,000 equally among all 91 districts.
76	40	2. Distribute entire $303,000 equally among all 91 districts.
32	77	3. Withold $76,000 for leadership program and distribute remaining on a fair and equitable but not necessaryily equal formula.
35	86	4. Withold a portion to address district capacity issues and distribute remaining equally among all 91 districts.
87	41	5. Distribute the entire funds involved equally among all 91 districts.

The MASWCD Board of Directors met on January 20, 1998, at which time they forwarded their recommendation of Option #2, to the BWSR Cost Share/Soil Conservation Committee. The Board of

Directors strongly felt that it was the intent of the legislature to distribute the entire appropriation equally as grants among the 91 SWCDs.

Recommendation

The BWSR Cost Share/Soil Conservation Committee met on February 25 to recommend an allocation option to the BWSR. The BWSR Cost Share/Soil Conservation Committee also recommends the Board adopt Option #2, with the stipulation, that funds of any future General Services Grants appropriation increase would not be divided equally among the 91 SWCDs. For FY 99, all SWCDs will each receive about $20,165.

April 1998

BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
VALLEY RIDGE MEETING ROOM
(UPPER LEVEL OF THE BLUFF HOUSE)
MONTICELLO, MINNESOTA
APRIL 22, 1998

AGENDA

9:00 a.m. **Call Meeting to Order**

Adopt Agenda

Approval of Minutes of March 25, 1998

Reports
- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports
- Jim Anderson, Minnesota Extension Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

Committee Recommendations
1. City of Rosemount - Comprehensive Wetland Protection and Management Plan - John Jaschke - DECISION

2. Sand Hill River Watershed District and Buffalo Red River Watershed District Plan Revisions - Ron Shelito - DECISION

New Business
1. BWSR Response to Tornado Damage - Jeff Nielsen - DISCUSSION

2. Education Strategy - Susan Tsakakis - DISCUSSION

3. Board Member Handbook - Marybeth Block - INFORMATION

4. Legislative Wrap-Up - Ron Harnack - INFORMATION

Old Business

1. FY99 SWCD General Services Grant Allocation Policy - Dwain Otte - DECISION

Advisory Comments

- Franklin Denn, MAT
- Bill Hunt, NRCS
- Vern Johnson, MAWD
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Upcoming Meetings

- Next BWSR Meeting, May 27, 1998

Other Board Issues

Adjourn

The BWSR Retreat Begins After Lunch

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DATE: April 14, 1998

TO: Board of Water and Soil Resources Members, Advisors, and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: BWSR Meeting and Retreat, April 22-23, 1998

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 22, 1998, beginning at 9:00 a.m. The meeting will be held in the Valley Ridge meeting room, which is in the upper level of the Bluff House at the Riverwood Conference Center in Monticello (see attached map). The following is some background information regarding agenda items:

Committee Recommendations

1. City of Rosemount - Comprehensive Wetland Protection and Management Plan: The City of Rosemount's Comprehensive Local Wetland Management Plan (hereafter, "the Plan") was submitted to BWSR on March 5, 1998. BWSR must review and act within 60 days. The Plan complies with all requirements of the Wetland Conservation Act and is "short, concise and to the point". The overall strength of the Plan is the development of community specific management categories that will result in effective implementation of local wetland resources. The Plan specifies proactive management strategies such as buffer zones, stormwater pretreatment and rigorous sequencing for the high value wetlands in the community. The Plan, and amended surface water management ordinance, will provide the City with the guidance, standards and policies necessary to conserve wetland resources. The Wetland Committee will meet at 8:30 a.m. on April 22, and bring a recommendation to the full Board. DECISION

2. Sand Hill River Watershed District and Buffalo Red River Watershed District Plan Revisions. DECISION

New Business

1. BWSR Response to Tornado Damage: Tornadoes damaged approximately 250 farmsteads in a path 70 miles long and one mile wide. Cities like Comfrey and Nicollet sustained severe damage also. Declared disaster counties are Brown, Nicollet, LeSueur, and Rice. Discussion on what can BWSR do with its programs to assist in the recovery efforts? How can BWSR and the LGU work with the other agencies to get technical and financial assistance to landowners? DISCUSSION

2. Education Strategy: Review and discussion of the BWSR's draft Education Strategy developed by the Education Committee. DISCUSSION

3. Board Member Handbook: The handbook will be distributed for review, information, and future reference. INFORMATION

4. Legislative Wrap-Up: See attachments (Supplemental, Capital, Policy). INFORMATION

The BWSR retreat will convene following the BWSR meeting. A block of sleeping rooms has been reserved for the nights of Tuesday, April 21 and Wednesday, April 22, at the Riverwood Conference Center (612-441-6833) in Monticello. If there are changes to the accommodations (see attached listing) please call Mary Jo Anderson at 297-4290. A direct billing (you do not pay for this) has been done for lodging, as well as meals (lunch and dinner on Wednesday, and breakfast and lunch on Thursday).

If you require additional information, please feel free to give me a call. Travel safely, I look forward to seeing you on the 22nd!

BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
VALLEY RIDGE MEETING ROOM
(UPPER LEVEL OF THE BLUFF HOUSE)
MONTICELLO, MINNESOTA
APRIL 22, 1998

PRELIMINARY AGENDA

9:00 a.m. **Call Meeting to Order**

Adopt Agenda

Approval of Minutes of March 25, 1998

Reports
- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports
- Jim Anderson, Minnesota Extension Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

Committee Recommendations
1. City of Rosemount - Comprehensive Wetland Protection and Management Plan - John Jaschke - DECISION

2. Sand Hill River Watershed District and Buffalo Red River Watershed District Plan Revisions - Ron Shelito - DECISION

New Business
1. BWSR Response to Tornado Damage - Jeff Nielsen - DISCUSSION

2. Education Strategy - Susan Tsakakis - DISCUSSION

3. Board Member Handbook - Marybeth Block - INFORMATION

4. Legislative Wrap-Up - Ron Harnack - INFORMATION

Advisory Comments

- Franklin Denn, MAT
- Bill Hunt, NRCS
- Vern Johnson, MAWD
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Upcoming Meetings

- Next BWSR Meeting, May 27, 1998

Other Board Issues

Adjourn

The BWSR Retreat Begins After Lunch

(The Wetland Committee will meet at 8:30 a.m. on April 22, in the "Private Corner" meeting room of the main building at Riverwood)**

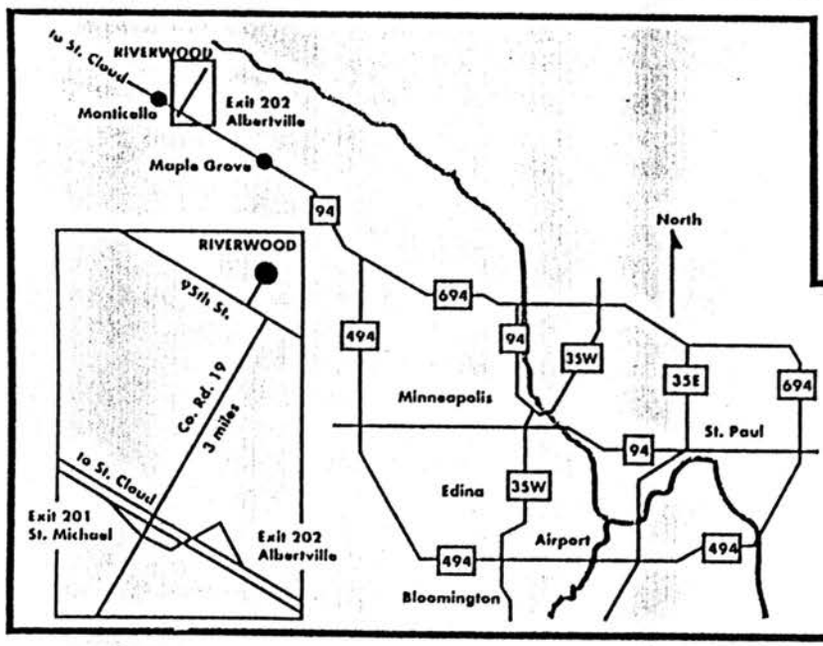
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ALL SINGLE, NON-SMOKING ROOMS**

	Tuesday, April 21		Wednesday, April 22
		1.	Jim Anderson
		2.	Mary Jo Anderson
1.	Glenn Annexstad	3.	Glenn Annexstad
		4.	Jim Birkholz
		5.	Marybeth Block
		6.	Darrell Bruggman
		7.	Paul Burns
2.	Barb Cobb (SMOKING ROOM)**	8.	Barb Cobb (SMOKING ROOM)**
3.	Lee Coe	9.	Lee Coe
4.	Jim Dahlvang	10.	Jim Dahlvang
		11.	Ron Harnack
5.	Ginny Imholte	12.	Ginny Imholte
		13.	Al Kean
6.	Paul Krabbenhoft	14.	Paul Krabbenhoft
		15.	Greg Larson
		16.	Peder Larson
		17.	Jeff Nielsen
7.	Allan Oehlke	18.	Allan Oehlke
		19.	Dwain Otte
8.	Kathleen Roer	20.	Kathleen Roer
		21.	Rod Sando
		22.	Bruce Sandstrom
		23.	Tom Schwanke
		24.	Susan Senko
		25.	Doug Thomas
9.	Marv Tripp	26.	Marv Tripp
		27.	Susan Tsakakis
10.	Barb Uppgaard	28.	Barb Uppgaard
10 single rooms on April 21		28 single rooms on April 22	

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

Sand Hill River Watershed District **(For Board Action)**
Watershed Management Plan Revision

The Sand Hill River Watershed District (District) filed a revised Watershed Management Plan (plan) with the Minnesota Board of Water and Soil Resources (BWSR) on November 10, 1997, pursuant to Minnesota Watershed Law (Minnesota Statutes, Chapter 103D). BWSR prepared and sent a notice of filing of a revised watershed management plan in February 1998, requesting written comments on the revised plan. BWSR staff previously reviewed and approved a draft plan outline.

The District was established on May 21, 1975, from the Sand Hill River Drainage and Conservancy District. The District encompasses a total of approximately 484 miles distributed primarily in Polk County with smaller areas in Norman and Mahnomen Counties.

The plan includes an inventory of physical features and water resources, describes water-related problems and possible solutions, describes past activities and projects that have been completed, and states objectives for water resource management within the District.

The District established broad-based goals within the following water resource management areas of: water quantity; water quality; erosion and sedimentation; biotic diversity; recreational resources; intergovernmental relationships; and public information. The plan identifies, when appropriate, specific objectives of accomplishing these goals. The intent of the District is to cooperate with the counties withing its boundaries to achieve mutual goals and objectives identified in each of the county's Comprehensive Local Water Plan.

The final draft plan received both written and oral comments from the BWSR and DNR. The revised plan is consistent with the significant comments.

BWSR's Water Plan Review Committee is scheduled to meet with representatives of the district on April 20, 1998, to review and discuss the revised plan.

Board staff has reviewed the Sand Hill River Watershed District Revised Watershed Management Plan and finds that they have satisfied all relevant requirements of the law and rule under MS 103D.

c:\...\shrwdpln.fba

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

Buffalo Red River Watershed District **(For Board Action)**
Revised Watershed Management Plan

The Minnesota Water Resources Board approved the Buffalo Red River Watershed District Plan (originally known as South Buffalo Watershed District) on August 31, 1960. The original boundaries of the South Buffalo Watershed District were expanded after the massive summer flood of 1975 and the District was renamed the Buffalo Red River Watershed District.

The Board Water Plan Review Committee is scheduled to meet with representatives of Buffalo Red River Watershed District on April 20, 1998, to review and discuss the revised plan.

The Board of Managers have established certain goals and objectives for the management of water resources throughout the District. The plan focuses on 11 priority goals that are outlined below.

Goal A-1: To alleviate the damage caused by floodwaters.

Goal A-2: Administer and maintain the drainage systems of the District.

Goal A-3: Undertake measures that will help to provide an adequate supply of high quality surface and groundwater for public and private use.

Goal B-1: To protect and/or improve the water quality of the surface and groundwater resources.

Goal C-1: To cooperate and support projects that have the purpose of reducing erosion.

Goal C-2: To pursue a program of erosion control and sedimentation management within all ditch systems.

Goal D-1: Promote the maintenance of biotic diversity.

Goal E-1: Incorporate recreational opportunities into District projects whenever feasible.

Goal F-1: To make an effort that all initiatives of the District maximize the potential cooperative opportunities available with all government levels.

Goal G-1: To endeavor to keep all residents informed of its duties, authorities, activities, and projects.

Goal G-2: To endeavor to inform and educate residents about water and soil resource issues and the importance of protecting these crucial resources.

Board staff has reviewed the Buffalo Red River Watershed District Revised Watershed Management Plan and finds that they have satisfied all relevant requirements of the law and rule.

TORNADO DAMAGE ASSESSMENT AND RESPONSE MEETING

April 1, 1998

Just a few ideas for assistance to affected landowners.

1. Trees
    grove clearing and replanting
    replace or plant windbreaks

Groves currently are not a C-S practice. Funds that come available could easily be run through the SWCDs and be managed similarly to their other programs. Consideration should be given to those who want to replant and rebuild their farmstead as to those who choose to just clear the farmstead and move on.

2. Feedlot assistance
    design of proper feedlot systems
    opportunity for relocation

If an individual decides to stay in livestock, the SWCDs, Nonpoint Eng. Staff, and the Counties should work to get sites properly designed and located. In some cases it may be best just to relocate the site. Financial assistance to do so may be appropriate.

3. Septic systems
    rebuild homes or remodel damaged homes
    need to meet septic specs.
    How should that be paid?

When homes are rebuilt they need a building permit as well as a septic system inspection. Victims of the tornado probably do not want to hear that since 80-90% did not meet code prior to the storm. A septic system upgrade could add $5000-8000 to their replacement costs. Not a good situation but the water quality and health aspects should not be ignored.

4. Conservation tillage equipment
    could use SRF loan program
    equity \ asset issue
    Will landowners even be able to qualify?

SRF loans for tillage equipment is not very popular in the legislature this year. If farmers need to replace equipment it would be nice to have a mechanism to encourage purchase conservation tillage type equipment. A landowner who just sustained financial losses, it may be hard to qualify for loans.

5. FSA Conservation Debt Restructuring Contract

This is something new to me even though it has been around for 10 years. FSA would have to help promote this.

6. RIM \ CREP \ WRP

These will not be for everyone but may help in a few cases.

7. Fencing

Give assistance for fencing but get some riparian protection at the same time.

If a livestock producer need fence repair or replacement the State could offer a great deal to pay for the fence if it was placed with proper riparian buffers. Probably not a big item but its a start.

8. Wells

Capping wells temporarily if the landowner plans to rebuild, sealing wells that farmstead is going to be abandon.

9. Conservation practices

100% C-S assistance for repair of damaged MN C-S installed practices. This is similar to what we did in 1993.

10. Extend C-S program

Extend landowner contracts to give them more time.
Extend the state contract with affected SWCDs so they have more time to encumber funds. Local contractors and local funds may be in short supply. Again, similar to what we did in 1993.

TORDAM.WPD

BWSR EDUCATION STRATEGY

April 1998

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I. Introduction

When the Legislature created the BWSR in 1987, it clearly believed that the board had an important educational role to play. BWSR's enabling statute contains three mandates directly related to education:

> l) the BWSR shall develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;
>
> 2) the BWSR shall provide a forum for the discussion of local issues and opportunities relating to water and soil resources management; and
>
> 3) the BWSR shall facilitate communication and coordination among state agencies in cooperation with the Environmental Quality Board, 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 local units of government to the greatest extent possible.

This document defines how BWSR will integrate these three mandates into its activities as it carries out its mission.

II. BWSR'S educational goal

The mission of the Minnesota Board of Water and Soil Resources is to assist local governments to manage and conserve their irreplaceable water and soil resources.

This mission statement indicates clearly that BWSR's mission is one of local government service and capacity building. Our ultimate educational goal is to **help local governments meet their education and outreach needs.**

A. BWSR's education objectives

Within the context of its mission and its educational goal, BWSR must define its objectives more specifically. The requests of local government units (LGUs) are many and varied. Our assistance must be focused on helping achieve objectives that will make the most effective use of our efforts and resources. These objectives include:

- Developing and maintaining a level of knowledge about existing educational resources and acting as a clearinghouse to refer LGUs to other agencies and resources;

•Building the capacity of LGUs to meet their educational needs;

•Serving as a link between LGUs and other state agencies by providing information about available state resources to local government units;

•Functioning as the LGU advocate at the state level in matters affecting local governments' ability to deliver education and training programs; keeping state agencies and the legislature aware of LGU education needs and how state programs can fit those needs; and

•Keeping soil and water resource issues included as a key component of discussions, policies and programs.

B. BWSR Educational Strategies

To accomplish its objectives, BWSR will use the following specific strategies:

•BWSR will identify specific educational goals--and how those goals will be achieved--in the regional, individual and program work plans and planning process;

•BWSR will identify opportunities for various staff to integrate their activities and priorities with the activities of the education staff, using the regional, individual and program work plans and the planning process;

•BWSR will use LGU input, both formal and informal, to define specific education needs;

•BWSR will coordinate its educational efforts on a statewide level;

•BWSR will develop and maintain appropriate partnerships to increase the impact of its education activities;

•BWSR will continue to serve on the Environmental Education Advisory Board (EEAB), the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Education Committee, and others; and

•BWSR will identify individual LGU needs that have broad application and adaptability; develop and provide training, programs, activities, and products that can be used by a number of LGUs with little or no adaptation.

C. Role of the Education Committee

The Education Committee consists of board and staff members and plays a key role in BWSR's education program. Specifically, the committee:

- defines the vision, overall direction and philosophy of BWSR's soil and water education effort;

- meets at least bi-annually to assess the activities and focus of the previous year and determine if changes need to be made;

- functions as a forum to which staff can bring soil- and water-related educational issues for discussion and direction;

- builds the foundation for partnerships that can benefit BWSR's soil and water education efforts; and

- gathers input from agency members on soil and water education issues.

III. Appendix

Appendix A: History

BWSR has had a number of interesting attempts at a formal education program. In 1989, a BWSR staff Education Team developed a position paper on its education efforts. The board responded by forming an ad hoc Education Committee, which then drafted a document with a number of recommendations, including:

- add three new staff members; and

- direct these staff to ensure that resource education efforts by local governments are optimized by: 1) developing a process to listen to ideas and needs of local governments about what they require to achieve their individual education and communication goals; 2) providing, through training and other means, the capability to local governments to carry out their own communications programs; 3) seeking, creating, fostering and augmenting the opportunities for local entities to share educational materials and programs; and 4) assisting the coordination of local education and communication efforts with other state agencies and environmental education efforts.

The board reviewed the document and essentially tabled it, citing lack of funds and staff time.

The next major attempt began in 1991, when a BWSR Education Committee composed of board members and staff, local government representatives, and a University of Minnesota Extension Service representative met monthly to develop a BWSR Education Strategy. The strategy heavily involved BWSR's board conservationists (BCs) and a new education coordinator position. Essentially, the strategy entailed the BCs working closely with BWSR clientele to determine the clienteles' needs and then working with the education coordinator to develop products to fill those needs.

Recommendations made by the committee to implement this strategy included:

- creation of an education coordinator position;

- creation of an education budget;

- development of a yearly education plan;

- each BWSR board conservationist and appropriate central office staff members should dedicate a specific portion of his time to education;

- each BC and appropriate central office staff member should develop an "education plan" that outlines his educational goals and activities for the year; and

•staff should seek out feedback from their clientele regarding what types of assistance they need.

Although the full board approved the plan in spring of 1992, it was only partially implemented. When discussing the hiring of an education coordinator, a unique opportunity to share a full-time position with the University of Minnesota Extension Service presented itself, and BWSR made the decision to fill the education coordinator position on a shared basis with Extension. To accommodate Extension's needs, the position was implemented differently than the committee originally envisioned. In addition, about the time the Education Strategy was approved, the legislature gave BWSR authority for the Wetland Conservation Act, a new program designed to combat wetland loss. The program unexpectedly commanded huge amounts of time from all BWSR staff, but most particularly from the BCs, who were not able to take on any new education responsibilities.

BWSR did, however, learn a number of valuable lessons from the implementation attempt:

•Staff specifically devoted to education is necessary for success. While staff skills, knowledge and ability is an integral part of a successful educational program, and the connection that BCs have with their clientele is key, expecting non-education staff to take a lead role in education is not realistic.

•One oversight position, responsible for coordinating the efforts of the education coordinators, is necessary.

Appendix B: Planning Strategy

As staff members develop program, individual and regional work plans, they will look at incorporating educational objectives and activities. Staff may want to look at incorporating the following steps during development of the education coordinators' work plans and the educational components of other work plans:

- Needs assessment: What is needed? More conservation tillage? Improved septics?

- Outcomes: What outcomes are desirable? An increase in conservation tillage? Improved septics? Better shoreline landscaping?

- Audiences: What audiences will need to be reached? What are their characteristics? What are the best ways to reach those audiences?

- Action: What types of activities would be most effective?

- Evaluation: Has this done what it was supposed to do? Why or why not?

Existing LGU plans could also be helpful during this process.

Appendix C: Staff involvement

BWSR's strength has always been in providing personal support tailored to the needs of our clientele. To provide this level of service in the educational arena, many staff members, including program managers and specialists, will need to be involved; however, because of their first-hand awareness of the needs and opportunities of our clientele, our board conservationists (BCs) have a particularly important role to play. More than any other position, BCs can provide the link we need between our education staff and the LGUs.

As they do with the other BWSR specialists, BCs will play a key collaborative role between the LGUs and education specialists. This role includes:

- **advising** education staff people about needs they see and the most effective ways to fulfill those needs;
- **ensuring** that LGUs know about the education staff people and the assistance they provide;
- **planning** appropriate education activities as part of their regional workplans and program plans;
- **participating** in various educational programs, activities and projects; and
- **promoting** key natural resource issues to LGUs.

Appendix D: BWSR needs

As needs change, so too will BWSR's programs, abilities, focus and needs; however, some things must remain constant. The following have been identified as key components to the success of BWSR's education program (and, for that matter, any other BWSR program):

Flexibility:

- Different regions of the state have different resource needs and concerns. Educational efforts that make sense in one area of the state may not be useful in another area. For example, one area may be interested in water quality issues; another may be concerned about feedlot management or other agricultural issues.

- In addition to regional differences, BWSR also works with a wide variety of local units of government. An educational effort appropriate for a city may not work for a soil and water conservation district, and watershed districts have different needs than counties.

- One characteristic that BWSR believes separates it from other agencies is its ability to quickly adapt its programs to answer specific unexpected needs (such as erosion due to flooding).

- Resource management is constantly changing. As people become more aware of environmental concerns, various topics that were previously of little interest can attract the public's attention. It is important for BWSR to be able to respond to such shifts, since they also present opportunities for learning.

Personal service: BWSR's strongest quality is the personal, individualized service it provides to the local government units that are our clientele. Our education effort needs to build upon this strength, giving LGUs the focused attention their educational needs require.

Skilled, competent staff devoted to education: Staff trained in and specifically dedicated to education is key to our effort. While other BWSR staff, especially the board conservationists, have an important role to play in linking the education positions to LGUs, we need specific education staff that can provide quality LGU assistance as a primary focus.

Appendix E: BWSR's partnership with the University of Minnesota Extension Service

I. Purpose

Since 1992, the BWSR and the University of Minnesota Extension Service (Extension) have jointly funded a shared education position housed in the Duluth BWSR office and serving northern Minnesota. This partnership has provided a number of benefits to BWSR, including:

- increased local government awareness and use of Extension publications and services;
- increased coordination between local governments and Extension;
- increased respect in the educational arena, since Extension is viewed in Minnesota as the education expert;
- increased BWSR access to Extension resources; and
- increased coordination of BWSR, Extension and local government educational efforts.

Because of these benefits, the BWSR Education Committee has determined that it is in BWSR's best interest to generally consider filling any educational positions, even those solely funded by BWSR, through short-term contracts with Extension. This provides BWSR with access to a well-qualified pool of candidates and the flexibility to hire people with specific expertise in various identified areas.

II. Education Coordinating Committee

Because of the mutual benefits gained through the BWSR/Extension partnership, an Education Coordinating Committee composed of the BWSR executive director; the BWSR assistant director; the Extension BWSR board member; the director of the Extension Service; and the director of the Extension Water Resources Center, will meet at least annually to discuss and evaluate the BWSR/Extension partnership.

HOUSE- SENATE CAPITAL BUDGET COMPARISON- 1998 SESSION

(Numbers in thousands)

		Gov	House		Senate		Conference	
		Amount	Fund	Amount	Fund	Amount	Fund	Amount
109	Minneapolis School District Flood Damage			400				
110	Library Accessibility Grants			2,000				1,500
111	McLeod West Interdistrict Cooperative			1,000				500
112	Little Falls Carnegie Library ADA Grant			500				500
	Minnesota Lake							385
113	***CFL Total***	20,780		49,290		62,104	Total	62,405
114		12,000		3,990		62,104	GF	62,405
115		8,780		45,300			Bond	
116								
117								
118	***Faribault Academies***							
119	Asset Preservation	725				725		725
120	Tate Hall Renovation	4,009		4,000		4,009		4,000
121	Lysen Expansion and Renovation	4,589		4,500		4,589		4,500
122	***Faribault Total***	9,323		8,500		9,323	Total	9,225
123						9,323	GF	9,225
124		9,323		8,500				
125	***Public Service***							
126	Energy Investment Loans	8,000		2,000		8,000		
127								
128								
129								
130	***Natural Resources***							
131	Statewide Asset Preservation	2,282				2,282		
133	Office Facilities Development	11,991				7,391		7,391
132	State Park & Rec. Area Building Rehab	4,620		7,000		4,255		6,500
134	State Park & Rec. Area Building Develop.	5,535		5,535		4,585		5,535
135	State Park & Rec. Area Betterment & Rehab	2,935		3,000		2,021		2,750
136	State Park & Rec. Area Acquisition	3,500		2,000		2,500		2,250
137	Metro Regional Park Acq./Redev./Other Dev.	9,825		9,000		9,825		9,000
138	Como Park Education Center			3,500		500		3,900
139	Harriet Island			3,000				1,500
140	Dam Repair/Reconstruction/Removal	1,000		1,300		1,000		1,300
141	Flood Hazard Mitigation Grants	24,000		15,000		38,200		30,000
142	Forestry Roads & Bridges	1,900		2,000		1,000		2,000
143	State Forest Land Acquisition	800		800		800		800
165	White Pine Management			300				300
144	Forest Recreation Facility Rehab.	1,000		1,000		750		750
145	RIM-Habitat Match,WMA,Waterfowl Management	11,250		4,500		8,841		7,000
146	RIM-Fish Hatchery Rehab	1,300		500		1,300		1,000
147	RIM-Wildlife Dev/Habitat Improve	4,000		2,000		3,000		2,500
148	Stream Protection and Restoration	1,500				1,500		1,000
149	SNA and Prairie Bank	1,500		4,000		2,300		3,000
150	Metro Greenways and Natural Areas	900		8,000				4,000
151	Accel. Wildlife Habitat Mgt. and Inventory	1,450				1,100		500
152	Water Access Acq., Betterment and Fishing	1,000		3,500		1,000		2,000
153	Trail Aquisition and Development	12,000		12,200		9,500		10,250
159	Metro Regional Trails Connection			7,700				5,000
154	Lake Superior Safe Harbors	5,300		1,800		5,150		5,000
155	Lake Superior Zoological Garden			1,300				1,300
156	Local Initiative Grants	8,100		8,100		6,500		8,000
157	Laurentian ELC-Prairie Woods			2,150		800		2,350
158	Sand Dunes State Forest			150				150
160	Ramsey Mill Pond-WMA			56				
161	Willernie Erosion Control			100				75

HOUSE- SENATE CAPITAL BUDGET COMPARISON- 1998 SESSION

(Numbers in thousands)

		Gov	House		Senate		Conference	
		Amount	Fund	Amount	Fund	Amount	Fund	Amount
162	Hartley Nature Center			1,000				1,500
163	International Wolf Center					350		350
164	Savage Water Supply System					2,000		800
166	Bald Eagle Center-Wabasha			500		500		500
167	USS Des Moines	14,000						
168	***DNR Total***	131,688		110,991		118,950	Total	130,251
169		14,000				118,950	GF	130,251
170		117,688		110,991				
	Office of Environmental Assistance							
171	Capital Assistance Program	5,000		500		3,000		3,500
	Public Facilities Authority							
176	MPFA-State Matching	18,000		15,000		15,000		15,000
177	Wastewater Infrastructure Fund	9,000		15,000		16,000		15,300
178		180		180				
179	Stewart CSO Infrastucture			1,000				1,000
180	St. Peter Wastwater Treatment			3,000				3,000
181	Wastewater Planning Grants			100				100
182	Bayport Storm System Loans			1,000		300		650
183	Ag Waste System Loans					13,000		9,000
184	***PFA Total***	27,180		35,280		44,300	Total	44,050
185		180		280		44,300	GF	9,100
186				1,000				
187		27,000		34,000			Bond	34,950
188	***Water & Soil Resources Board***							
189	RIM-Reserve & Perm. Wetlands Program	16,800		10,000		15,000		15,000
190		3,200						
191	Local Gov't Road Replacement	5,000		2,000		3,000		2,750
192		830						
193	Quad Lakes			300				300
194	Lakeshore Easements			500				250
195	Area II Mn. River Basin Grant Program	1,000				1,000		500
	Feedlot Water Quality							1,000
196	***BOWSR Total***	26,830		12,800		19,000	Total	19,800
197		4,030				19,000	GF	19,800
198		22,800		12,800			Bond	
199	***Agriculture***							
200	Soybean Processing Infr Grant					500	GF	500
201								
202								
203								
204	***Zoological Gardens***							
205	Roadways & Pathways	3,200				3,200	Bond	1,750
206								
207								
208	***Administration***							
209	Statewide Asset Preservation (CAPRA)	15,000		19,000		15,000		15,000
210	Ely Revenue Building					1,643		2,200
211	Capitol Square Demolition/Predesign/Reloc	3,464		1,600		3,464		3,100
212	Labor Interperative Center	1,200		7,500		5,500		6,000
213	Dept of Revenue Relocation	5,722		8,000		5,354		5,350
214	Agency Relocation	9,902				2,493		2,490
215		648		648		648		

This appropriation is from the general fund.

Subd. 5. City of St. Peter 3,000,000

To the commissioner of trade and economic development for a grant to the city of St. Peter for the construction of a new wastewater facility outside the floodplain.

Subd. 6. Planning Grants 100,000

For grants under Minnesota Statutes, section 446A.071. This appropriation is from the general fund.

Subd. 7. Bayport Sewer Reconstruction 650,000

For a grant to the city of Bayport to pay the cost of a preconstruction study and engineering for a storm sewer reconstruction project within and adjacent to the Minnesota correctional facility-Stillwater. The study and design of the project, including how the costs of the project will be assessed against property owners whose properties will be served by the project, must be reported to the chairs of the judiciary finance division in the house and the crime prevention and judiciary budget division in the senate by January 15, 1999. The assessment must include the costs of predesign, design, and construction, including this appropriation and amounts previously spent by the cities of Bayport and Oak Park Heights and the county of Washington. The benefit allocation of the costs of this improvement must include consideration of the allocable volume of water generated in the winter by the property owner and drained by the reconstructed storm sewer.

Subd. 8. State Revolving Fund Supplemental 9,000,000

For deposit in the water pollution control fund under Minnesota Statutes, section 446A.07, for the agricultural best management practices loan program under Minnesota Statutes, section 17.117, except that none of this appropriation may be used for conservation tillage equipment.

This appropriation is from the general fund.

Sec. 10. BOARD OF WATER AND SOIL RESOURCES

Subdivision 1. To the board of water and soil resources for the purposes specified in this section 19,800,000

This appropriation is from the general fund.

Subd. 2. RIM and PWP Conservation Easements 15,000,000

This appropriation is for the following purposes:

(1) to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515; and

(2) to acquire perpetual conservation easements on existing type 1, 2, 3, and 6 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with Minnesota Statutes, section 103F.516.

Up to $250,000 may be used for the acquisition of flood storage easements that allow haying, grazing, or other activities approved by the board when the flood storage is not needed, and for the cost of constructing related dikes and other structures necessary to maintain water in the flood storage easement areas. Up to ten percent of the appropriation may be used for professional and technical services related to acquisition of the easement.

The board, in consultation with the commissioner of natural resources, must select at least two local government units for participation in the flood storage easement pilot program based on the potential and need for flood water storage in the local area. The board may acquire the easement directly or provide grants to the local government units for their acquisition of easements that conform with the requirements established by the board. A conservation easement must be for at least ten years. The board or the local government unit must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish conservation practices required by the easement, up to 75 percent of the total eligible cost, not to exceed an average of $75 per acre; and

(2) 25 percent of the payment rate for 20-year easements acquired under Minnesota Statutes, section 103F.515; or

(3) an alternative payment system for easements as may be determined by the board, in consultation with the commissioner of natural resources.

By January 15, 2000, the board, in conjunction with the commissioner of natural resources, shall report to the senate environment and agriculture

budget division and the house environment, natural resources, and agriculture finance committee on the acquisition of easements under this paragraph. The report must include an analysis of the benefit to expansion of the program in other areas of the state that are prone to flooding and on the adequacy of payments under the pilot program.

Up to $1,000,000 is for professional and technical services necessary to administer the program.

Subd. 3. Local Government Road Replacement 2,750,000

To acquire land for wetlands or restore wetlands to be used to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads, as provided in Minnesota Statutes, section 103G.222, subdivision 1, paragraph (m).

The purchase price paid for acquisition of land, fee or perpetual easement, shall be the amount deemed reasonable by the board. The board may enter into agreements with the federal government, other state agencies, political subdivisions, and nonprofit organizations or fee owners for acquisition of land and restoration and creation of wetlands with funds provided by this appropriation. Acquisition of or the conveyance of land may be in the name of the political subdivision.

Up to $400,000 is for professional and technical services necessary to administer the program.

Subd. 4. Quad-Lakes Restoration 300,000

For a grant to the Faribault county soil and water conservation district for the quad-lakes restoration project in Faribault and Blue Earth counties.

Subd. 5. Lakeshore Easements 250,000

To acquire conservation easements for sensitive shoreland and riparian areas on lakes.

Subd. 6. Area II Minnesota River Basin Grant-in-Aid Program 500,000

For grants to assist local governments in acquiring and constructing floodwater retention systems in area II of the Minnesota river basin. Projects may include flood control reservoirs, road retention structures, and other floodwater mitigation improvements. This appropriation must be matched by at least $333,000 from nonstate sources. Grants under this subdivision

are exempt from the requirements of Minnesota Statutes, section 16B.335.

Subd. 7. Feedlot Water Quality 1,000,000

For grants to soil and water conservation districts for cost-sharing contracts for water quality management on feedlots. Priority must be given to feedlot operators who have received a notice of violation and for feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

Subd. 8. Work Program

The board must submit a work program and semiannual progress reports in the form determined by the legislative commission on Minnesota resources and request its recommendation before spending any money appropriated by this section. The commission's recommendation is advisory only. Failure to respond to a request within 60 days after receipt is a positive recommendation. Work programs involving land acquisition must include a land acquisition plan.

Sec. 11. AGRICULTURE 500,000

For a grant to a political subdivision that is chosen as a site for a soybean oilseed processing and refining facility, constructed by a Minnesota-based cooperative. This appropriation is for site preparation, predevelopment, and other infrastructure improvements, including public and private utility improvements, that are necessary for development of the oilseed processing and refining facility. This appropriation is available until December 31, 2000.

This appropriation is from the general fund.

Sec. 12. MINNESOTA ZOOLOGICAL GARDENS 1,750,000

To the Minnesota zoological gardens for design, repair, and reconstruction of roadways, pathways, parking lots, outdoor lighting, and public plaza areas. This appropriation is exempt from the requirements of Minnesota Statutes, section 16B.335.

Sec. 13. ADMINISTRATION

Subdivision 1. To the commissioner of administration for the purposes specified in this section 46,250,000

This appropriation is from the general fund.

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budget division and the house environment, natural resources, and agriculture finance committee on the acquisition of easements under this paragraph. The report must include an analysis of the benefit to expansion of the program in other areas of the state that are prone to flooding and on the adequacy of payments under the pilot program.

Up to $1,000,000 is for professional and technical services necessary to administer the program.

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(3) an alternative payment system for easements as may be determined by the board, in consultation with the commissioner of natural resources.

By January 15, 2000, the board, in conjunction with the commissioner of natural resources, shall report to the senate environment and agriculture

This appropriation is from the general fund.

Subd. 5. City of St. Peter 3,000,000

To the commissioner of trade and economic development for a grant to the city of St. Peter for the construction of a new wastewater facility outside the floodplain.

Subd. 6. Planning Grants 100,000

For grants under Minnesota Statutes, section 446A.071. This appropriation is from the general fund.

Subd. 7. Bayport Sewer Reconstruction 650,000

For a grant to the city of Bayport to pay the cost of a preconstruction study and engineering for a storm sewer reconstruction project within and adjacent to the Minnesota correctional facility-Stillwater. The study and design of the project, including how the costs of the project will be assessed against property owners whose properties will be served by the project, must be reported to the chairs of the judiciary finance division in the house and the crime prevention and judiciary budget division in the senate by January 15, 1999. The assessment must include the costs of predesign, design, and construction, including this appropriation and amounts previously spent by the cities of Bayport and Oak Park Heights and the county of Washington. The benefit allocation of the costs of this improvement must include consideration of the allocable volume of water generated in the winter by the property owner and drained by the reconstructed storm sewer.

Subd. 8. State Revolving Fund Supplemental 9,000,000

For deposit in the water pollution control fund under Minnesota Statutes, section 446A.07, for the agricultural best management practices loan program under Minnesota Statutes, section 17.117, except that none of this appropriation may be used for conservation tillage equipment.

This appropriation is from the general fund.

Sec. 10. BOARD OF WATER AND SOIL RESOURCES

Subdivision 1. To the board of water and soil resources for the purposes specified in this section 19,800,000

This appropriation is from the general fund.

S.F No. 3353, 3rd Engrossment: 80th Legislative Session (1997-1998)

A bill for an act

relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; providing for regulation of certain activities and practices; amending Minnesota Statutes 1996, sections 3.737, subdivisions 1, 4, and by adding a subdivision; 18C.141; 35.82, subdivision 2; 41A.09, subdivision 1a; 84.871; 86B.101, subdivision 2; 86B.415, subdivision 1, and by adding a subdivision; 89A.03, subdivision 1; 90.193; 93.002, subdivision 1; 97A.037, subdivision 1; 97A.245; 103C.315, subdivision 4; 103F.155, subdivision 2; 103F.161, subdivision 2; 103G.271, subdivision 6; 115.076, subdivision 1; 116.07, by adding subdivisions; 308A.131, subdivision 1; 308A.705, subdivision 3; Minnesota Statutes 1997 Supplement, sections 17.101, subdivision 5; 41A.09, subdivision 3a; 84.8205; 84.86, subdivision 1; 85.015, subdivision 1c; 115.55, subdivision 5a; 116.07, subdivision 7; 116.18, subdivision 3c; 169.1217, subdivision 1; and 308A.705, subdivision 1; Laws 1997, chapter 216, section 15, subdivision 8; proposing coding for new law in Minnesota Statutes, chapters 17; 18C; and 84; repealing Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c; and Laws 1991, chapter 275, section 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act to be available for the fiscal years indicated for each purpose. The figures "1998" and "1999," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1998, or June 30, 1999, respectively.

SUMMARY BY FUND

	1998	1999
General Fund	$5,294,000	$12,498,000
Natural Resources Fund	-0-	500,000
Total	5,294,000	12,998,000

APPROPRIATIONS
Available for the Year
Ending June 30

	1998	1999
Sec. 2. POLLUTION CONTROL AGENCY	180,000	1,210,000

$350,000 in fiscal year 1999 is added to the appropriation for county feedlot program grants in Laws 1997, chapter 216, section 2, subdivision 2. In fiscal year 1999 delegated counties shall be eligible to receive a grant of either: $40 multiplied by the number of livestock or poultry farms with sales greater than $10,000, as reported in the 1992 Census of Agriculture, published by the United States Bureau of Census; or $50 multiplied by the number of feedlots with greater than ten animal units, as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991.

$50,000 in fiscal year 1999 is for the bioaccumulative residues research program at the University of Minnesota-Duluth to analyze fish contaminants, including researching the presence of selenium in fish samples. As a condition of this grant, the University of Minnesota-Duluth must submit a work program and submit semiannual progress reports as provided in Minnesota Statutes, section 116P.05, subdivision 2, paragraph (c). This is a one-time appropriation.

$180,000 in fiscal year 1998 is for the cost of administering the wastewater infrastructure program. This appropriation is available until June 30, 2002.

$50,000 in fiscal year 1999 is for a scoping study for a cost-benefit model to analyze the costs of water quality standards. This is a one-time appropriation.

$375,000 in fiscal year 1999 is for

acceleration of research being conducted on deformities and possible causes found in amphibians. The funding must be shared with the departments of agriculture, natural resources, and health and with the appropriate University of Minnesota departments. $39,000 of the appropriation must be shared with Hamline University for its friends of the frog program. The money must be used for research and monitoring of amphibian deformities, including, but not limited to, a possible groundwater surface water interconnection. The money may be used as a match for any federal dollars available. This is a one-time appropriation.

$300,000 in fiscal year 1999 is for expansion of permitting activities under the federal Clean Water Act that affect feedlots in excess of 1,000 animal units.

The availability of the appropriation in Laws 1997, chapter 216, section 15, subdivision 14, paragraph (c), to monitor and research the effects of endocrine disrupting chemicals in surface waters is extended to June 30, 2000.

$85,000 in fiscal year 1999 is for a grant to Benton county to pay the principal amount due in fiscal year 1999 on bonds issued by the county to pay part of a final order or settlement of a lawsuit for environmental response costs at a mixed municipal solid waste facility. This money and any future money appropriated for this purpose must be apportioned by Benton county among the local units of government that were parties to the final order or settlement in the same proportion that the local units of government agreed to as their share of the liability. This is a one-time appropriation.

Sec. 3. ZOOLOGICAL BOARD 1,500,000 -0-

$1,500,000 is for zoo operations. This is a one-time supplemental appropriation. By September 1, 1998, the board shall report to the governor, the chair of the senate environment and agriculture budget division, and the chair of the house environment, natural resources and agriculture finance committee on recommendations to internally manage the effects of lowered attendance projections and methods for improving attendance forecasting.

Sec. 4. NATURAL RESOURCES 2,974,000 7,717,000

Summary by Fund

General Fund	2,974,000	7,267,000
Natural Resources Fund	-0-	450,000

$1,504,000 in fiscal year 1999 is for flood-related activities in the division of waters. $200,000 of this appropriation is for alternative flood control measures beneficial to the environment, such as culvert downsizing on man-made waterways and wetland restoration. $10,000 of this appropriation is for a grant to the Marine-on-St. Croix watershed management organization for engineering analysis of flooding problems along Twin lake. Notwithstanding Minnesota Statutes, section 103F.161, subdivision 2, paragraph (c), this appropriation may be combined with a flood hazard mitigation grant previously awarded to the watershed management organization. $75,000 of this appropriation is for a grant under Minnesota Statutes, section 103F.161, to Swift county for improvements at Lake Oliver. $30,000 of this appropriation is for a grant under Minnesota Statutes, section 103F.161, to the Chisago Lake improvement district for improvements to the outlet project. The portion of this appropriation to be included in

the department's base is $1,189,000 for each fiscal year. $150,000 in fiscal year 1999 is for transfer to the Minnesota forest resources council for implementation of the Sustainable Forest Resources Act pursuant to Minnesota Statutes, chapter 89A. This a one-time appropriation. $476,000 in fiscal year 1998 is for sealing inactive wells on state-owned land. The commissioner shall determine project priorities as appropriate based upon need. This appropriation is available until June 30, 2002. $430,000 in fiscal year 1999 is for operations at Fort Snelling park and for statewide resource protection. The portion of this appropriation to be included in the department's base is $200,000 in each fiscal year. $250,000 in fiscal year 1999 is for population and habitat objectives of the nongame wildlife management program. $180,000 in fiscal year 1998 and $120,000 in fiscal year 1999 are for increased public involvement in white pine management planning and to accelerate white pine management on state forest lands. Any amount of this appropriation not used in fiscal year 1998 is available in fiscal year 1999. $370,000 in fiscal year 1998 and $230,000 in fiscal year 1999 are for improvement of camper safety and security in state forest campgrounds and to make repairs to selected state forest campgrounds. $450,000 in fiscal year 1999 is from the water recreation account in the natural resources fund for enforcement of personal watercraft laws. At least one-half of the conservation officers hired pursuant to this item must be from the protected classes. $225,000 of this appropriation is for grants to counties where there is significant use

of personal watercraft on waters in and bordering the counties. The grants must be used for personal watercraft safety education and law enforcement, pursuant to Minnesota Statutes, section 86B.415, subdivision 7a.

$250,000 in fiscal year 1999 is for operational costs related to wildlife management at the area level.

$470,000 in fiscal year 1998 and $250,000 in fiscal year 1999 are for the interpretation, management, and monitoring of scientific and natural areas.

$340,000 in fiscal year 1999 is for technical assistance and grants to assist local government units and organizations in the metropolitan area to acquire and develop natural areas and greenways.

$300,000 in fiscal year 1999 is for state trail maintenance and amenities.

$250,000 in fiscal year 1999 is for a grant to the city of North St. Paul for improvements including trail connections, lighting, and landscaping related to the trail bridge over Highway 36 in North St. Paul. This is a one-time appropriation.

$500,000 in fiscal year 1999 is for further work to develop protected water flow recommendations on Minnesota streams and for support of river restoration expertise and its application to the Whitewater river and Sandy river. $300,000 of this amount is a one-time appropriation for stream protection on Brown's creek in Washington county.

$53,000 in fiscal year 1999 is for minerals cooperative environmental research. $26,500 is available only as matched by $1 of nonstate money for each $1 of state money. This appropriation is added to the appropriation in Laws 1997, chapter

216, section 5, subdivision 2.
$75,000 in fiscal year 1998 is to
repair state forest land in Morrison,
Mille Lacs, Kanabec, and Crow Wing
counties.
$100,000 in fiscal year 1998 is for
development and maintenance of habitat
and facilities, and data management
system development at Swan lake
wildlife management area.
$1,175,000 in fiscal year 1999 is for
wildlife habitat improvement, wildlife
population surveys, monitoring, private
lands cost-sharing for wildlife habitat
and forest stewardship, and project
grants to local governments and private
organizations to enhance fish,
wildlife, and native plant habitats.
Of this amount, $375,000 is for brush
land and forest habitat renewal for
sharp-tailed grouse and other species
of birds dependent on open brush lands
in forest areas by providing financial
and technical assistance to landowners
as well as brush land renewal on public
lands; $300,000 is for wildlife habitat
improvements through cost-sharing and
technical assistance to private
landowners; $300,000 is for forest
stewardship improvements through
cost-sharing and technical assistance
to private landowners; and $200,000 is
for wildlife population surveys,
monitoring, evaluation, and constituent
surveys. The portion of this
appropriation to be included in the
department's base is $1,075,000 in each
fiscal year. The base amounts for each
specific item are $325,000, $275,000,
$275,000, and $200,000, respectively.
$100,000 in fiscal year 1998 is for
engineering and hydraulic studies in
conjunction with the proposed
development of an urban whitewater
trail along the Mississippi river in
the lower St. Anthony Falls area below

the stone arch bridge in Minneapolis and to examine the economic impact, market use potential, public safety concerns, environmental considerations, and land and water use impacts of the proposed Mississippi Whitewater trail. The commissioner must coordinate and work with affected local, state, and federal governments and interested citizen groups, including, but not limited to, the National Park Service, the United States Army Corps of Engineers, the University of Minnesota, the Minnesota historical society, the metropolitan parks and open space commission, the Minneapolis park board, and the Mississippi Whitewater Park Development Corporation. The commissioner must report to the senate environment and agriculture budget division and the house environment, natural resources, and agriculture finance committee by November 1, 1999, on the findings from the studies required under this item. This appropriation is available until June 30, 1999.

$100,000 in fiscal year 1998 is for a grant to the township of Linwood in Anoka county to construct a surface water drainage system to control water pollution. This appropriation is available until expended. Expenses incurred by Linwood township related to the proposed project, prior to this appropriation, may be considered as part of the total project cost for purposes of satisfying the requirements of Minnesota Statutes, section 103F.161, subdivision 2, paragraph (c).

$200,000 in fiscal year 1998 is added to the appropriation in Laws 1997, chapter 216, section 15, subdivision 4, paragraph (c), clause (4), for the statewide conservation partners program.

$215,000 in fiscal year 1998 and

$250,000 in fiscal year 1999 are to enhance customer service and data access through the collaborative use of technology, to improve communication with citizens and stakeholders, to provide technical assistance and data delivery to citizens and local government, and for the Minnesota Environmental/Natural Resource Electronic Library (MENREL) to accelerate the development of integrated and indexed environmental and geographic data catalogs, cross-agency search and retrieval, and content-rich libraries of environmental data and information.

$350,000 in fiscal year 1998 is to serve as the state match to federal money to remove surplus sediment along the east bank of the Mississippi river at Little Falls. The commissioner must coordinate and work with the United States Army Corps of Engineers on this project. This appropriation is available until expended.

$203,000 in fiscal year 1998 is for a forestry information management system to improve the timber sale program, forest development model, and fire management.

$35,000 in fiscal year 1998 and $115,000 in fiscal year 1999 are for expansion of the "Becoming an Outdoors Woman Program," and for a position to coordinate shooting range development on a statewide basis. Of this amount, $35,000 in fiscal year 1998 is available until June 30, 1999, to match an equal amount of nonstate money for shooting range partnership agreements and is a one-time appropriation.

$50,000 in fiscal year 1998 is for ecosystem-based management workshops for teams of local officials, natural resource managers, and citizens.

$200,000 in fiscal year 1999 is for

aquatic plant restoration.

$125,000 in fiscal year 1999 is for local initiatives grants program administration.

$150,000 in fiscal year 1999 is for long-term monitoring of lake ecosystems.

The appropriations in Laws 1996, chapter 407, section 3, for the Iron Range off-highway vehicle recreation area are available until June 30, 2000.

$100,000 in fiscal year 1999 is for an enhanced lake classification system to provide comprehensive lake descriptions. This appropriation is added to the base in fiscal year 2000 only.

$200,000 in fiscal year 1999 is to identify lake watershed boundaries for lakes greater than 100 acres in a geographic information system format. This appropriation is added to the base in fiscal year 2000 only.

$150,000 in fiscal year 1999 is to develop methodologies to assess the cumulative effects of development on lakes. This appropriation is added to the base in fiscal year 2000 only.

$100,000 in fiscal year 1999 is for a grant to the Upper Swede Hollow Association for improvements in and around Swede Hollow Park. The appropriation must be used for plantings, improvements to railway trestles, trail repair, reconstruction of the pond outlet, and other trail improvements. This is a one-time appropriation.

$50,000 in fiscal year 1998 and $50,000 in fiscal year 1999 are for an agreement with the University of Minnesota College of Architecture and Landscape Architecture to develop environmental brownfields mitigation strategies. This is a one-time appropriation.

The appropriation in Laws 1997, chapter

216, section 5, subdivision 4, for grants to local community forest ecosystem health programs is available until June 30, 2000. $25,000 in fiscal year 1999 is for promotion and enhanced public awareness of the RIM critical habitat license plate program.

Sec. 5. BOARD OF WATER AND SOIL RESOURCES 300,000 1,100,000

$200,000 in fiscal year 1998 is for a grant to the Faribault county soil and water conservation district for the quad-lakes restoration project in Faribault and Blue Earth counties and is available until expended.

$1,000,000 in fiscal year 1999 is for grants to soil and water conservation districts for cost-sharing contracts for water quality management on feedlots. Priority must be given to feedlot operators who have received a notice of violation and for feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

$100,000 in fiscal year 1998 is for a grant to the University of Minnesota extension service to improve existing Minnesota extension shoreland guidance and other related guidebooks. This is a one-time appropriation, available until expended.

$100,000 in fiscal year 1999 is for a pilot grant program to soil and water conservation districts for cost-sharing contracts with landowners to establish and maintain plantings of trees, shrubs, and grass strips that are native species of a local ecotype for the primary purpose of controlling snow deposition for the benefit of public transportation. The board, in consultation with the Minnesota Association of Soil and Water Conservation Districts, shall select at

least five districts for participation in the pilot program. Up to 20 percent of the appropriation may be used for the technical and administrative expenses of soil and water conservation districts to implement this item. The board shall enter into grant agreements to accomplish the transfer of funds to soil and water conservation districts and to establish guidelines to implement this item. Cost-sharing contracts between soil and water conservation districts and landowners may provide for annual payments to landowners for maintenance. This appropriation is available until spent.

Sec. 6. AGRICULTURE 310,000 2,169,000

$110,000 in fiscal year 1998 and $250,000 in fiscal year 1999 are for expansion of efforts to prevent the establishment and spread of gypsy moths in Minnesota.

$25,000 in fiscal year 1998 and $325,000 in fiscal year 1999 are for a state meat inspection program.

$75,000 in fiscal year 1999 is for additional matching funds for the WIC coupon program.

$25,000 in fiscal year 1999 is for additional livestock depredation payments pursuant to Minnesota Statutes, section 3.737.

$50,000 in fiscal year 1999 is added to the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, for beaver damage control grants. This is a one-time appropriation. Any unencumbered balance from the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, for beaver damage control grants for the first year of the biennium is available for the second year of the biennium.

$100,000 in fiscal year 1998 is added to the appropriation in Laws 1997, chapter 216, section 7, subdivision 4,

to accomplish reform of the federal milk market order system and for legal actions opposing the Northeast Dairy Compact. This appropriation is available until June 30, 1999. $500,000 in fiscal year 1999 is added to the appropriation for dairy diagnostic teams in Laws 1997, chapter 216, section 7, subdivision 2, and is added to the department's base. $267,000 in fiscal year 1999 is for a pilot program to expand the concept of the Minnesota grown program. The program is to assist low-income families in accessing nutritious and affordable food and to promote economic development by creating new markets and food distribution systems. $17,000 of this appropriation is for costs of administration. $87,000 of this appropriation is for payment to the Sustainable Resources Center for the purposes of this appropriation. $163,000 of this appropriation is for food coupons. The coupons shall be distributed and administered according to this section, subject to the approval of the commissioner of agriculture. The portion of this appropriation to be included in the department's base for fiscal year 2001 is $200,000, which may only be used for food coupons.

The Sustainable Resources Center, in conjunction with the Minnesota Food Association, and subject to the approval of the commissioner of agriculture, shall select up to two urban and up to two rural communities as locations for activities that will serve as models for sustainable community food systems. These activities shall include but are not limited to:

(1) conducting food system assessments in each community to identify assets

and needs;
(2) supporting the creation of producer distribution networks to establish direct links to low-income consumers; and
(3) working with food processing plants in the selected community to develop the support services needed to make entry-level jobs accessible to low-income people.
During each fiscal year beginning in fiscal year 1999, the commissioner of agriculture, within the funds available, shall provide coupons to the Sustainable Resources Center for distribution to participating eligible individuals. The coupons must be issued in two allocations each fiscal year. Eligible individuals may receive up to $100 in coupons per year, subject to the limitation that additional eligible individuals who reside in the same household may receive up to $20 in coupons per year, up to a maximum of $200 per household per year. Eligible individuals include individuals who are residents of the communities in the pilot project and are eligible for the Minnesota grown coupons under this section. Eligible individuals include:
(1) individuals who are in a state-verified income program; and
(2) individuals who are selected by the Sustainable Resources Center based on guidelines targeting specific populations within the pilot communities.
The amount of the Minnesota grown coupons must be excluded as income under the AFDC, refugee cash assistance, general assistance, MFIP, MFIP-R, MFIP-S, food stamp programs, state housing subsidy programs, low-income energy assistance programs, and other programs that do not count food stamps as income.

The coupons must be clearly labeled as redeemable only for products licensed to use the Minnesota grown logo or labeling statement under Minnesota Statutes, section 17.102. Coupons may be redeemed by farmers, custom meat processors, community-supported agriculture farms, and other entities approved by the commissioner of agriculture. The person accepting the coupon is responsible for its redemption only on products licensed to use the Minnesota grown logo or labeling statement. The commissioner must receive and reimburse all valid coupons redeemed pursuant to this section.

The commissioner may establish criteria for vendor eligibility and may enforce the Minnesota grown coupon program according to Minnesota Statutes, sections 17.982 to 17.984.

$160,000 in fiscal year 1999 is for value-added agricultural product processing and marketing grants under Minnesota Statutes, section 17.101, subdivision 5. This appropriation and the appropriation in Laws 1997, chapter 216, section 7, subdivision 3, for grants under Minnesota Statutes, section 17.101, subdivision 5, are available until June 30, 2001.

$125,000 in fiscal year 1999 is for a grant to the Market Champ, Inc. board. This is a one-time appropriation.

$25,000 in fiscal year 1999 is for the Passing on the Farm Center established in Minnesota Statutes, section 17.985. This is a one-time appropriation.

$200,000 in fiscal year 1999 is to expand the shared savings loan program under Minnesota Statutes, section 17.115, to include a program of revolving loans for demonstration projects of farm manure digester technology. Notwithstanding the

limitations of Minnesota Statutes, section 17.115, subdivision 2, paragraphs (b) and (c), loans under this program are no-interest loans in principal amounts not to exceed $200,000 and may be made to any resident of this state. Loans for one or more projects must be made only after the commissioner seeks applications. Loans under this program may be used as a match for federal loans or grants. Money repaid from loans must be returned to the revolving fund for future projects. This is a one-time appropriation.

$50,000 in fiscal year 1998 is for a grant to the University of Minnesota for investigation, screening, and a survey of existing research into the design and development of low-cost alternatives to pasteurization that provide comparable bacteria count reduction in fruit juice. The commissioner must report to the chair of the house environment, natural resources, and agriculture finance committee and the chair of the senate environment and agriculture budget division by January 15, 1999, regarding the results of the research and with a recommendation for further action.

$25,000 in fiscal year 1998 is for a grant to the University of Minnesota to study factors associated with farms that experience varying levels of livestock depredation caused by timber wolves. The university shall make recommendations to the commissioner to assist in the development of best management practices to prevent timber wolf depredation on livestock farms. This appropriation is available until June 30, 1999.

$60,000 in fiscal year 1999 is for payment of attorney general and other costs of assisting local government

units in the process of adoption, review, or modification of ordinances relating to animal feedlots. This appropriation is available until June 30, 1999.

$107,000 in fiscal year 1999 is for development of the program under Minnesota Statutes, section 18C.430. This is a one-time appropriation.

As a condition of receiving state funds, the ethanol production plant in St. Paul must provide year-round public access to the well that was publicly accessible when the plant was a brewery.

Sec. 7. UNIVERSITY OF MINNESOTA -0- 292,000

For alternative and sustainable hog production facilities and programs.

$125,000 of this appropriation is for a grant to the Minnesota Institute for Sustainable Agriculture to extend funding for the Alternative Swine Production Systems Task Force and coordinator. $30,000 of this appropriation is for a grant to the Minnesota Institute for Sustainable Agriculture for alternative and sustainable hog production programs and program support, including on-farm systems research. $137,000 of this appropriation is to establish a faculty position in agricultural and community sociology at the University of Minnesota-Morris, focusing on the sustainability of agricultural systems and rural communities. The position shall be defined by the Alternative Swine Production Systems Task Force. This is a one-time appropriation.

Sec. 8. BOARD OF ANIMAL HEALTH 30,000 160,000

$30,000 in fiscal year 1998 and $160,000 in fiscal year 1999 is for expansion of the program for the control of paratuberculosis ("Johne's disease") in domestic bovine herds. These appropriations are in addition to

the appropriations for the same purposes in Laws 1997, chapter 216, section 8.

Sec. 9. ADMINISTRATION -0- 350,000

Summary by Fund

General Fund -0- 300,000

Natural Resources Fund -0- 50,000

$50,000 is from the water recreation account in the natural resources fund for a study by a qualified consultant to determine the actual percentage of all gasoline received in and produced or brought into the state, except gasoline used for aviation purposes, that is being used as fuel for watercraft in this state. The study must include a determination of the amount of gasoline consumed by vehicles in the course of transporting watercraft on the highways of this state. The commissioner shall consult with the commissioners of revenue, transportation, and natural resources in preparing the request for proposals for the study and in selecting the consultant to perform the study. The commissioner shall report to the chairs of the senate and house environment and natural resources committees, the senate environment and agriculture budget division, the house environment, natural resources, and agriculture finance committee, the senate transportation committee, and the house transportation and transit committee on the results of the study by February 1, 1999. This is a one-time appropriation.

$300,000 is for modifications of department of natural resources business systems to address year 2000 changes. This appropriation is added to the appropriation for technology management in Laws 1997, chapter 202, article 1, section 12, subdivision 7. This is a one-time appropriation.

Sec. 10. ETHANOL DEVELOPMENT

FUND TRANSFER
As cash flow in the ethanol development fund under Minnesota Statutes, section 41B.044, permits, but no later than June 30, 1999, the commissioner of finance, in consultation with the commissioner of agriculture, shall transfer $400,000 from the unencumbered balance in the fund to the general fund. This transfer is in addition to the transfer required by Laws 1997, chapter 216, section 17.

Sec. 11. Minnesota Statutes 1996, section 3.737, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION REQUIRED.] (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed by a timber wolf or is so crippled so by a timber wolf that it must be destroyed by an animal classified as endangered under the federal Endangered Species Act of 1973. The owner is entitled to the fair market value of the destroyed livestock, not to exceed $400 $750 per animal destroyed, as determined by the commissioner, upon recommendation of the county a university extension agent for the owner's county and a conservation officer.

(b) Either the agent or the conservation officer must make a personal inspection of the site. The agent or the conservation officer must take into account factors in addition to a visual identification of a carcass when making a recommendation to the commissioner. The commissioner, upon recommendation of the agent and conservation officer, shall determine whether the livestock was destroyed by an animal described in this subdivision a timber wolf and any deficiencies in the owner's adoption of the best management practices developed in subdivision 5. The commissioner may authorize payment of claims only if the agent and the conservation officer have recommended payment. The owner shall file a claim on forms provided by the commissioner and available at the county university extension agent's office.

Sec. 12. Minnesota Statutes 1996, section 3.737, subdivision 4, is amended to read:

Subd. 4. [PAYMENT, DENIAL OF COMPENSATION.] (a) If the commissioner finds that the livestock owner has shown that the loss of the livestock was likely caused more probably than not by an animal classified as an endangered species a timber wolf,

the commissioner shall pay compensation as provided in this section and in the rules of the department.

(b) For a timber wolf depredation claim submitted by a livestock owner after September 1, 1999, the commissioner shall, based on the report from the university extension agent and conservation officer, evaluate the claim for conformance with the best management practices developed by the commissioner in subdivision 5. The commissioner must provide to the livestock owner an itemized list of any deficiencies in the livestock owner's adoption of best management practices that were noted in the university extension agent's or conservation officer's report.

(c) If the commissioner denies compensation claimed by an owner under this section, the commissioner shall issue a written decision based upon the available evidence. It shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be mailed to the owner.

(d) A decision to deny compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days of the filing.

Sec. 13. Minnesota Statutes 1996, section 3.737, is amended by adding a subdivision to read:

Subd. 5. [TIMBER WOLF BEST MANAGEMENT PRACTICES.] By September 1, 1999, the commissioner must develop best management practices to prevent timber wolf depredation on livestock farms. The commissioner shall periodically update the best management practices when new practices are found by the commissioner to prevent timber wolf depredation on livestock farms. The commissioner must provide an updated copy of the best management practices for timber wolf depredation to all livestock owners who are still engaged in livestock farming and have previously submitted livestock claims under this section.

Sec. 14. Minnesota Statutes 1997 Supplement, section 17.101, subdivision 5, is amended to read:

Subd. 5. [VALUE-ADDED AGRICULTURAL LIVESTOCK PRODUCT PROCESSING AND MARKETING GRANT PROGRAM.] (a) For purposes of this section,:

(1) "livestock or dairy agricultural commodity" means a

material produced for use in or as food, feed, seed, or fiber and includes crops for fiber, food, oilseeds, seeds, livestock, livestock products, dairy, dairy products, poultry, poultry products, and other products or by-products of the farm produced for the same or similar use, except ethanol; and

(2) "agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agricultural livestock or dairy commodities produced in Minnesota.

(b) The commissioner shall establish and implement a value-added agricultural livestock and dairy product processing and marketing grant program to help farmers finance new cooperatives that organize for the purposes of operating livestock and dairy agricultural product processing facilities and for marketing activities related to the sale and distribution of processed livestock and dairy agricultural products.

(c) To be eligible for this program a grantee must:

(1) be a cooperative organized under chapter 308A;

(2) certify that all of the control and equity in the cooperative is from farmers as defined in section 500.24, subdivision 2, who are actively engaged in livestock or dairy agricultural commodity production;

(3) be operated primarily for the processing of livestock or dairy agricultural commodities produced in Minnesota;

(4) receive livestock or dairy agricultural commodities produced primarily by shareholders or members of the cooperative; and

(5) have no direct or indirect involvement in the production of livestock and dairy agricultural commodities.

(d) The commissioner may receive applications from and make grants up to $50,000 for feasibility, marketing analysis, and predesign of facilities to eligible cooperatives. The commissioner shall give priority to applicants who use the grants for planning costs related to an application for financial assistance from the United States Department of Agriculture, Rural Business - Cooperative Service.

Sec. 15. [17.987] [MARKET CHAMP, INC; ACCESS TO QUALITY GENETICS BY FAMILY FARMERS.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] Market Champ, Inc. is established as a nonprofit public corporation under chapter 317A and is subject to the provisions of that chapter. The corporation is neither a state agency nor an entity within the University of Minnesota. The purpose of the corporation is

to transfer high quality swine genetic material from the University of Minnesota to the family farmers of the state in order to enhance the state's economic growth and the competitiveness of family farmers. Market Champ, Inc. shall assist Minnesota swine producers in understanding genetic technologies and developing improved animal genetic lines.

Subd. 2. [DUTIES.] Market Champ, Inc. shall:

(1) encourage family farmers to use the highest quality swine genetics;

(2) facilitate the transfer of the latest swine genetic research and technology information and materials from the University of Minnesota and other sources to family farmers;

(3) assist family farmers to market the swine they produce;

(4) develop a system for tracking family farmers' products through the processing, meat packing, and marketing system to determine the market value of the genetic technology;

(5) provide genetic testing, counseling, and assistance in genetic decisions to identify new market developments and capture value-added opportunities;

(6) provide centralized testing services with regional technology transfer specialists;

(7) secure access to new genetic tests and services for all Minnesota producers through licensing agreements; and

(8) assist family farmers who do not otherwise have access to high quality genetic technologies.

Subd. 3. [BOARD OF DIRECTORS.] (a) Market Champ, Inc. shall be governed by a board of directors consisting of 11 voting members, appointed by the governor.

(b) The members of the board shall be:

(1) two representatives of small family farmers with under 250 sows;

(2) one representative of purebred swine producers;

(3) one member of the Minnesota Pork Producers Association;

(4) one representative of the pork industry;

(5) one member of the meat packing industry;

(6) one member representing the University of Minnesota;

(7) one member representing Minnesota state colleges and universities;

(8) the commissioner of agriculture;

(9) the chair of the senate committee on agriculture and rural development, or the chair's designee; and

(10) the chair of the house committee on agriculture, or the chair's designee.

Members listed in clauses (1) to (5) must be recommended by the president of the University of Minnesota or a designee of the president, in consultation with the chairs of the senate and

house of representatives committees with jurisdiction over agricultural policy and finance issues.

(c) Meetings of the board are subject to section 471.705.

(d) Members of the board shall be compensated and reimbursed in the same manner as members of advisory councils under section 15.059, subdivision 3.

Subd. 4. [BYLAWS.] Bylaws of Market Champ, Inc. must provide for the qualification and removal of directors and for filling vacancies on the board in a manner not inconsistent with this section.

Subd. 5. [ARTICLES OF INCORPORATION.] The articles of incorporation of Market Champ, Inc. must be filed with the secretary of state under chapter 317A and must be consistent with this section.

Subd. 6. [AUDIT.] Market Champ, Inc. shall contract with the legislative auditor to perform audits and must report the results to the legislature.

Subd. 7. [REPORT.] The board of directors of Market Champ, Inc. shall submit an annual report on the activities of Market Champ, Inc. by January 15 of each year to the appropriations, finance, and agriculture committees of the legislature and to the governor. The report must include a description of the corporation's activities for the past year, a list of all contracts entered into by the corporation, and a financial report of revenues and expenditures of the corporation.

Subd. 8. [EXPIRATION.] The board of directors of Market Champ, Inc. expires on June 30, 2003.

Sec. 16. Minnesota Statutes 1996, section 18C.141, is amended to read:

18C.141 [SOIL AND MANURE TESTING LABORATORY CERTIFICATION.]

Subdivision 1. [PROGRAM ESTABLISHMENT.] The commissioner shall establish a program to certify the accuracy of analyses from soil and manure testing laboratories and promote standardization of soil and manure testing procedures and analytical results.

Subd. 2. [CHECK SAMPLE SYSTEM.] (a) The commissioner shall institute a system of check samples that requires a laboratory to be certified to analyze at least four two multiple soil or manure check samples during the calendar year. The samples must be supplied by the commissioner or by a person under contract with the commissioner to prepare and distribute the samples.

(b) Within 30 days after the laboratory receives check samples, the laboratory shall report to the commissioner the results of the analyses for all requested elements or compounds or for the elements or compounds the laboratory makes an analytical determination of as a service to others.

(c) The commissioner shall compile analytical data submitted by laboratories and provide laboratories submitting samples with a copy of the data without laboratory names or code numbers.

(d) The commissioner may conduct check samples on laboratories that are not certified.

Subd. 3. [ANALYSES REPORTING STANDARDS.] (a) The results obtained from soil, manure, or plant analysis must be reported in accordance with standard reporting units established by the commissioner by rule. The standard reporting units must conform as far as practical to uniform standards that are adopted on a regional or national basis.

(b) If a certified laboratory offers a recommendation, the University of Minnesota recommendation or that of another land grant college in a contiguous state must be offered in addition to other recommendations, and the source of the recommendation must be identified on the recommendation form. If relative levels such as low, medium, or high are presented to classify the analytical results, the corresponding relative levels based on the analysis as designated by the University of Minnesota or the land grant college in a contiguous state must also be presented.

Subd. 4. [REVOCATION OF CERTIFICATION.] If the commissioner determines that analysis being performed by a laboratory is inaccurate as evidenced by check sample results, the commissioner may deny, suspend, or revoke certification.

Subd. 5. [CERTIFICATION FEES.] (a) A laboratory applying for certification shall pay an application fee of $100 and a certification fee of $100 before the certification is issued.

(b) Certification is valid for one year and the renewal fee is $100. The commissioner shall charge an additional application fee of $100 if a certified laboratory allows certification to lapse before applying for renewed certification.

(c) The commissioner shall notify a certified lab that its certification lapses within 30 to 60 days of the date when the certification lapses.

Subd. 6. [RULES.] The commissioner shall adopt rules for the establishment of minimum standards for laboratories, equipment, procedures, and personnel used in soil and manure analysis and rules necessary to administer and enforce this section. The commissioner shall consult with representatives of the fertilizer industry, representatives of the laboratories doing business in this state, and with the University of Minnesota college of agriculture before proposing rules.

Sec. 17. [18C.430] [COMMERCIAL ANIMAL WASTE TECHNICIAN.]

Subdivision 1. [REQUIREMENT.] (a) Except as provided in

paragraph (c), after March 1, 2000, a person may not manage or apply animal wastes for hire without a valid commercial animal waste technician license. This section does not apply to a person managing or applying animal waste on land managed by the person's employer.

(b) A person managing or applying animal wastes for hire must have a valid license identification card when managing or applying animal wastes for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

(c) A person who is not a licensed commercial animal waste technician who has had at least two hours of training or experience in animal waste management may manage or apply animal waste for hire under the supervision of a commercial animal waste technician.

Subd. 2. [RESPONSIBILITY.] A person required to be licensed under this section who performs animal waste management or application for hire or who employs a person to perform animal waste management or application for compensation is responsible for proper management or application of the animal wastes.

Subd. 3. [LICENSE.] A commercial animal waste technician license:

(1) is valid for three years and expires on December 31 of the third year for which it is issued, unless suspended or revoked before that date;

(2) is not transferable to another person; and

(3) must be prominently displayed to the public in the commercial animal waste technician's place of business.

Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a commercial animal waste technician license on forms and in the manner required by the commissioner and must include the application fee. The commissioner shall prescribe and administer an examination or equivalent measure to determine if the applicant is eligible for the commercial animal waste technician license.

(b) The commissioner of agriculture, in cooperation with the Minnesota extension service and appropriate educational institutions, shall establish and implement a program for training and licensing commercial animal waste technicians.

Subd. 5. [RENEWAL APPLICATION.] A person must apply to the commissioner of agriculture to renew a commercial animal waste technician license and must include the application fee. The commissioner may renew a commercial animal waste technician license, subject to reexamination, attendance at workshops

approved by the commissioner, or other requirements imposed by the commissioner to provide the animal waste technician with information regarding changing technology and to help ensure a continuing level of competence and ability to manage and apply animal wastes properly. The applicant may renew a commercial animal waste technician license within 12 months after expiration of the license without having to meet initial testing requirements. The commissioner may require additional demonstration of animal waste technician qualification if a person has had a license suspended or revoked or has had a history of violations of this section.

Subd. 6. [FINANCIAL RESPONSIBILITY.] (a) A commercial animal waste technician license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by (1) proof of net assets equal to or greater than $50,000, or (2) a performance bond or insurance of the kind and in an amount determined by the commissioner of agriculture.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner shall immediately suspend the license of a person who fails to maintain the required bond or insurance.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under paragraph (b) must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 7. [APPLICATION FEE.] A person initially applying for or renewing a commercial animal waste technician license must pay a nonrefundable application fee of $50 and a fee of $10 for each additional identification card requested.

Sec. 18. Minnesota Statutes 1996, section 35.82, subdivision 2, is amended to read:

Subd. 2. [DISPOSITION OF CARCASSES.] (a) Except as provided in subdivision 1b and paragraph (d), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at least three feet deep at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive secretary, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as

required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the pollution control agency feedlot program shall distribute them to livestock producers in the

state.

Sec. 19. Minnesota Statutes 1996, section 41A.09, subdivision 1a, is amended to read:

Subd. 1a. [ETHANOL PRODUCTION GOAL.] It is a goal of the state that ethanol production plants in the state attain a total annual production level of 220,000,000 240,000,000 gallons.

Sec. 20. Minnesota Statutes 1997 Supplement, section 41A.09, subdivision 3a, is amended to read:

Subd. 3a. [PAYMENTS.] (a) The commissioner of agriculture shall make cash payments to producers of ethanol, anhydrous alcohol, and wet alcohol located in the state. These payments shall apply only to ethanol, anhydrous alcohol, and wet alcohol fermented in the state and produced at plants that have begun production by June 30, 2000. For the purpose of this subdivision, an entity that holds a controlling interest in more than one ethanol plant is considered a single producer. The amount of the payment for each producer's annual production is:

(1) except as provided in paragraph (b), for each gallon of ethanol or anhydrous alcohol produced on or before June 30, 2000, or ten years after the start of production, whichever is later, 20 cents per gallon; and

(2) for each gallon produced of wet alcohol on or before June 30, 2000, or ten years after the start of production, whichever is later, a payment in cents per gallon calculated by the formula "alcohol purity in percent divided by five," and rounded to the nearest cent per gallon, but not less than 11 cents per gallon.

The producer payments for anhydrous alcohol and wet alcohol under this section may be paid to either the original producer of anhydrous alcohol or wet alcohol or the secondary processor, at the option of the original producer, but not to both.

(b) If the level of production at an ethanol plant increases due to an increase in the production capacity of the plant and the increased production begins by June 30, 2000, the payment under paragraph (a), clause (1), applies to the additional increment of production until ten years after the increased production began. Once a plant's production capacity reaches 15,000,000 gallons per year, no additional increment will qualify for the payment.

(c) The commissioner shall make payments to producers of ethanol or wet alcohol in the amount of 1.5 cents for each kilowatt hour of electricity generated using closed-loop biomass in a cogeneration facility at an ethanol plant located in the state. Payments under this paragraph shall be made only for electricity generated at cogeneration facilities that begin operation by June 30, 2000. The payments apply to electricity

generated on or before the date ten years after the producer first qualifies for payment under this paragraph. Total payments under this paragraph in any fiscal year may not exceed $750,000. For the purposes of this paragraph:

(1) "closed-loop biomass" means any organic material from a plant that is planted for the purpose of being used to generate electricity or for multiple purposes that include being used to generate electricity; and

(2) "cogeneration" means the combined generation of:

(i) electrical or mechanical power; and

(ii) steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.

(d) Except for new production capacity approved under paragraph (i), clause (1), the total payments under paragraphs (a) and (b) to all producers may not exceed $34,000,000 in a fiscal year. Total payments under paragraphs (a) and (b) to a producer in a fiscal year may not exceed $3,000,000.

(e) By the last day of October, January, April, and July, each producer shall file a claim for payment for ethanol, anhydrous alcohol, and wet alcohol production during the preceding three calendar months. A producer with more than one plant shall file a separate claim for each plant. A producer shall file a separate claim for the original production capacity of each plant and for each additional increment of production that qualifies under paragraph (b). A producer that files a claim under this subdivision shall include a statement of the producer's total ethanol, anhydrous alcohol, and wet alcohol production in Minnesota during the quarter covered by the claim, including anhydrous alcohol and wet alcohol produced or received from an outside source. A producer shall file a separate claim for any amount claimed under paragraph (c). For each claim and statement of total ethanol, anhydrous alcohol, and wet alcohol production filed under this subdivision, the volume of ethanol, anhydrous alcohol, and wet alcohol production or amounts of electricity generated using closed-loop biomass must be examined by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(f) Payments shall be made November 15, February 15, May 15, and August 15. A separate payment shall be made for each claim filed. The total quarterly payment to a producer under this paragraph, excluding amounts paid under paragraph (c), may not exceed $750,000. Except for new production capacity approved under paragraph (i), clause (1), if the total amount for which all other producers are eligible in a quarter under

paragraphs (a) and (b) exceeds $8,500,000, the commissioner shall make payments for production capacity that is subject to this restriction in the order in which the portion of production capacity covered by each claim went into production. If the total amount of ethanol or wet alcohol production reported for a quarter under paragraph (e) equals or exceeds 55,000,000 gallons:

(1) payments under this subdivision do not apply to the amount produced in excess of 55,000,000 gallons;

(2) the commissioner shall make payments to producers in the order in which the portion of production capacity covered by each claim began production; and

(3) only those producers that receive payments for the quarter, or received payments under paragraph (a) or (b) in an earlier quarter, will be eligible for future ethanol or wet alcohol production payments under this subdivision.

(g) If the total amount for which all producers are eligible in a quarter under paragraph (c) exceeds the amount available for payments, the commissioner shall make payments in the order in which the plants covered by the claims began generating electricity using closed-loop biomass.

(h) After July 1, 1997, new production capacity is only eligible for payment under this subdivision if the commissioner receives:

(1) an application for approval of the new production capacity;

(2) an appropriate letter of long-term financial commitment for construction of the new production capacity; and

(3) copies of all necessary permits for construction of the new production capacity.

The commissioner may approve the additional new production capacity based on the order in which the applications are received. The commissioner shall not approve production capacity in excess of the limitations in paragraph (f).

(i) After the effective date of this section, the commissioner may only approve: (1) up to 12,000,000 gallons of new production capacity at one plant that has not previously received approval or payment for any production capacity; or (2) new production capacity at existing plants are not eligible for new capacity beyond not to exceed planned expansions reported to the commissioner by February 1997. The commissioner may not approve any new production capacity after July 1, 1998.

(j) For the purposes of this subdivision "new production capacity" means annual ethanol production capacity that was not allowed under a permit issued by the pollution control agency prior to July 1, 1997, or for which construction did not begin prior to July 1, 1997.

Sec. 21. Minnesota Statutes 1997 Supplement, section 84.8205, is amended to read:

84.8205 [SNOWMOBILE STATE TRAIL PERMIT STICKER.]

Subdivision 1. [STICKER REQUIRED; FEE.] A person may not operate a snowmobile that is not registered in this state may not be operated on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile operator has in possession a snowmobile state trail permit. The commissioner of natural resources shall issue a permit sticker upon application and payment of a $15 fee. The permit sticker is valid from November 1 through April 30. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Subd. 2. [PLACEMENT OF STICKER.] The state trail sticker shall be permanently affixed to the forward half of the snowmobile directly above or below the headlight of the snowmobile.

Subd. 3. [LICENSE AGENTS.] County auditors are appointed agents of the commissioner for the sale of snowmobile state trail stickers. The commissioner may appoint other state agencies as agents for the sale of the stickers. A county auditor may appoint subagents within the county or within adjacent counties to sell stickers. Upon appointment of a subagent, the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent, and the commissioner may revoke the appointment of a state agency at any time. The commissioner may require an auditor to revoke a subagent's appointment. The auditor shall furnish stickers on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the stickers to be consigned to that subagent. A surety bond is not required for a state agency appointed by the commissioner. The county auditor shall be responsible for all stickers issued to and user fees received by agents except in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed by this section upon the county auditor are imposed upon the county. The commissioner may promulgate additional rules governing the accounting and procedures for handling state trail stickers as provided in section 97A.485, subdivision 11.

Any resident desiring to sell snowmobile state trail stickers may either purchase for cash or obtain on consignment stickers from a county auditor in groups of not less than ten individual stickers. In selling stickers, the resident shall be

deemed a subagent of the county auditor and the commissioner, and shall observe all rules promulgated by the commissioner for accounting and handling of licenses and stickers pursuant to section 97A.485, subdivision 11.

The county auditor shall promptly deposit all money received from the sale of the stickers with the county treasurer and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price paid by each stickerholder, exclusive of the issuing fee, for each sticker sold or consigned by the auditor and subsequently sold to a stickerholder during the accounting period. The county auditor shall retain as a commission four percent of all sticker fees, excluding the issuing fee for stickers consigned to subagents and the issuing fee on stickers sold by the auditor to stickerholders.

Unsold stickers in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any stickers not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Subd. 4. [DISTRIBUTION OF STICKERS.] The commissioner shall provide stickers to all agents authorized to issue stickers by the commissioner.

Subd. 5. [AGENT'S FEE.] The fee for a sticker shall be increased by the amount of an issuing fee of $1 per sticker. The issuing fee may be retained by the seller of the sticker.

Sec. 22. Minnesota Statutes 1997 Supplement, section 84.86, subdivision 1, is amended to read:

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails, including, but not limited to, the use of specified metal traction devices and nonmetal traction devices.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety

education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed $5 from each person who receives the youth and young adult training and a fee established under chapter 16A from each person who receives the adult training. The commissioner shall deposit the fee in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of $500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 23. Minnesota Statutes 1996, section 84.871, is amended to read:

84.871 [MUFFLERS EQUIPMENT REQUIREMENTS.]

Subdivision 1. [MUFFLERS.] Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land; (2) public lands and water under the jurisdiction of the commissioner of natural resources, with the commissioner's permission; or (3) other public lands, with the consent of the public agency owning the

land. No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules of the commissioner after the effective date of the rules.

Subd. 2. [METAL TRACTION DEVICES ON SNOWMOBILE TRACKS.] Except as provided in this subdivision, a person may not operate a snowmobile with a track equipped with metal traction devices on public lands, roads, or trails, or public road or trail rights-of-way. Pursuant to section 84.86, the commissioner may adopt rules that: (1) limit the use of nonmetal traction devices; and (2) permit metal traction devices that meet certain specifications.

Sec. 24. [84.8715] [METAL TRACTION DEVICE STICKER.]

Subdivision 1. [STICKER REQUIRED; FEE.] A person may not operate a snowmobile with a track equipped with metal traction devices unless a metal traction device sticker is affixed to the snowmobile. The commissioner shall issue a metal traction device sticker upon application and payment of a $50 fee. The sticker is valid for one year following June 30 in the year it is issued. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund. Money deposited under this section must be used for repair of paved public trails except that any money not necessary for this purpose may be used for the grant-in-aid snowmobile trail system.

Subd. 2. [PLACEMENT OF STICKER.] The metal traction device sticker must be permanently affixed to the forward half of the snowmobile directly above or below the headlight of the snowmobile.

Subd. 3. [LICENSE AGENTS.] The commissioner shall sell metal traction device stickers through the process established under section 84.8205.

Subd. 4. [REPEALER.] This section is repealed on July 1, 1999.

Sec. 25. Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c, is amended to read:

Subd. 1c. [METAL TRACTION DEVICES; PROHIBITION ON PAVED TRAILS.] A person may not use a snowmobile with metal traction devices on any paved state public trail, except as otherwise provided by a local government with jurisdiction over a trail.

Sec. 26. [85.0156] [MISSISSIPPI WHITEWATER TRAIL.]

Subdivision 1. [CREATION.] An urban whitewater trail is created along the Mississippi river in the lower St. Anthony falls area below the stone arch bridge in Minneapolis. The trail must be primarily developed for whitewater rafters, canoers, and kayakers.

Subd. 2. [COMMISSIONER'S DUTIES.] (a) The commissioner of natural resources must coordinate the creation of the whitewater trail by placing designation signs near and along the river and must publicize the designation.

(b) In designating the Mississippi whitewater trail, the commissioner must work with other federal, state, and local agencies and private businesses and organizations interested in the trail.

Subd. 3. [GIFTS; DONATIONS.] The commissioner of natural resources is authorized to accept, on behalf of a nonprofit corporation, donations of land or easements in land for the whitewater trail and may seek and accept money for the trail from other public and private sources.

Sec. 27. Minnesota Statutes 1996, section 86B.101, subdivision 2, is amended to read:

Subd. 2. [YOUTH WATERCRAFT SAFETY COURSE.] (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft.

(b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

Sec. 28. Minnesota Statutes 1996, section 86B.415, subdivision 1, is amended to read:

Subdivision 1. [WATERCRAFT 19 FEET OR LESS.] The fee for a watercraft license for watercraft 19 feet or less in length is $12 except:

(1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered for rent or lease, the fee is $6;

(2) for a canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell 19 feet in length or less, the fee is $7;

(3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4; and

(4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5.

Sec. 29. Minnesota Statutes 1996, section 86B.415, is amended by adding a subdivision to read:

Subd. 7a. [PERSONAL WATERCRAFT SURCHARGE.] A $50 surcharge

is placed on each personal watercraft licensed under subdivisions 1 to 5 for enforcement of personal watercraft laws and for personal watercraft safety education. The surcharge must be deposited in the state treasury and credited to the water recreation account in the natural resources fund. Any grants to counties from revenue collected under this subdivision must be proportional to the use of personal watercraft in each county. Grants made under this subdivision are subject to the applicable administrative, reporting, and auditing requirements in sections 86B.701 and 86B.705.

Sec. 30. Minnesota Statutes 1996, section 89A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota forest resources council has 13 members appointed by the governor and one member appointed by the Indian affairs council. The council membership appointed by the governor must include one representative from each of the following individuals:

(1) a representative from an organization representing environmental interests within the state;

(2) a representative from an organization representing the interests of management of game species;

(3) a representative from a conservation organization;

(4) a representative from an association representing forest products industry within the state;

(5) a commercial logging contractor active in a forest product association;

(6) a representative from a statewide association representing the resort and tourism industry;

(7) a faculty or researcher of a Minnesota research or higher educational institution;

(8) an owner of nonindustrial, private forest land of 40 acres or more;

(9) an agricultural woodlot owner;

(10) a representative from the department;

(11) a county land commissioner who is a member of the Minnesota association of county land commissioners;

(12) a representative from the United States Forest Service unit with land management responsibility in Minnesota; and

(13) a representative from a labor organization with membership having an interest in forest resource issues.

Sec. 31. Minnesota Statutes 1996, section 90.193, is amended to read:

90.193 [EXTENSION OF TIMBER PERMITS.]

The commissioner may, in the case of an exceptional circumstance beyond the control of the timber permit holder which makes it unreasonable, impractical, and not feasible to

complete cutting and removal under the permit within the time allowed, grant an extension of one year. A request for the extension must be received by the commissioner before the permit expires. The request must state the reason the extension is necessary and be signed by the permit holder. The value of the timber remaining to be cut will be recalculated using current stumpage rates. Any timber cut during the period of extension or remaining uncut at the expiration of the extension shall be billed for at the stumpage rates determined at the time of extension provided that in no event shall stumpage rates be less than those in effect at the time of the original sale. An interest rate of eight percent will may be charged for the period of extension.

Sec. 32. Minnesota Statutes 1996, section 93.002, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The mineral coordinating committee is established to plan for diversified mineral development. The mineral coordinating committee consists of the director of the minerals division of the department of natural resources, the deputy commissioner of the Minnesota pollution control agency, the director of United Steelworkers of America, district 11, or the director's designee, the commissioner of the iron range resources and rehabilitation board, the director of the Minnesota geological survey, the dean of the University of Minnesota institute of technology, and the director of the natural resources research institute, and three individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, the nonferrous metallic minerals, and the industrial minerals industries within the state. The director of the minerals division of the department of natural resources shall serve as chair. A member of the committee may designate another person of the member's organization to act in the member's place. The commissioner of natural resources shall provide staff and administrative services necessary for the committee's activities.

The mineral coordinating committee is encouraged to solicit and receive advice from representatives of the United States Bureau of Mines, the United States Geological Survey, and the United States Environmental Protection Agency.

Sec. 33. Minnesota Statutes 1996, section 97A.037, subdivision 1, is amended to read:

Subdivision 1. [INTERFERENCE WITH TAKING WILD ANIMALS PROHIBITED.] A person who has the intent to prevent, or disrupt, or dissuade the taking of another person from taking or preparing to take a wild animal or enjoyment of the out-of-doors may must not disturb or interfere with another that person who

if that person is lawfully taking a wild animal or preparing to take a wild animal. "Preparing to take a wild animal" includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take lawfully a wild animal.

Sec. 34. Minnesota Statutes 1996, section 97A.245, is amended to read:

97A.245 [REWARDS.]

The commissioner may pay rewards for information leading to the conviction of a person that has violated a provision of laws relating to wild animals or threatened or endangered species of wildlife. A reward may not exceed $500, except a reward for information relating to big game or threatened or endangered species of wildlife, may be up to $1,000 and a reward for information relating to timber wolves may be up to $2,500. The rewards may only be paid from funds donated to the commissioner for these purposes and may not be paid to salaried conservation officers or peace officers.

Sec. 35. Minnesota Statutes 1996, section 103C.315, subdivision 4, is amended to read:

Subd. 4. [COMPENSATION.] A supervisor shall receive compensation for services as the state board may determine, and may be reimbursed for expenses, including traveling expenses, necessarily incurred in the discharge of duties. A supervisor shall may be reimbursed for the use of the supervisor's own automobile in the performance of official duties at the a rate per mile prescribed for state officers and employees up to the maximum tax-deductible mileage rate permitted under the federal Internal Revenue Code.

Sec. 36. Minnesota Statutes 1996, section 103F.155, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER'S REVIEW.] (a) The commissioner shall review the plan and consult with the state office of civil defense and other appropriate state and federal agencies. Following the review, the commissioner shall accept, require modification, or reject the plan.

(b) If required modifications are not made, or if the plan is rejected, the commissioner shall order the removal of the emergency protection measures and shall not provide grant money under section 103F.161 until the plan is approved or the required modifications are made.

Sec. 37. Minnesota Statutes 1996, section 103F.161, subdivision 2, is amended to read:

Subd. 2. [ACTION ON GRANT APPLICATIONS.] (a) A local government may apply to the commissioner for a grant on forms provided by the commissioner. The commissioner shall confer

with the local government requesting the grant and may make a grant up to $75,000 $150,000 based on the following considerations:

(1) the extent and effectiveness of mitigation measures already implemented by the local government requesting the grant;

(2) the feasibility, practicality, and effectiveness of the proposed mitigation measures and the associated nonflood related benefits and detriments;

(3) the level of grant assistance that should be provided to the local government, based on available facts regarding the nature, extent, and severity of flood problems;

(4) the frequency of occurrence of severe flooding that has resulted in declaration of the area as a flood disaster area by the President of the United States;

(5) the economic, social, and environmental benefits and detriments of the proposed mitigation measures;

(6) whether the floodplain management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner, the degree of enforcement of the ordinance or regulation, and whether the local government is complying with the ordinance or regulation;

(7) the degree to which the grant request is consistent with local water plans developed under chapters 103B and 103D;

(8) the financial capability of the local government to solve its flood hazard problems without financial assistance; and

(9) the estimated cost and method of financing of the proposed mitigation measures based on local money and federal and state financial assistance.

(b) If the amount of the grant requested is $75,000 $150,000 or more, the commissioner shall determine, under the considerations in paragraph (a), whether any part of the grant should be awarded. The commissioner must submit an appropriation request to the governor and the legislature for funding consideration before each odd-numbered year, consisting of requests or parts of grant requests of $75,000 $150,000 or more. The commissioner must prioritize the grant requests, under the considerations in paragraph (a), beginning with the projects the commissioner determines most deserving of financing.

(c) A grant may not exceed one-half the total cost of the proposed mitigation measures.

(d) After July 1, 1991, grants made under this section may be made to local governments whose grant requests are part of, or responsive to, a comprehensive local water plan prepared under chapter 103B or 103D.

Sec. 38. Minnesota Statutes 1996, section 103G.271, subdivision 6, is amended to read:

Subd. 6. [WATER USE PERMIT PROCESSING FEE.] (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cents per 1,000 gallons for the first 50,000,000 gallons per year;

(2) 0.10 cents per 1,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;

(3) 0.15 cents per 1,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year; and

(4) 0.20 cents per 1,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;

(5) 0.25 cents per 1,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;

(6) 0.30 cents per 1,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;

(7) 0.35 cents per 1,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;

(8) 0.40 cents per 1,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year; and

(9) 0.45 cents per 1,000 gallons for amounts greater than 400,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) for nonprofit corporations and school districts:

(i) 5.0 cents per 1,000 gallons until December 31, 1991;

(ii) 10.0 cents per 1,000 gallons from January 1, 1992, until December 31, 1996; and

(iii), 15.0 cents per 1,000 gallons after January 1, 1997; and

(2) for all other users, 20 cents per 1,000 gallons.

(c) The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is $50.

(d) For water use processing fees other than once-through cooling systems:

(1) the fee for a city of the first class may not exceed $175,000 per year;

(2) the fee for other entities for any permitted use may

not exceed:

(i) $35,000 per year for an entity holding three or fewer permits;

(ii) $50,000 per year for an entity holding four or five permits;

(iii) $175,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed $750 per year; and

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed $10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is $10 for years in which:

(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) For once-through systems fees payable after July 1, 1993, 75 percent of the fees must be credited to a special account and are appropriated to the Minnesota public facilities authority for loans under section 446A.21.

Sec. 39. Minnesota Statutes 1996, section 115.076, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY OF COMMISSIONER.] (a) The agency may refuse to issue or to authorize the transfer of:

(1) a hazardous waste facility permit or a solid waste facility permit to construct or operate a commercial waste facility as defined in section 115A.03, subdivision 6, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the facility in conformance with the requirements of this chapter and chapters 114C and 116, or if other circumstances exist that demonstrate that the permit applicant may not operate the facility in

conformance with the requirements of this chapter and chapters 114C and 116; or

(2) an animal feedlot facility permit, under section 116.07, subdivision 7, to construct or operate an animal feedlot facility, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the feedlot facility in conformance with the requirements of this chapter and chapter 116 or if other circumstances exist that demonstrate that the permit applicant may not operate the feedlot facility in conformance with the requirements of this chapter and chapter 116.

(b) In making this a determination under paragraph (a), the agency may consider:

(1) the experience of the permit applicant in constructing or operating commercial waste facilities or animal feedlot facilities;

(2) the expertise of the permit applicant;

(3) the past record of the permit applicant in operating commercial waste facilities or animal feedlot facilities in Minnesota and other states;

(4) any criminal convictions of the permit applicant in state or federal court during the past five years that bear on the likelihood that the permit applicant will operate the facility in conformance with the applicable requirements of this chapter and chapters 114C and 116; and

(5) in the case of a corporation or business entity, any criminal convictions in state or federal court during the past five years of any of the permit applicant's officers, partners, or facility managers that bear on the likelihood that the applicable facility will be operated in conformance with the applicable requirements of this chapter and chapters 114C and 116.

Sec. 40. Minnesota Statutes 1997 Supplement, section 115.55, subdivision 5a, is amended to read:

Subd. 5a. [INSPECTION CRITERIA FOR EXISTING SYSTEMS.] (a) An inspection of an existing system must evaluate the criteria in paragraphs (b) to (h).

(b) If the inspector finds one or more of the following conditions:

(1) sewage discharge to surface water;

(2) sewage discharge to ground surface;

(3) sewage backup; or

(4) a cesspool; or

(5) any other situation with the potential to immediately and adversely affect or threaten public health or safety,

then the system constitutes an imminent threat to public health or safety and, if not repaired, must be upgraded, replaced, or

its use discontinued within ten months of receipt of the notice described in subdivision 5b, or within a shorter period of time if required by local ordinance.

(c) An existing system that has none of the conditions in paragraph (b), and has at least two feet of soil separation need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more restrictive.

(d) Paragraph (c) does not apply to systems in shoreland areas regulated under sections 103F.201 to 103F.221, wellhead protection areas as defined in section 103I.005, or those used in connection with food, beverage, and lodging establishments regulated under chapter 157.

(e) If the local unit of government with jurisdiction over the system has adopted an ordinance containing local standards pursuant to subdivision 7, the existing system must comply with the ordinance. If the system does not comply with the ordinance, it must be upgraded, replaced, or its use discontinued according to the ordinance.

(f) If a seepage pit, drywell, cesspool, or leaching pit exists and the local unit of government with jurisdiction over the system has not adopted local standards to the contrary, the system is failing and must be upgraded, replaced, or its use discontinued within the time required by subdivision 3 or local ordinance.

(g) If the system fails to provide sufficient groundwater protection, then the local unit of government or its agent shall order that the system be upgraded, replaced, or its use discontinued within the time required by rule or the local ordinance.

(h) The authority to find a threat to public health under section 145A.04, subdivision 8, is in addition to the authority to make a finding under paragraphs (b) to (d).

Sec. 41. Minnesota Statutes 1997 Supplement, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the

pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Natural Resources Conservation Service and the Agricultural Stabilization and Conservation Service Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this

section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) After May 17, 1997, any new rules or amendments to existing rules proposed under the authority granted in this subdivision, must be submitted to the members of legislative policy committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

Sec. 42. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:

Subd. 7b. [FEEDLOT INVENTORY NOTIFICATION AND PUBLIC MEETING REQUIREMENTS.] (a) Any state agency or local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must publicize notice of the inventory in a newspaper of general circulation in the affected area and in other media as appropriate. The notice must state the dates the inventory will be conducted, the information that will be requested in the inventory, and how the information collected will be provided to the public. The notice must also specify the date for a public meeting to provide information regarding the inventory.

(b) A local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must hold at least one public meeting within the boundaries of the jurisdiction of the local unit of government, prior to beginning

the inventory. A state agency conducting a survey of livestock feedlots must hold at least four public meetings outside of the seven-county Twin Cities metropolitan area, prior to beginning the inventory. The public meeting must provide information concerning the dates the inventory will be conducted, the procedure the agency or local unit of government will use to request the information to be included in the inventory, and how the information collected will be provided to the public.

Sec. 43. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:

Subd. 7c. [NPDES PERMITTING REQUIREMENTS.] (a) The agency must issue National Pollutant Discharge Elimination System permits for feedlots with 1,000 animal units or more based on the following schedule:

(1) for applications received after the effective date of this section, a permit for a newly constructed or expanded animal feedlot with 2,000 or more animal units must be issued as an individual permit;

(2) for applications received after January 1, 1999, a permit for a newly constructed or expanded animal feedlot with between 1,000 and 2,000 animal units that is identified as a priority by the commissioner, using criteria established under paragraph (e), must be issued as an individual permit; and

(3) after January 1, 2001, all existing feedlots with 1,000 or more animal units must be issued an individual or general National Pollutant Discharge Elimination System permit.

(b) By October 1, 1999, the agency must issue a general National Pollutant Discharge Elimination System permit for animal feedlots with between 1,000 and 2,000 animal units that are not identified under paragraph (a), clause (2).

(c) Prior to the issuance of a general National Pollutant Discharge Elimination System permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

(d) To the extent practicable, the agency must include a public notice and comment period for an individual National Pollutant Discharge Elimination System permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

(e) By January 1, 1999, the commissioner, in consultation with the feedlot and manure management advisory committee,

created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required under paragraph (a), clause (2), for an animal feedlot with between 1,000 and 2,000 animal units. The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.

(f) By January 1, 2000, the commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required for an existing animal feedlot, under paragraph (a), clause (3). The criteria must be based on violations and other compliance problems at the facility.

Sec. 44. Minnesota Statutes 1997 Supplement, section 116.18, subdivision 3c, is amended to read:

Subd. 3c. [INDIVIDUAL ON-SITE TREATMENT SYSTEMS AND ALTERNATIVE DISCHARGING SEWAGE SYSTEMS PROGRAM.] (a) Beginning in fiscal year 1989, up to ten percent of the money to be awarded as grants under subdivision 3a in any single fiscal year, up to a maximum of $1,000,000, may be set aside for the award of grants by the agency to municipalities to reimburse owners of individual on-site wastewater treatment systems or alternative discharging sewage systems for a part of the costs of upgrading or replacing the systems.

(b) An individual on-site treatment system is a wastewater treatment system, or part thereof, that uses soil treatment and disposal technology to treat 5,000 gallons or less of wastewater per day from dwellings or other establishments.

(c) An alternative discharging sewage system is a system permitted under section 115.58 that:

(1) serves one or more dwellings and other establishments;

(2) discharges less than 10,000 gallons of water per day; and

(3) uses any treatment and disposal methods other than subsurface soil treatment and disposal.

(d) Municipalities may apply yearly for grants of up to 50 percent of the cost of replacing or upgrading individual on-site treatment systems, including conversion to an alternative discharging sewage system, within their jurisdiction, up to a limit of $5,000 per system or per connection to a cluster system. Before agency approval of the grant application, a municipality must certify that:

(1) it has adopted and is enforcing the requirements of Minnesota Rules governing individual sewage treatment systems;

(2) the existing systems for which application is made do not conform to those rules, are at least 20 years old, do not serve seasonal residences, and were not constructed with state or federal funds; and

(3) the costs requested do not include administrative costs, costs for improvements or replacements made before the application is submitted to the agency unless it pertains to the plan finally adopted, and planning and engineering costs other than those for the individual site evaluations and system design.

(d) (e) The federal and state regulations regarding the award of state and federal wastewater treatment grants do not apply to municipalities or systems funded under this subdivision, except as provided in this subdivision.

(e) (f) The agency shall adopt permanent rules regarding priorities, distribution of funds, payments, inspections, procedures for administration of the agency's duties, and other matters that the agency finds necessary for proper administration of grants awarded under this subdivision.

Sec. 45. Minnesota Statutes 1997 Supplement, section 169.1217, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169.123.

(b) "Designated license revocation" includes a license revocation under section 169.123:

(1) within five years of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents.

(c) "Designated offense" includes:

(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), subdivision 1a, an ordinance in conformity with any of them, or section 169.129:

(i) within five years of two prior impaired driving convictions, or two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license

revocations, or any combination of three or more impaired driving convictions and prior license revocations, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, clause (f), or a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(3) a violation of section 169.121, an ordinance in conformity with it, or section 169.129:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(4) until June 30, 1999, a second or subsequent violation of section 85.015, subdivision 1c.

(d) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(e) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(f) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(g) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 46. Minnesota Statutes 1996, section 308A.131, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] (a) The incorporators shall prepare the articles, which must include:

(1) the name of the cooperative;

(2) the purpose of the cooperative;
(3) the principal place of business for the cooperative;
(4) the period of duration for the cooperative, if the duration is not to be perpetual;
(5) the total authorized number of shares and the par value of each share if the cooperative is organized on a capital stock basis;
(6) a description of the classes of shares, if the shares are to be classified;
(7) a statement of the number of shares in each class and relative rights, preferences, and restrictions granted to or imposed upon the shares of each class, and a provision that only common stockholders have voting power;
(8) a statement that individuals owning common stock shall be restricted to one vote in the affairs of the cooperative or a statement that the cooperative is one described in section 308A.641, subdivision 2;
(9) a statement that shares of stock are transferable only with the approval of the board;
(10) a statement that dividends on the capital stock and nonstock units of equity of the cooperative may not exceed eight percent annually;
(11) the names, post office addresses, and terms of office of the directors of the first board;
(12) a statement that net income in excess of dividends and additions to reserves shall be distributed on the basis of patronage, and that the records of the cooperative may show the interest of patrons, stockholders of any classes, and members in the reserves; and
(13) the registered office address of the cooperative and the name of the registered agent, if any, at that address.
(b) The articles must always contain the provisions in paragraph (a), except that the names, post office addresses, and terms of offices of the directors of the first board may be omitted after their successors have been elected by the members or the articles are amended in their entirety.
(c) The articles may contain other lawful provisions.
(d) The articles must be signed by the incorporators.
Sec. 47. Minnesota Statutes 1997 Supplement, section 308A.705, subdivision 1, is amended to read:
Subdivision 1. [DISTRIBUTION OF NET INCOME.] Net income in excess of dividends on capital stock, nonstock units of equity, and additions to reserves shall be distributed on the basis of patronage. A cooperative may establish allocation units, whether the units are functional, divisional, departmental, geographic, or otherwise, and pooling arrangements and may

account for and distribute net income on the basis of allocation units and pooling arrangements. A cooperative may offset the net loss of an allocation unit or pooling arrangement against the net income of other allocation units or pooling arrangements to the extent permitted by section 1388(j) of the Internal Revenue Code of 1986, as amended through December 31, 1996.

Sec. 48. Minnesota Statutes 1996, section 308A.705, subdivision 3, is amended to read:

Subd. 3. [DIVIDENDS.] Dividends may be paid on capital stock and nonstock units of equity only if the net income of the cooperative for the previous fiscal year is sufficient. The dividends are not cumulative.

Sec. 49. Laws 1997, chapter 216, section 15, subdivision 8, is amended to read:

Subd. 8. Pollution Prevention

(a) TOXIC EMISSIONS FROM FIRE TRAINING 65,000

This appropriation is from the trust fund to metropolitan state university to identify and quantify toxic emissions from live-burn training in acquired structures to evaluate and propose alternatives. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) POLLUTION PREVENTION TRAINING PROGRAM FOR INDUSTRIAL EMPLOYEES 200,000

This appropriation is from the future resources fund to the director of the office of environmental assistance for agreements with Citizens for a Better Environment and the University of Minnesota to provide the training and technical assistance needed for pollution prevention by industrial employees.

Sec. 50. [AGGREGATE RESOURCES TASK FORCE.]

Subdivision 1. [CREATION; MEMBERSHIP.] (a) An aggregate resources task force consists of 12 members appointed as follows:

(1) the subcommittee on subcommittees of the senate committee on rules and administration shall appoint one citizen member with experience in the state's aggregates industry, one citizen member who is an employee of a local government unit

that works with environmental and land use impacts from aggregate mining, and four members of the senate, two of whom must be members of the minority caucus; and

(2) the speaker of the house shall appoint one citizen member who is an employee of a local governmental unit that works with environmental and land use impacts from aggregate mining, one citizen member with experience in native prairie conservation, and four members of the house, two of whom must be members of the minority caucus.

(b) The appointing authorities must make their respective appointments not later than July 1, 1998.

(c) The first meeting of the task force must be convened by a person designated by the chair of the senate committee on rules and administration. Task force members shall then elect a permanent chair from among the task force members.

Subd. 2. [DUTIES.] The task force shall examine current and projected issues concerning the need for and use of the state's aggregate resources. The task force shall seek input from the aggregate industry, state agencies, counties, local units of government, environmental organizations, and other interested parties on aggregate resource issues, including resource inventory, resource depletion, mining practices, nuisance problems, safety, competing land uses and land use planning, native prairie conservation, environmental review, local permit requirements, reclamation, recycling, transportation of aggregates, and the aggregate material tax.

Subd. 3. [REPORT.] Not later than February 1, 2000, the task force shall report to the legislature on the findings of its study. The report must include a recommendation as to whether there is a need for a comprehensive statewide policy on any aggregate resource issue. If the task force recommends a statewide policy, the report must include recommendations on the framework for the statewide policy.

Subd. 4. [EXPIRATION.] The aggregate resources task force expires 45 days after its report and recommendations are delivered to the legislature, or on June 30, 2001, whichever date is earlier.

Sec. 51. [REPORT ON NONCOMMERCIAL MANURE APPLICATOR TRAINING AND CERTIFICATION.]

The commissioner of agriculture, in close consultation with the commissioner of the pollution control agency and statewide farm organizations including the Minnesota Farmers Union and the Minnesota Farm Bureau Federation, shall conduct a study to assess the need for and feasibility of a program for noncommercial manure applicator training and certification. The commissioner must submit a report to the members of the senate

and house policy committees with jurisdiction over agriculture and the environment by January 20, 1999. The report must include recommendations on:

(1) persons and activities that should be exempt from certification;

(2) dates by which persons should be required to obtain certification;

(3) content of the noncommercial animal waste technician training curriculum; and

(4) procedures and timelines for implementing noncommercial animal waste technician training programs.

Sec. 52. [PERMIT REQUIREMENTS.]

Until June 30, 2000, neither the pollution control agency nor a county board may issue a permit for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon. This section does not apply to repair or modification related to an environmental improvement of an existing lagoon.

Sec. 53. [FEEDLOT RULES.]

By March 1, 1999, the commissioner of the pollution control agency must submit a copy of updated feedlot permit rules as prescribed in Minnesota Statutes, section 116.07, subdivision 7, paragraph (i). The updated rules must become effective no later than June 1, 1999.

Sec. 54. [ENVIRONMENTAL REVIEW RULES.]

The environmental quality board, in consultation with the pollution control agency, shall study and adopt rules pursuant to Minnesota Statutes, chapter 14, to revise and clarify Minnesota Rules, part 4410.1000, subpart 4, as it applies to connected actions on animal feedlots and the need for environmental review. The board must submit a copy of the proposed rules and a summary of public comments received on the rules to the members of the senate and house policy committees with jurisdiction over agriculture and the environment, the senate environment and agriculture budget division, and the house environment, natural resources, and agriculture finance committee by March 1, 1999. The rules may not become effective until 60 days after they are submitted to the committee members and must become effective no later than June 1, 1999.

Sec. 55. [REPORT ON REVISED STANDARDS FOR HYDROGEN SULFIDE EXPOSURE.]

By January 15, 1999, the commissioner of labor and industry, in consultation with the commissioners of the pollution control agency, health, and agriculture, shall report to the senate and house policy committees with jurisdiction over agriculture and environment on the need for and, if appropriate, suggested changes to standards for hydrogen sulfide exposure

levels within livestock confinement facilities having a design capacity of 500 animal units or more and at various distances up to 5,000 feet from animal waste storage facilities.

Sec. 56. [REPORT ON ANIMAL WASTE LIABILITY.]

By January 15, 1999, the commissioner of the pollution control agency, in conjunction with the commissioner of agriculture, shall report to the legislative policy and finance committees or divisions with jurisdiction over agriculture and the environment on the need for an animal waste liability account, improved animal waste incident reporting, and a contingency action plan for animal waste sites. The report must include:

(1) an analysis of the need and level of funding required for an animal waste liability account;

(2) the identification of possible funding sources to ensure adequate resources for animal waste site cleanup under clause (1);

(3) an analysis of the need for changes to the current animal waste incident reporting system; and

(4) the need for development of a statewide animal waste contingency plan for animal waste sites, including containment, closure, and cleanup.

Sec. 57. [COUNTIES AND TOWNS TO REPORT.]

(a) Not later than August 1, 1998, each county and each town that has adopted ordinances related to animal feedlots shall supply copies of the ordinances to the commissioner of agriculture. A county or town that adopts a new or amended ordinance related to animal feedlots shall report the new or amended ordinance to the commissioner within 60 days after the adoption.

(b) The reporting requirements of paragraph (a) expire after June 30, 2001.

Sec. 58. [LOAN WORK PLAN.]

Notwithstanding the requirements of rules adopted pursuant to Minnesota Statutes, section 115A.0716, that prevent the use of funds for costs incurred before the term of the agreement, the director shall disburse loan funds awarded to United Recycling, Inc., provided that the director has approved a new project proposal that includes performance goals for carpet recycling and demonstrates the financial viability of the recycling enterprise.

Sec. 59. [WATER QUALITY COST-BENEFIT MODEL SCOPING TASK FORCE.]

The commissioner of the pollution control agency shall convene a task force comprising of no more than three representatives each from industry, municipalities, watershed

management groups, labor, agriculture, and environmental groups within 30 days of the effective date of this section. The task force shall select an entity to conduct a scoping study for a cost-benefit model to analyze water quality standards. The scoping study shall include: a watershed-based approach that evaluates both point and nonpoint pollution sources, the extent of the costs and benefits to be evaluated, the necessary elements of the model, a model that is transferable to other watersheds and standards, and the characteristics of the watersheds and standards to be evaluated. By October 15, 1998, the task force shall review the completed scoping study and make recommendations on the scope, cost, and time frame for development of the model to the commissioner and to the chairs of the house and senate environment and natural resources committees, the chair of the house environment, natural resources, and agriculture finance committee, and the chair of the senate environment and agriculture budget division.

Sec. 60. [ANALYSIS AND SALE OF LAKESHORE LEASED LOTS.]

Subdivision 1. [ANALYSIS OF LOTS.] By January 15, 1999, the commissioner of natural resources must submit a report to the chairs of the senate and house environment and natural resources committees, the chair of the house environment, natural resources, and agriculture finance committee, the chair of the senate environment and agriculture budget division, the chairs of the senate children, families and learning committee, and the chair of the house education committee, including the results of the field inspection required by this section, recommendations on appropriations needed to accomplish this section, and additional recommendations on methods to preserve public lakeshore in the state. The commissioner must conduct a field inspection of all lands leased pursuant to Minnesota Statutes, section 92.46, subdivision 1. The commissioner shall identify all lots within the following classifications:

(1) sale of the lot would create a block of contiguous property that could result in a shift in land use from residential to commercial development;

(2) the lot should remain in public ownership in order to provide public access to the lake where it is located;

(3) the lot is part of the trust land in Horseshoe Bay, as referenced in Laws 1997, chapter 216, section 151;

(4) the lot contains all or part of an unusual resource, such as a historical or archaeological site, or a sensitive ecological resource, or contains high quality habitat, or has a high scenic value;

(5) the lot is not in compliance with state law concerning on-site sewage treatment or minimum lot size requirements for

development, or the lot is hydrologically unsuitable for future development; and

(6) the lot provides access for adjacent state land.

Subd. 2. [SCHOOL TRUST LAKESHORE LOTS; EXCHANGE AND SALE.] (a) For each parcel of land that does not meet the criteria in subdivision 1, the commissioner must preserve the assets of the school trust pursuant to this subdivision.

(b) The commissioner must attempt to establish a land exchange with each lessee. The lessee and the commissioner must attempt to agree on a parcel of private lakeshore land to be used for the land exchange. If the lessee obtains an option to purchase the parcel, the commissioner must conduct an appraisal and a survey of both parcels of land at the lessee's expense. If the commissioner determines that the parcel offered by the lessee is of equal or greater value than the trust land, the commissioner must submit the proposed exchange to the land exchange board, as defined in Minnesota Statutes, section 94.341, for approval. Notwithstanding Minnesota Statutes, sections 94.342 to 94.347, the land exchange board shall determine the procedures for approval of individual land exchanges, subject to the requirements of the Minnesota Constitution and this section. Any exchange under this paragraph must be submitted to the land exchange board by July 1, 2004.

(c) By December 15, 2004, the commissioner must submit a list of each parcel of land that has not been exchanged pursuant to paragraph (b) to the house and senate environment and natural resource committees. The list submitted by the commissioner must include recommendations for sale or retention of the remaining individual parcels. Subject to approval by the legislature, the commissioner must sell parcels approved for sale by public sale at the expiration of the lease term using a sealed bid procedure under the remaining provisions of Minnesota Statutes, chapter 92. After approval of sale by the legislature, a lessee of land approved for sale may request during the remainder of the lease term that lands leased by the lessee be sold at a public sale pursuant to this section within one year of the request.

(d) The commissioner must mail notice of this section to each lessee by July 1, 1998.

Sec. 61. [REPEALER.]

(a) Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c, as amended by this act, is repealed effective June 30, 1999.

(b) Laws 1991, chapter 275, section 3, is repealed.

Sec. 62. [EFFECTIVE DATE.]

Section 31 is effective January 1, 1998. Sections 28 and 29 are effective January 1, 1999. Section 23 is effective July 1, 1999. Section 52 is effective the day following final enactment and applies to new applications submitted after that date. The remainder of this act is effective the day following final enactment.

S.F No. 3353, 3rd Engrossment: 80th Legislative Session (1997-1998)

A bill for an act

relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; providing for regulation of certain activities and practices; amending Minnesota Statutes 1996, sections 3.737, subdivisions 1, 4, and by adding a subdivision; 18C.141; 35.82, subdivision 2; 41A.09, subdivision 1a; 84.871; 86B.101, subdivision 2; 86B.415, subdivision 1, and by adding a subdivision; 89A.03, subdivision 1; 90.193; 93.002, subdivision 1; 97A.037, subdivision 1; 97A.245; 103C.315, subdivision 4; 103F.155, subdivision 2; 103F.161, subdivision 2; 103G.271, subdivision 6; 115.076, subdivision 1; 116.07, by adding subdivisions; 308A.131, subdivision 1; 308A.705, subdivision 3; Minnesota Statutes 1997 Supplement, sections 17.101, subdivision 5; 41A.09, subdivision 3a; 84.8205; 84.86, subdivision 1; 85.015, subdivision 1c; 115.55, subdivision 5a; 116.07, subdivision 7; 116.18, subdivision 3c; 169.1217, subdivision 1; and 308A.705, subdivision 1; Laws 1997, chapter 216, section 15, subdivision 8; proposing coding for new law in Minnesota Statutes, chapters 17; 18C; and 84; repealing Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c; and Laws 1991, chapter 275, section 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act to be available for the fiscal years indicated for each purpose. The figures "1998" and "1999," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1998, or June 30, 1999, respectively.

SUMMARY BY FUND

	1998	1999
General Fund	$5,294,000	$12,498,000
Natural Resources Fund	-0-	500,000
Total	5,294,000	12,998,000

APPROPRIATIONS
Available for the Year
Ending June 30

		1998	1999
Sec. 2. POLLUTION CONTROL			
AGENCY		180,000	1,210,000

$350,000 in fiscal year 1999 is added to the appropriation for county feedlot program grants in Laws 1997, chapter 216, section 2, subdivision 2. In fiscal year 1999 delegated counties shall be eligible to receive a grant of either: $40 multiplied by the number of livestock or poultry farms with sales greater than $10,000, as reported in the 1992 Census of Agriculture, published by the United States Bureau of Census; or $50 multiplied by the number of feedlots with greater than ten animal units, as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991.

$50,000 in fiscal year 1999 is for the bioaccumulative residues research program at the University of Minnesota-Duluth to analyze fish contaminants, including researching the presence of selenium in fish samples. As a condition of this grant, the University of Minnesota-Duluth must submit a work program and submit semiannual progress reports as provided in Minnesota Statutes, section 116P.05, subdivision 2, paragraph (c). This is a one-time appropriation.

$180,000 in fiscal year 1998 is for the cost of administering the wastewater infrastructure program. This appropriation is available until June 30, 2002.

$50,000 in fiscal year 1999 is for a scoping study for a cost-benefit model to analyze the costs of water quality standards. This is a one-time appropriation.

$375,000 in fiscal year 1999 is for

acceleration of research being conducted on deformities and possible causes found in amphibians. The funding must be shared with the departments of agriculture, natural resources, and health and with the appropriate University of Minnesota departments. $39,000 of the appropriation must be shared with Hamline University for its friends of the frog program. The money must be used for research and monitoring of amphibian deformities, including, but not limited to, a possible groundwater surface water interconnection. The money may be used as a match for any federal dollars available. This is a one-time appropriation.

$300,000 in fiscal year 1999 is for expansion of permitting activities under the federal Clean Water Act that affect feedlots in excess of 1,000 animal units.

The availability of the appropriation in Laws 1997, chapter 216, section 15, subdivision 14, paragraph (c), to monitor and research the effects of endocrine disrupting chemicals in surface waters is extended to June 30, 2000.

$85,000 in fiscal year 1999 is for a grant to Benton county to pay the principal amount due in fiscal year 1999 on bonds issued by the county to pay part of a final order or settlement of a lawsuit for environmental response costs at a mixed municipal solid waste facility. This money and any future money appropriated for this purpose must be apportioned by Benton county among the local units of government that were parties to the final order or settlement in the same proportion that the local units of government agreed to as their share of the liability. This is a one-time appropriation.

Sec. 3. ZOOLOGICAL BOARD 1,500,000 -0-

$1,500,000 is for zoo operations. This is a one-time supplemental appropriation. By September 1, 1998, the board shall report to the governor, the chair of the senate environment and agriculture budget division, and the chair of the house environment, natural resources and agriculture finance committee on recommendations to internally manage the effects of lowered attendance projections and methods for improving attendance forecasting.

Sec. 4. NATURAL RESOURCES 2,974,000 7,717,000

Summary by Fund

General Fund	2,974,000	7,267,000
Natural Resources Fund	-0-	450,000

$1,504,000 in fiscal year 1999 is for flood-related activities in the division of waters. $200,000 of this appropriation is for alternative flood control measures beneficial to the environment, such as culvert downsizing on man-made waterways and wetland restoration. $10,000 of this appropriation is for a grant to the Marine-on-St. Croix watershed management organization for engineering analysis of flooding problems along Twin lake. Notwithstanding Minnesota Statutes, section 103F.161, subdivision 2, paragraph (c), this appropriation may be combined with a flood hazard mitigation grant previously awarded to the watershed management organization. $75,000 of this appropriation is for a grant under Minnesota Statutes, section 103F.161, to Swift county for improvements at Lake Oliver. $30,000 of this appropriation is for a grant under Minnesota Statutes, section 103F.161, to the Chisago Lake improvement district for improvements to the outlet project. The portion of this appropriation to be included in

the department's base is $1,189,000 for each fiscal year. $150,000 in fiscal year 1999 is for transfer to the Minnesota forest resources council for implementation of the Sustainable Forest Resources Act pursuant to Minnesota Statutes, chapter 89A. This a one-time appropriation. $476,000 in fiscal year 1998 is for sealing inactive wells on state-owned land. The commissioner shall determine project priorities as appropriate based upon need. This appropriation is available until June 30, 2002. $430,000 in fiscal year 1999 is for operations at Fort Snelling park and for statewide resource protection. The portion of this appropriation to be included in the department's base is $200,000 in each fiscal year. $250,000 in fiscal year 1999 is for population and habitat objectives of the nongame wildlife management program. $180,000 in fiscal year 1998 and $120,000 in fiscal year 1999 are for increased public involvement in white pine management planning and to accelerate white pine management on state forest lands. Any amount of this appropriation not used in fiscal year 1998 is available in fiscal year 1999. $370,000 in fiscal year 1998 and $230,000 in fiscal year 1999 are for improvement of camper safety and security in state forest campgrounds and to make repairs to selected state forest campgrounds. $450,000 in fiscal year 1999 is from the water recreation account in the natural resources fund for enforcement of personal watercraft laws. At least one-half of the conservation officers hired pursuant to this item must be from the protected classes. $225,000 of this appropriation is for grants to counties where there is significant use

of personal watercraft on waters in and bordering the counties. The grants must be used for personal watercraft safety education and law enforcement, pursuant to Minnesota Statutes, section 86B.415, subdivision 7a.

$250,000 in fiscal year 1999 is for operational costs related to wildlife management at the area level.

$470,000 in fiscal year 1998 and $250,000 in fiscal year 1999 are for the interpretation, management, and monitoring of scientific and natural areas.

$340,000 in fiscal year 1999 is for technical assistance and grants to assist local government units and organizations in the metropolitan area to acquire and develop natural areas and greenways.

$300,000 in fiscal year 1999 is for state trail maintenance and amenities.

$250,000 in fiscal year 1999 is for a grant to the city of North St. Paul for improvements including trail connections, lighting, and landscaping related to the trail bridge over Highway 36 in North St. Paul. This is a one-time appropriation.

$500,000 in fiscal year 1999 is for further work to develop protected water flow recommendations on Minnesota streams and for support of river restoration expertise and its application to the Whitewater river and Sandy river. $300,000 of this amount is a one-time appropriation for stream protection on Brown's creek in Washington county.

$53,000 in fiscal year 1999 is for minerals cooperative environmental research. $26,500 is available only as matched by $1 of nonstate money for each $1 of state money. This appropriation is added to the appropriation in Laws 1997, chapter

216, section 5, subdivision 2.
$75,000 in fiscal year 1998 is to
repair state forest land in Morrison,
Mille Lacs, Kanabec, and Crow Wing
counties.
$100,000 in fiscal year 1998 is for
development and maintenance of habitat
and facilities, and data management
system development at Swan lake
wildlife management area.
$1,175,000 in fiscal year 1999 is for
wildlife habitat improvement, wildlife
population surveys, monitoring, private
lands cost-sharing for wildlife habitat
and forest stewardship, and project
grants to local governments and private
organizations to enhance fish,
wildlife, and native plant habitats.
Of this amount, $375,000 is for brush
land and forest habitat renewal for
sharp-tailed grouse and other species
of birds dependent on open brush lands
in forest areas by providing financial
and technical assistance to landowners
as well as brush land renewal on public
lands; $300,000 is for wildlife habitat
improvements through cost-sharing and
technical assistance to private
landowners; $300,000 is for forest
stewardship improvements through
cost-sharing and technical assistance
to private landowners; and $200,000 is
for wildlife population surveys,
monitoring, evaluation, and constituent
surveys. The portion of this
appropriation to be included in the
department's base is $1,075,000 in each
fiscal year. The base amounts for each
specific item are $325,000, $275,000,
$275,000, and $200,000, respectively.
$100,000 in fiscal year 1998 is for
engineering and hydraulic studies in
conjunction with the proposed
development of an urban whitewater
trail along the Mississippi river in
the lower St. Anthony Falls area below

the stone arch bridge in Minneapolis and to examine the economic impact, market use potential, public safety concerns, environmental considerations, and land and water use impacts of the proposed Mississippi Whitewater trail. The commissioner must coordinate and work with affected local, state, and federal governments and interested citizen groups, including, but not limited to, the National Park Service, the United States Army Corps of Engineers, the University of Minnesota, the Minnesota historical society, the metropolitan parks and open space commission, the Minneapolis park board, and the Mississippi Whitewater Park Development Corporation. The commissioner must report to the senate environment and agriculture budget division and the house environment, natural resources, and agriculture finance committee by November 1, 1999, on the findings from the studies required under this item. This appropriation is available until June 30, 1999.

$100,000 in fiscal year 1998 is for a grant to the township of Linwood in Anoka county to construct a surface water drainage system to control water pollution. This appropriation is available until expended. Expenses incurred by Linwood township related to the proposed project, prior to this appropriation, may be considered as part of the total project cost for purposes of satisfying the requirements of Minnesota Statutes, section 103F.161, subdivision 2, paragraph (c).

$200,000 in fiscal year 1998 is added to the appropriation in Laws 1997, chapter 216, section 15, subdivision 4, paragraph (c), clause (4), for the statewide conservation partners program.

$215,000 in fiscal year 1998 and

$250,000 in fiscal year 1999 are to enhance customer service and data access through the collaborative use of technology, to improve communication with citizens and stakeholders, to provide technical assistance and data delivery to citizens and local government, and for the Minnesota Environmental/Natural Resource Electronic Library (MENREL) to accelerate the development of integrated and indexed environmental and geographic data catalogs, cross-agency search and retrieval, and content-rich libraries of environmental data and information.

$350,000 in fiscal year 1998 is to serve as the state match to federal money to remove surplus sediment along the east bank of the Mississippi river at Little Falls. The commissioner must coordinate and work with the United States Army Corps of Engineers on this project. This appropriation is available until expended.

$203,000 in fiscal year 1998 is for a forestry information management system to improve the timber sale program, forest development model, and fire management.

$35,000 in fiscal year 1998 and $115,000 in fiscal year 1999 are for expansion of the "Becoming an Outdoors Woman Program," and for a position to coordinate shooting range development on a statewide basis. Of this amount, $35,000 in fiscal year 1998 is available until June 30, 1999, to match an equal amount of nonstate money for shooting range partnership agreements and is a one-time appropriation.

$50,000 in fiscal year 1998 is for ecosystem-based management workshops for teams of local officials, natural resource managers, and citizens.

$200,000 in fiscal year 1999 is for

aquatic plant restoration.

$125,000 in fiscal year 1999 is for local initiatives grants program administration.

$150,000 in fiscal year 1999 is for long-term monitoring of lake ecosystems.

The appropriations in Laws 1996, chapter 407, section 3, for the Iron Range off-highway vehicle recreation area are available until June 30, 2000.

$100,000 in fiscal year 1999 is for an enhanced lake classification system to provide comprehensive lake descriptions. This appropriation is added to the base in fiscal year 2000 only.

$200,000 in fiscal year 1999 is to identify lake watershed boundaries for lakes greater than 100 acres in a geographic information system format. This appropriation is added to the base in fiscal year 2000 only.

$150,000 in fiscal year 1999 is to develop methodologies to assess the cumulative effects of development on lakes. This appropriation is added to the base in fiscal year 2000 only.

$100,000 in fiscal year 1999 is for a grant to the Upper Swede Hollow Association for improvements in and around Swede Hollow Park. The appropriation must be used for plantings, improvements to railway trestles, trail repair, reconstruction of the pond outlet, and other trail improvements. This is a one-time appropriation.

$50,000 in fiscal year 1998 and $50,000 in fiscal year 1999 are for an agreement with the University of Minnesota College of Architecture and Landscape Architecture to develop environmental brownfields mitigation strategies. This is a one-time appropriation.

The appropriation in Laws 1997, chapter

216, section 5, subdivision 4, for grants to local community forest ecosystem health programs is available until June 30, 2000. $25,000 in fiscal year 1999 is for promotion and enhanced public awareness of the RIM critical habitat license plate program.

Sec. 5. BOARD OF WATER AND SOIL RESOURCES 300,000 1,100,000

$200,000 in fiscal year 1998 is for a grant to the Faribault county soil and water conservation district for the quad-lakes restoration project in Faribault and Blue Earth counties and is available until expended.

$1,000,000 in fiscal year 1999 is for grants to soil and water conservation districts for cost-sharing contracts for water quality management on feedlots. Priority must be given to feedlot operators who have received a notice of violation and for feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

$100,000 in fiscal year 1998 is for a grant to the University of Minnesota extension service to improve existing Minnesota extension shoreland guidance and other related guidebooks. This is a one-time appropriation, available until expended.

$100,000 in fiscal year 1999 is for a pilot grant program to soil and water conservation districts for cost-sharing contracts with landowners to establish and maintain plantings of trees, shrubs, and grass strips that are native species of a local ecotype for the primary purpose of controlling snow deposition for the benefit of public transportation. The board, in consultation with the Minnesota Association of Soil and Water Conservation Districts, shall select at

least five districts for participation in the pilot program. Up to 20 percent of the appropriation may be used for the technical and administrative expenses of soil and water conservation districts to implement this item. The board shall enter into grant agreements to accomplish the transfer of funds to soil and water conservation districts and to establish guidelines to implement this item. Cost-sharing contracts between soil and water conservation districts and landowners may provide for annual payments to landowners for maintenance. This appropriation is available until spent.

Sec. 6. AGRICULTURE 310,000 2,169,000

$110,000 in fiscal year 1998 and $250,000 in fiscal year 1999 are for expansion of efforts to prevent the establishment and spread of gypsy moths in Minnesota.

$25,000 in fiscal year 1998 and $325,000 in fiscal year 1999 are for a state meat inspection program.

$75,000 in fiscal year 1999 is for additional matching funds for the WIC coupon program.

$25,000 in fiscal year 1999 is for additional livestock depredation payments pursuant to Minnesota Statutes, section 3.737.

$50,000 in fiscal year 1999 is added to the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, for beaver damage control grants. This is a one-time appropriation. Any unencumbered balance from the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, for beaver damage control grants for the first year of the biennium is available for the second year of the biennium.

$100,000 in fiscal year 1998 is added to the appropriation in Laws 1997, chapter 216, section 7, subdivision 4,

to accomplish reform of the federal milk market order system and for legal actions opposing the Northeast Dairy Compact. This appropriation is available until June 30, 1999.

$500,000 in fiscal year 1999 is added to the appropriation for dairy diagnostic teams in Laws 1997, chapter 216, section 7, subdivision 2, and is added to the department's base.

$267,000 in fiscal year 1999 is for a pilot program to expand the concept of the Minnesota grown program. The program is to assist low-income families in accessing nutritious and affordable food and to promote economic development by creating new markets and food distribution systems. $17,000 of this appropriation is for costs of administration. $87,000 of this appropriation is for payment to the Sustainable Resources Center for the purposes of this appropriation. $163,000 of this appropriation is for food coupons. The coupons shall be distributed and administered according to this section, subject to the approval of the commissioner of agriculture. The portion of this appropriation to be included in the department's base for fiscal year 2001 is $200,000, which may only be used for food coupons.

The Sustainable Resources Center, in conjunction with the Minnesota Food Association, and subject to the approval of the commissioner of agriculture, shall select up to two urban and up to two rural communities as locations for activities that will serve as models for sustainable community food systems. These activities shall include but are not limited to:

(1) conducting food system assessments in each community to identify assets

and needs;
(2) supporting the creation of producer distribution networks to establish direct links to low-income consumers; and
(3) working with food processing plants in the selected community to develop the support services needed to make entry-level jobs accessible to low-income people.
During each fiscal year beginning in fiscal year 1999, the commissioner of agriculture, within the funds available, shall provide coupons to the Sustainable Resources Center for distribution to participating eligible individuals. The coupons must be issued in two allocations each fiscal year. Eligible individuals may receive up to $100 in coupons per year, subject to the limitation that additional eligible individuals who reside in the same household may receive up to $20 in coupons per year, up to a maximum of $200 per household per year. Eligible individuals include individuals who are residents of the communities in the pilot project and are eligible for the Minnesota grown coupons under this section. Eligible individuals include: (1) individuals who are in a state-verified income program; and (2) individuals who are selected by the Sustainable Resources Center based on guidelines targeting specific populations within the pilot communities.
The amount of the Minnesota grown coupons must be excluded as income under the AFDC, refugee cash assistance, general assistance, MFIP, MFIP-R, MFIP-S, food stamp programs, state housing subsidy programs, low-income energy assistance programs, and other programs that do not count food stamps as income.

The coupons must be clearly labeled as redeemable only for products licensed to use the Minnesota grown logo or labeling statement under Minnesota Statutes, section 17.102. Coupons may be redeemed by farmers, custom meat processors, community-supported agriculture farms, and other entities approved by the commissioner of agriculture. The person accepting the coupon is responsible for its redemption only on products licensed to use the Minnesota grown logo or labeling statement. The commissioner must receive and reimburse all valid coupons redeemed pursuant to this section.

The commissioner may establish criteria for vendor eligibility and may enforce the Minnesota grown coupon program according to Minnesota Statutes, sections 17.982 to 17.984.

$160,000 in fiscal year 1999 is for value-added agricultural product processing and marketing grants under Minnesota Statutes, section 17.101, subdivision 5. This appropriation and the appropriation in Laws 1997, chapter 216, section 7, subdivision 3, for grants under Minnesota Statutes, section 17.101, subdivision 5, are available until June 30, 2001.

$125,000 in fiscal year 1999 is for a grant to the Market Champ, Inc. board. This is a one-time appropriation.

$25,000 in fiscal year 1999 is for the Passing on the Farm Center established in Minnesota Statutes, section 17.985. This is a one-time appropriation.

$200,000 in fiscal year 1999 is to expand the shared savings loan program under Minnesota Statutes, section 17.115, to include a program of revolving loans for demonstration projects of farm manure digester technology. Notwithstanding the

limitations of Minnesota Statutes, section 17.115, subdivision 2, paragraphs (b) and (c), loans under this program are no-interest loans in principal amounts not to exceed $200,000 and may be made to any resident of this state. Loans for one or more projects must be made only after the commissioner seeks applications. Loans under this program may be used as a match for federal loans or grants. Money repaid from loans must be returned to the revolving fund for future projects. This is a one-time appropriation.

$50,000 in fiscal year 1998 is for a grant to the University of Minnesota for investigation, screening, and a survey of existing research into the design and development of low-cost alternatives to pasteurization that provide comparable bacteria count reduction in fruit juice. The commissioner must report to the chair of the house environment, natural resources, and agriculture finance committee and the chair of the senate environment and agriculture budget division by January 15, 1999, regarding the results of the research and with a recommendation for further action.

$25,000 in fiscal year 1998 is for a grant to the University of Minnesota to study factors associated with farms that experience varying levels of livestock depredation caused by timber wolves. The university shall make recommendations to the commissioner to assist in the development of best management practices to prevent timber wolf depredation on livestock farms. This appropriation is available until June 30, 1999.

$60,000 in fiscal year 1999 is for payment of attorney general and other costs of assisting local government

units in the process of adoption, review, or modification of ordinances relating to animal feedlots. This appropriation is available until June 30, 1999.

$107,000 in fiscal year 1999 is for development of the program under Minnesota Statutes, section 18C.430. This is a one-time appropriation.

As a condition of receiving state funds, the ethanol production plant in St. Paul must provide year-round public access to the well that was publicly accessible when the plant was a brewery.

Sec. 7. UNIVERSITY OF MINNESOTA -0- 292,000

For alternative and sustainable hog production facilities and programs.

$125,000 of this appropriation is for a grant to the Minnesota Institute for Sustainable Agriculture to extend funding for the Alternative Swine Production Systems Task Force and coordinator. $30,000 of this appropriation is for a grant to the Minnesota Institute for Sustainable Agriculture for alternative and sustainable hog production programs and program support, including on-farm systems research. $137,000 of this appropriation is to establish a faculty position in agricultural and community sociology at the University of Minnesota-Morris, focusing on the sustainability of agricultural systems and rural communities. The position shall be defined by the Alternative Swine Production Systems Task Force. This is a one-time appropriation.

Sec. 8. BOARD OF ANIMAL HEALTH 30,000 160,000

$30,000 in fiscal year 1998 and $160,000 in fiscal year 1999 is for expansion of the program for the control of paratuberculosis ("Johne's disease") in domestic bovine herds.

These appropriations are in addition to

the appropriations for the same purposes in Laws 1997, chapter 216, section 8.

Sec. 9. ADMINISTRATION -0- 350,000

Summary by Fund

General Fund	-0-	300,000
Natural Resources Fund	-0-	50,000

$50,000 is from the water recreation account in the natural resources fund for a study by a qualified consultant to determine the actual percentage of all gasoline received in and produced or brought into the state, except gasoline used for aviation purposes, that is being used as fuel for watercraft in this state. The study must include a determination of the amount of gasoline consumed by vehicles in the course of transporting watercraft on the highways of this state. The commissioner shall consult with the commissioners of revenue, transportation, and natural resources in preparing the request for proposals for the study and in selecting the consultant to perform the study. The commissioner shall report to the chairs of the senate and house environment and natural resources committees, the senate environment and agriculture budget division, the house environment, natural resources, and agriculture finance committee, the senate transportation committee, and the house transportation and transit committee on the results of the study by February 1, 1999. This is a one-time appropriation.

$300,000 is for modifications of department of natural resources business systems to address year 2000 changes. This appropriation is added to the appropriation for technology management in Laws 1997, chapter 202, article 1, section 12, subdivision 7. This is a one-time appropriation.

Sec. 10. ETHANOL DEVELOPMENT

FUND TRANSFER
As cash flow in the ethanol development fund under Minnesota Statutes, section 41B.044, permits, but no later than June 30, 1999, the commissioner of finance, in consultation with the commissioner of agriculture, shall transfer $400,000 from the unencumbered balance in the fund to the general fund. This transfer is in addition to the transfer required by Laws 1997, chapter 216, section 17.

Sec. 11. Minnesota Statutes 1996, section 3.737, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION REQUIRED.] (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed by a timber wolf or is so crippled so by a timber wolf that it must be destroyed by an animal classified as endangered under the federal Endangered Species Act of 1973. The owner is entitled to the fair market value of the destroyed livestock, not to exceed $400 $750 per animal destroyed, as determined by the commissioner, upon recommendation of the county a university extension agent for the owner's county and a conservation officer.

(b) Either the agent or the conservation officer must make a personal inspection of the site. The agent or the conservation officer must take into account factors in addition to a visual identification of a carcass when making a recommendation to the commissioner. The commissioner, upon recommendation of the agent and conservation officer, shall determine whether the livestock was destroyed by an animal described in this subdivision a timber wolf and any deficiencies in the owner's adoption of the best management practices developed in subdivision 5. The commissioner may authorize payment of claims only if the agent and the conservation officer have recommended payment. The owner shall file a claim on forms provided by the commissioner and available at the county university extension agent's office.

Sec. 12. Minnesota Statutes 1996, section 3.737, subdivision 4, is amended to read:

Subd. 4. [PAYMENT, DENIAL OF COMPENSATION.] (a) If the commissioner finds that the livestock owner has shown that the loss of the livestock was likely caused more probably than not by an animal classified as an endangered species a timber wolf,

the commissioner shall pay compensation as provided in this section and in the rules of the department.

(b) For a timber wolf depredation claim submitted by a livestock owner after September 1, 1999, the commissioner shall, based on the report from the university extension agent and conservation officer, evaluate the claim for conformance with the best management practices developed by the commissioner in subdivision 5. The commissioner must provide to the livestock owner an itemized list of any deficiencies in the livestock owner's adoption of best management practices that were noted in the university extension agent's or conservation officer's report.

(c) If the commissioner denies compensation claimed by an owner under this section, the commissioner shall issue a written decision based upon the available evidence. It shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be mailed to the owner.

(d) A decision to deny compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days of the filing.

Sec. 13. Minnesota Statutes 1996, section 3.737, is amended by adding a subdivision to read:

Subd. 5. [TIMBER WOLF BEST MANAGEMENT PRACTICES.] By September 1, 1999, the commissioner must develop best management practices to prevent timber wolf depredation on livestock farms. The commissioner shall periodically update the best management practices when new practices are found by the commissioner to prevent timber wolf depredation on livestock farms. The commissioner must provide an updated copy of the best management practices for timber wolf depredation to all livestock owners who are still engaged in livestock farming and have previously submitted livestock claims under this section.

Sec. 14. Minnesota Statutes 1997 Supplement, section 17.101, subdivision 5, is amended to read:

Subd. 5. [VALUE-ADDED AGRICULTURAL LIVESTOCK PRODUCT PROCESSING AND MARKETING GRANT PROGRAM.] (a) For purposes of this section,:

(1) "livestock or dairy agricultural commodity" means a

material produced for use in or as food, feed, seed, or fiber and includes crops for fiber, food, oilseeds, seeds, livestock, livestock products, dairy, dairy products, poultry, poultry products, and other products or by-products of the farm produced for the same or similar use, except ethanol; and

(2) "agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agricultural livestock or dairy commodities produced in Minnesota.

(b) The commissioner shall establish and implement a value-added agricultural livestock and dairy product processing and marketing grant program to help farmers finance new cooperatives that organize for the purposes of operating livestock and dairy agricultural product processing facilities and for marketing activities related to the sale and distribution of processed livestock and dairy agricultural products.

(c) To be eligible for this program a grantee must:

(1) be a cooperative organized under chapter 308A;

(2) certify that all of the control and equity in the cooperative is from farmers as defined in section 500.24, subdivision 2, who are actively engaged in livestock or dairy agricultural commodity production;

(3) be operated primarily for the processing of livestock or dairy agricultural commodities produced in Minnesota;

(4) receive livestock or dairy agricultural commodities produced primarily by shareholders or members of the cooperative; and

(5) have no direct or indirect involvement in the production of livestock and dairy agricultural commodities.

(d) The commissioner may receive applications from and make grants up to $50,000 for feasibility, marketing analysis, and predesign of facilities to eligible cooperatives. The commissioner shall give priority to applicants who use the grants for planning costs related to an application for financial assistance from the United States Department of Agriculture, Rural Business - Cooperative Service.

Sec. 15. [17.987] [MARKET CHAMP, INC; ACCESS TO QUALITY GENETICS BY FAMILY FARMERS.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] Market Champ, Inc. is established as a nonprofit public corporation under chapter 317A and is subject to the provisions of that chapter. The corporation is neither a state agency nor an entity within the University of Minnesota. The purpose of the corporation is

to transfer high quality swine genetic material from the University of Minnesota to the family farmers of the state in order to enhance the state's economic growth and the competitiveness of family farmers. Market Champ, Inc. shall assist Minnesota swine producers in understanding genetic technologies and developing improved animal genetic lines.

Subd. 2. [DUTIES.] Market Champ, Inc. shall:

(1) encourage family farmers to use the highest quality swine genetics;

(2) facilitate the transfer of the latest swine genetic research and technology information and materials from the University of Minnesota and other sources to family farmers;

(3) assist family farmers to market the swine they produce;

(4) develop a system for tracking family farmers' products through the processing, meat packing, and marketing system to determine the market value of the genetic technology;

(5) provide genetic testing, counseling, and assistance in genetic decisions to identify new market developments and capture value-added opportunities;

(6) provide centralized testing services with regional technology transfer specialists;

(7) secure access to new genetic tests and services for all Minnesota producers through licensing agreements; and

(8) assist family farmers who do not otherwise have access to high quality genetic technologies.

Subd. 3. [BOARD OF DIRECTORS.] (a) Market Champ, Inc. shall be governed by a board of directors consisting of 11 voting members, appointed by the governor.

(b) The members of the board shall be:

(1) two representatives of small family farmers with under 250 sows;

(2) one representative of purebred swine producers;

(3) one member of the Minnesota Pork Producers Association;

(4) one representative of the pork industry;

(5) one member of the meat packing industry;

(6) one member representing the University of Minnesota;

(7) one member representing Minnesota state colleges and universities;

(8) the commissioner of agriculture;

(9) the chair of the senate committee on agriculture and rural development, or the chair's designee; and

(10) the chair of the house committee on agriculture, or the chair's designee.

Members listed in clauses (1) to (5) must be recommended by the president of the University of Minnesota or a designee of the president, in consultation with the chairs of the senate and

house of representatives committees with jurisdiction over agricultural policy and finance issues.

(c) Meetings of the board are subject to section 471.705.

(d) Members of the board shall be compensated and reimbursed in the same manner as members of advisory councils under section 15.059, subdivision 3.

Subd. 4. [BYLAWS.] Bylaws of Market Champ, Inc. must provide for the qualification and removal of directors and for filling vacancies on the board in a manner not inconsistent with this section.

Subd. 5. [ARTICLES OF INCORPORATION.] The articles of incorporation of Market Champ, Inc. must be filed with the secretary of state under chapter 317A and must be consistent with this section.

Subd. 6. [AUDIT.] Market Champ, Inc. shall contract with the legislative auditor to perform audits and must report the results to the legislature.

Subd. 7. [REPORT.] The board of directors of Market Champ, Inc. shall submit an annual report on the activities of Market Champ, Inc. by January 15 of each year to the appropriations, finance, and agriculture committees of the legislature and to the governor. The report must include a description of the corporation's activities for the past year, a list of all contracts entered into by the corporation, and a financial report of revenues and expenditures of the corporation.

Subd. 8. [EXPIRATION.] The board of directors of Market Champ, Inc. expires on June 30, 2003.

Sec. 16. Minnesota Statutes 1996, section 18C.141, is amended to read:

18C.141 [SOIL AND MANURE TESTING LABORATORY CERTIFICATION.]

Subdivision 1. [PROGRAM ESTABLISHMENT.] The commissioner shall establish a program to certify the accuracy of analyses from soil and manure testing laboratories and promote standardization of soil and manure testing procedures and analytical results.

Subd. 2. [CHECK SAMPLE SYSTEM.] (a) The commissioner shall institute a system of check samples that requires a laboratory to be certified to analyze at least four two multiple soil or manure check samples during the calendar year. The samples must be supplied by the commissioner or by a person under contract with the commissioner to prepare and distribute the samples.

(b) Within 30 days after the laboratory receives check samples, the laboratory shall report to the commissioner the results of the analyses for all requested elements or compounds or for the elements or compounds the laboratory makes an analytical determination of as a service to others.

(c) The commissioner shall compile analytical data submitted by laboratories and provide laboratories submitting samples with a copy of the data without laboratory names or code numbers.

(d) The commissioner may conduct check samples on laboratories that are not certified.

Subd. 3. [ANALYSES REPORTING STANDARDS.] (a) The results obtained from soil, manure, or plant analysis must be reported in accordance with standard reporting units established by the commissioner by rule. The standard reporting units must conform as far as practical to uniform standards that are adopted on a regional or national basis.

(b) If a certified laboratory offers a recommendation, the University of Minnesota recommendation or that of another land grant college in a contiguous state must be offered in addition to other recommendations, and the source of the recommendation must be identified on the recommendation form. If relative levels such as low, medium, or high are presented to classify the analytical results, the corresponding relative levels based on the analysis as designated by the University of Minnesota or the land grant college in a contiguous state must also be presented.

Subd. 4. [REVOCATION OF CERTIFICATION.] If the commissioner determines that analysis being performed by a laboratory is inaccurate as evidenced by check sample results, the commissioner may deny, suspend, or revoke certification.

Subd. 5. [CERTIFICATION FEES.] (a) A laboratory applying for certification shall pay an application fee of $100 and a certification fee of $100 before the certification is issued.

(b) Certification is valid for one year and the renewal fee is $100. The commissioner shall charge an additional application fee of $100 if a certified laboratory allows certification to lapse before applying for renewed certification.

(c) The commissioner shall notify a certified lab that its certification lapses within 30 to 60 days of the date when the certification lapses.

Subd. 6. [RULES.] The commissioner shall adopt rules for the establishment of minimum standards for laboratories, equipment, procedures, and personnel used in soil and manure analysis and rules necessary to administer and enforce this section. The commissioner shall consult with representatives of the fertilizer industry, representatives of the laboratories doing business in this state, and with the University of Minnesota college of agriculture before proposing rules.

Sec. 17. [18C.430] [COMMERCIAL ANIMAL WASTE TECHNICIAN.]

Subdivision 1. [REQUIREMENT.] (a) Except as provided in

paragraph (c), after March 1, 2000, a person may not manage or apply animal wastes for hire without a valid commercial animal waste technician license. This section does not apply to a person managing or applying animal waste on land managed by the person's employer.

(b) A person managing or applying animal wastes for hire must have a valid license identification card when managing or applying animal wastes for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

(c) A person who is not a licensed commercial animal waste technician who has had at least two hours of training or experience in animal waste management may manage or apply animal waste for hire under the supervision of a commercial animal waste technician.

Subd. 2. [RESPONSIBILITY.] A person required to be licensed under this section who performs animal waste management or application for hire or who employs a person to perform animal waste management or application for compensation is responsible for proper management or application of the animal wastes.

Subd. 3. [LICENSE.] A commercial animal waste technician license:

(1) is valid for three years and expires on December 31 of the third year for which it is issued, unless suspended or revoked before that date;

(2) is not transferable to another person; and

(3) must be prominently displayed to the public in the commercial animal waste technician's place of business.

Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a commercial animal waste technician license on forms and in the manner required by the commissioner and must include the application fee. The commissioner shall prescribe and administer an examination or equivalent measure to determine if the applicant is eligible for the commercial animal waste technician license.

(b) The commissioner of agriculture, in cooperation with the Minnesota extension service and appropriate educational institutions, shall establish and implement a program for training and licensing commercial animal waste technicians.

Subd. 5. [RENEWAL APPLICATION.] A person must apply to the commissioner of agriculture to renew a commercial animal waste technician license and must include the application fee. The commissioner may renew a commercial animal waste technician license, subject to reexamination, attendance at workshops

approved by the commissioner, or other requirements imposed by the commissioner to provide the animal waste technician with information regarding changing technology and to help ensure a continuing level of competence and ability to manage and apply animal wastes properly. The applicant may renew a commercial animal waste technician license within 12 months after expiration of the license without having to meet initial testing requirements. The commissioner may require additional demonstration of animal waste technician qualification if a person has had a license suspended or revoked or has had a history of violations of this section.

Subd. 6. [FINANCIAL RESPONSIBILITY.] (a) A commercial animal waste technician license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by (1) proof of net assets equal to or greater than $50,000, or (2) a performance bond or insurance of the kind and in an amount determined by the commissioner of agriculture.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner shall immediately suspend the license of a person who fails to maintain the required bond or insurance.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under paragraph (b) must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 7. [APPLICATION FEE.] A person initially applying for or renewing a commercial animal waste technician license must pay a nonrefundable application fee of $50 and a fee of $10 for each additional identification card requested.

Sec. 18. Minnesota Statutes 1996, section 35.82, subdivision 2, is amended to read:

Subd. 2. [DISPOSITION OF CARCASSES.] (a) Except as provided in subdivision 1b and paragraph (d), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at least three feet deep at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive secretary, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as

required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the pollution control agency feedlot program shall distribute them to livestock producers in the

state.

Sec. 19. Minnesota Statutes 1996, section 41A.09, subdivision 1a, is amended to read:

Subd. 1a. [ETHANOL PRODUCTION GOAL.] It is a goal of the state that ethanol production plants in the state attain a total annual production level of 220,000,000 240,000,000 gallons.

Sec. 20. Minnesota Statutes 1997 Supplement, section 41A.09, subdivision 3a, is amended to read:

Subd. 3a. [PAYMENTS.] (a) The commissioner of agriculture shall make cash payments to producers of ethanol, anhydrous alcohol, and wet alcohol located in the state. These payments shall apply only to ethanol, anhydrous alcohol, and wet alcohol fermented in the state and produced at plants that have begun production by June 30, 2000. For the purpose of this subdivision, an entity that holds a controlling interest in more than one ethanol plant is considered a single producer. The amount of the payment for each producer's annual production is:

(1) except as provided in paragraph (b), for each gallon of ethanol or anhydrous alcohol produced on or before June 30, 2000, or ten years after the start of production, whichever is later, 20 cents per gallon; and

(2) for each gallon produced of wet alcohol on or before June 30, 2000, or ten years after the start of production, whichever is later, a payment in cents per gallon calculated by the formula "alcohol purity in percent divided by five," and rounded to the nearest cent per gallon, but not less than 11 cents per gallon.

The producer payments for anhydrous alcohol and wet alcohol under this section may be paid to either the original producer of anhydrous alcohol or wet alcohol or the secondary processor, at the option of the original producer, but not to both.

(b) If the level of production at an ethanol plant increases due to an increase in the production capacity of the plant and the increased production begins by June 30, 2000, the payment under paragraph (a), clause (1), applies to the additional increment of production until ten years after the increased production began. Once a plant's production capacity reaches 15,000,000 gallons per year, no additional increment will qualify for the payment.

(c) The commissioner shall make payments to producers of ethanol or wet alcohol in the amount of 1.5 cents for each kilowatt hour of electricity generated using closed-loop biomass in a cogeneration facility at an ethanol plant located in the state. Payments under this paragraph shall be made only for electricity generated at cogeneration facilities that begin operation by June 30, 2000. The payments apply to electricity

generated on or before the date ten years after the producer first qualifies for payment under this paragraph. Total payments under this paragraph in any fiscal year may not exceed $750,000. For the purposes of this paragraph:

(1) "closed-loop biomass" means any organic material from a plant that is planted for the purpose of being used to generate electricity or for multiple purposes that include being used to generate electricity; and

(2) "cogeneration" means the combined generation of:

(i) electrical or mechanical power; and

(ii) steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.

(d) Except for new production capacity approved under paragraph (i), clause (1), the total payments under paragraphs (a) and (b) to all producers may not exceed $34,000,000 in a fiscal year. Total payments under paragraphs (a) and (b) to a producer in a fiscal year may not exceed $3,000,000.

(e) By the last day of October, January, April, and July, each producer shall file a claim for payment for ethanol, anhydrous alcohol, and wet alcohol production during the preceding three calendar months. A producer with more than one plant shall file a separate claim for each plant. A producer shall file a separate claim for the original production capacity of each plant and for each additional increment of production that qualifies under paragraph (b). A producer that files a claim under this subdivision shall include a statement of the producer's total ethanol, anhydrous alcohol, and wet alcohol production in Minnesota during the quarter covered by the claim, including anhydrous alcohol and wet alcohol produced or received from an outside source. A producer shall file a separate claim for any amount claimed under paragraph (c). For each claim and statement of total ethanol, anhydrous alcohol, and wet alcohol production filed under this subdivision, the volume of ethanol, anhydrous alcohol, and wet alcohol production or amounts of electricity generated using closed-loop biomass must be examined by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(f) Payments shall be made November 15, February 15, May 15, and August 15. A separate payment shall be made for each claim filed. The total quarterly payment to a producer under this paragraph, excluding amounts paid under paragraph (c), may not exceed $750,000. Except for new production capacity approved under paragraph (i), clause (1), if the total amount for which all other producers are eligible in a quarter under

paragraphs (a) and (b) exceeds $8,500,000, the commissioner shall make payments for production capacity that is subject to this restriction in the order in which the portion of production capacity covered by each claim went into production. If the total amount of ethanol or wet alcohol production reported for a quarter under paragraph (e) equals or exceeds 55,000,000 gallons:

(1) payments under this subdivision do not apply to the amount produced in excess of 55,000,000 gallons;

(2) the commissioner shall make payments to producers in the order in which the portion of production capacity covered by each claim began production; and

(3) only those producers that receive payments for the quarter, or received payments under paragraph (a) or (b) in an earlier quarter, will be eligible for future ethanol or wet alcohol production payments under this subdivision.

(g) If the total amount for which all producers are eligible in a quarter under paragraph (c) exceeds the amount available for payments, the commissioner shall make payments in the order in which the plants covered by the claims began generating electricity using closed-loop biomass.

(h) After July 1, 1997, new production capacity is only eligible for payment under this subdivision if the commissioner receives:

(1) an application for approval of the new production capacity;

(2) an appropriate letter of long-term financial commitment for construction of the new production capacity; and

(3) copies of all necessary permits for construction of the new production capacity.

The commissioner may approve the additional new production capacity based on the order in which the applications are received. The commissioner shall not approve production capacity in excess of the limitations in paragraph (f).

(i) After the effective date of this section, the commissioner may only approve: (1) up to 12,000,000 gallons of new production capacity at one plant that has not previously received approval or payment for any production capacity; or (2) new production capacity at existing plants are not eligible for new capacity beyond not to exceed planned expansions reported to the commissioner by February 1997. The commissioner may not approve any new production capacity after July 1, 1998.

(j) For the purposes of this subdivision "new production capacity" means annual ethanol production capacity that was not allowed under a permit issued by the pollution control agency prior to July 1, 1997, or for which construction did not begin prior to July 1, 1997.

Sec. 21. Minnesota Statutes 1997 Supplement, section 84.8205, is amended to read:

84.8205 [SNOWMOBILE STATE TRAIL PERMIT STICKER.]

Subdivision 1. [STICKER REQUIRED; FEE.] A person may not operate a snowmobile that is not registered in this state may not be operated on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile operator has in possession a snowmobile state trail permit. The commissioner of natural resources shall issue a permit sticker upon application and payment of a $15 fee. The permit sticker is valid from November 1 through April 30. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Subd. 2. [PLACEMENT OF STICKER.] The state trail sticker shall be permanently affixed to the forward half of the snowmobile directly above or below the headlight of the snowmobile.

Subd. 3. [LICENSE AGENTS.] County auditors are appointed agents of the commissioner for the sale of snowmobile state trail stickers. The commissioner may appoint other state agencies as agents for the sale of the stickers. A county auditor may appoint subagents within the county or within adjacent counties to sell stickers. Upon appointment of a subagent, the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent, and the commissioner may revoke the appointment of a state agency at any time. The commissioner may require an auditor to revoke a subagent's appointment. The auditor shall furnish stickers on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the stickers to be consigned to that subagent. A surety bond is not required for a state agency appointed by the commissioner. The county auditor shall be responsible for all stickers issued to and user fees received by agents except in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed by this section upon the county auditor are imposed upon the county. The commissioner may promulgate additional rules governing the accounting and procedures for handling state trail stickers as provided in section 97A.485, subdivision 11.

Any resident desiring to sell snowmobile state trail stickers may either purchase for cash or obtain on consignment stickers from a county auditor in groups of not less than ten individual stickers. In selling stickers, the resident shall be

deemed a subagent of the county auditor and the commissioner, and shall observe all rules promulgated by the commissioner for accounting and handling of licenses and stickers pursuant to section 97A.485, subdivision 11.

The county auditor shall promptly deposit all money received from the sale of the stickers with the county treasurer and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price paid by each stickerholder, exclusive of the issuing fee, for each sticker sold or consigned by the auditor and subsequently sold to a stickerholder during the accounting period. The county auditor shall retain as a commission four percent of all sticker fees, excluding the issuing fee for stickers consigned to subagents and the issuing fee on stickers sold by the auditor to stickerholders.

Unsold stickers in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any stickers not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Subd. 4. [DISTRIBUTION OF STICKERS.] The commissioner shall provide stickers to all agents authorized to issue stickers by the commissioner.

Subd. 5. [AGENT'S FEE.] The fee for a sticker shall be increased by the amount of an issuing fee of $1 per sticker. The issuing fee may be retained by the seller of the sticker.

Sec. 22. Minnesota Statutes 1997 Supplement, section 84.86, subdivision 1, is amended to read:

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails, including, but not limited to, the use of specified metal traction devices and nonmetal traction devices.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety

education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed $5 from each person who receives the youth and young adult training and a fee established under chapter 16A from each person who receives the adult training. The commissioner shall deposit the fee in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of $500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 23. Minnesota Statutes 1996, section 84.871, is amended to read:

84.871 [MUFFLERS EQUIPMENT REQUIREMENTS.]

Subdivision 1. [MUFFLERS.] Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land; (2) public lands and water under the jurisdiction of the commissioner of natural resources, with the commissioner's permission; or (3) other public lands, with the consent of the public agency owning the

land. No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules of the commissioner after the effective date of the rules.

Subd. 2. [METAL TRACTION DEVICES ON SNOWMOBILE TRACKS.] Except as provided in this subdivision, a person may not operate a snowmobile with a track equipped with metal traction devices on public lands, roads, or trails, or public road or trail rights-of-way. Pursuant to section 84.86, the commissioner may adopt rules that: (1) limit the use of nonmetal traction devices; and (2) permit metal traction devices that meet certain specifications.

Sec. 24. [84.8715] [METAL TRACTION DEVICE STICKER.]

Subdivision 1. [STICKER REQUIRED; FEE.] A person may not operate a snowmobile with a track equipped with metal traction devices unless a metal traction device sticker is affixed to the snowmobile. The commissioner shall issue a metal traction device sticker upon application and payment of a $50 fee. The sticker is valid for one year following June 30 in the year it is issued. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund. Money deposited under this section must be used for repair of paved public trails except that any money not necessary for this purpose may be used for the grant-in-aid snowmobile trail system.

Subd. 2. [PLACEMENT OF STICKER.] The metal traction device sticker must be permanently affixed to the forward half of the snowmobile directly above or below the headlight of the snowmobile.

Subd. 3. [LICENSE AGENTS.] The commissioner shall sell metal traction device stickers through the process established under section 84.8205.

Subd. 4. [REPEALER.] This section is repealed on July 1, 1999.

Sec. 25. Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c, is amended to read:

Subd. 1c. [METAL TRACTION DEVICES; PROHIBITION ON PAVED TRAILS.] A person may not use a snowmobile with metal traction devices on any paved state public trail, except as otherwise provided by a local government with jurisdiction over a trail.

Sec. 26. [85.0156] [MISSISSIPPI WHITEWATER TRAIL.]

Subdivision 1. [CREATION.] An urban whitewater trail is created along the Mississippi river in the lower St. Anthony falls area below the stone arch bridge in Minneapolis. The trail must be primarily developed for whitewater rafters, canoers, and kayakers.

Subd. 2. [COMMISSIONER'S DUTIES.] (a) The commissioner of natural resources must coordinate the creation of the whitewater trail by placing designation signs near and along the river and must publicize the designation.

(b) In designating the Mississippi whitewater trail, the commissioner must work with other federal, state, and local agencies and private businesses and organizations interested in the trail.

Subd. 3. [GIFTS; DONATIONS.] The commissioner of natural resources is authorized to accept, on behalf of a nonprofit corporation, donations of land or easements in land for the whitewater trail and may seek and accept money for the trail from other public and private sources.

Sec. 27. Minnesota Statutes 1996, section 86B.101, subdivision 2, is amended to read:

Subd. 2. [YOUTH WATERCRAFT SAFETY COURSE.] (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft.

(b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

Sec. 28. Minnesota Statutes 1996, section 86B.415, subdivision 1, is amended to read:

Subdivision 1. [WATERCRAFT 19 FEET OR LESS.] The fee for a watercraft license for watercraft 19 feet or less in length is $12 except:

(1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered for rent or lease, the fee is $6;

(2) for a canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell 19 feet in length or less, the fee is $7;

(3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4; and

(4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5.

Sec. 29. Minnesota Statutes 1996, section 86B.415, is amended by adding a subdivision to read:

Subd. 7a. [PERSONAL WATERCRAFT SURCHARGE.] A $50 surcharge

is placed on each personal watercraft licensed under subdivisions 1 to 5 for enforcement of personal watercraft laws and for personal watercraft safety education. The surcharge must be deposited in the state treasury and credited to the water recreation account in the natural resources fund. Any grants to counties from revenue collected under this subdivision must be proportional to the use of personal watercraft in each county. Grants made under this subdivision are subject to the applicable administrative, reporting, and auditing requirements in sections 86B.701 and 86B.705.

Sec. 30. Minnesota Statutes 1996, section 89A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota forest resources council has 13 members appointed by the governor and one member appointed by the Indian affairs council. The council membership appointed by the governor must include one representative from each of the following individuals:

(1) a representative from an organization representing environmental interests within the state;

(2) a representative from an organization representing the interests of management of game species;

(3) a representative from a conservation organization;

(4) a representative from an association representing forest products industry within the state;

(5) a commercial logging contractor active in a forest product association;

(6) a representative from a statewide association representing the resort and tourism industry;

(7) a faculty or researcher of a Minnesota research or higher educational institution;

(8) an owner of nonindustrial, private forest land of 40 acres or more;

(9) an agricultural woodlot owner;

(10) a representative from the department;

(11) a county land commissioner who is a member of the Minnesota association of county land commissioners;

(12) a representative from the United States Forest Service unit with land management responsibility in Minnesota; and

(13) a representative from a labor organization with membership having an interest in forest resource issues.

Sec. 31. Minnesota Statutes 1996, section 90.193, is amended to read:

90.193 [EXTENSION OF TIMBER PERMITS.]

The commissioner may, in the case of an exceptional circumstance beyond the control of the timber permit holder which makes it unreasonable, impractical, and not feasible to

complete cutting and removal under the permit within the time allowed, grant an extension of one year. A request for the extension must be received by the commissioner before the permit expires. The request must state the reason the extension is necessary and be signed by the permit holder. The value of the timber remaining to be cut will be recalculated using current stumpage rates. Any timber cut during the period of extension or remaining uncut at the expiration of the extension shall be billed for at the stumpage rates determined at the time of extension provided that in no event shall stumpage rates be less than those in effect at the time of the original sale. An interest rate of eight percent will may be charged for the period of extension.

Sec. 32. Minnesota Statutes 1996, section 93.002, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The mineral coordinating committee is established to plan for diversified mineral development. The mineral coordinating committee consists of the director of the minerals division of the department of natural resources, the deputy commissioner of the Minnesota pollution control agency, the director of United Steelworkers of America, district 11, or the director's designee, the commissioner of the iron range resources and rehabilitation board, the director of the Minnesota geological survey, the dean of the University of Minnesota institute of technology, and the director of the natural resources research institute, and three individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, the nonferrous metallic minerals, and the industrial minerals industries within the state. The director of the minerals division of the department of natural resources shall serve as chair. A member of the committee may designate another person of the member's organization to act in the member's place. The commissioner of natural resources shall provide staff and administrative services necessary for the committee's activities.

The mineral coordinating committee is encouraged to solicit and receive advice from representatives of the United States Bureau of Mines, the United States Geological Survey, and the United States Environmental Protection Agency.

Sec. 33. Minnesota Statutes 1996, section 97A.037, subdivision 1, is amended to read:

Subdivision 1. [INTERFERENCE WITH TAKING WILD ANIMALS PROHIBITED.] A person who has the intent to prevent, or disrupt, or dissuade the taking of another person from taking or preparing to take a wild animal or enjoyment of the out-of-doors may must not disturb or interfere with another that person who

if that person is lawfully taking a wild animal or preparing to take a wild animal. "Preparing to take a wild animal" includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take lawfully a wild animal.

Sec. 34. Minnesota Statutes 1996, section 97A.245, is amended to read:

97A.245 [REWARDS.]

The commissioner may pay rewards for information leading to the conviction of a person that has violated a provision of laws relating to wild animals or threatened or endangered species of wildlife. A reward may not exceed $500, except a reward for information relating to big game or threatened or endangered species of wildlife, may be up to $1,000 and a reward for information relating to timber wolves may be up to $2,500. The rewards may only be paid from funds donated to the commissioner for these purposes and may not be paid to salaried conservation officers or peace officers.

Sec. 35. Minnesota Statutes 1996, section 103C.315, subdivision 4, is amended to read:

Subd. 4. [COMPENSATION.] A supervisor shall receive compensation for services as the state board may determine, and may be reimbursed for expenses, including traveling expenses, necessarily incurred in the discharge of duties. A supervisor shall may be reimbursed for the use of the supervisor's own automobile in the performance of official duties at the a rate per mile prescribed for state officers and employees up to the maximum tax-deductible mileage rate permitted under the federal Internal Revenue Code.

Sec. 36. Minnesota Statutes 1996, section 103F.155, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER'S REVIEW.] (a) The commissioner shall review the plan and consult with the state office of civil defense and other appropriate state and federal agencies. Following the review, the commissioner shall accept, require modification, or reject the plan.

(b) If required modifications are not made, or if the plan is rejected, the commissioner shall order the removal of the emergency protection measures and shall not provide grant money under section 103F.161 until the plan is approved or the required modifications are made.

Sec. 37. Minnesota Statutes 1996, section 103F.161, subdivision 2, is amended to read:

Subd. 2. [ACTION ON GRANT APPLICATIONS.] (a) A local government may apply to the commissioner for a grant on forms provided by the commissioner. The commissioner shall confer

with the local government requesting the grant and may make a grant up to $75,000 $150,000 based on the following considerations:

(1) the extent and effectiveness of mitigation measures already implemented by the local government requesting the grant;

(2) the feasibility, practicality, and effectiveness of the proposed mitigation measures and the associated nonflood related benefits and detriments;

(3) the level of grant assistance that should be provided to the local government, based on available facts regarding the nature, extent, and severity of flood problems;

(4) the frequency of occurrence of severe flooding that has resulted in declaration of the area as a flood disaster area by the President of the United States;

(5) the economic, social, and environmental benefits and detriments of the proposed mitigation measures;

(6) whether the floodplain management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner, the degree of enforcement of the ordinance or regulation, and whether the local government is complying with the ordinance or regulation;

(7) the degree to which the grant request is consistent with local water plans developed under chapters 103B and 103D;

(8) the financial capability of the local government to solve its flood hazard problems without financial assistance; and

(9) the estimated cost and method of financing of the proposed mitigation measures based on local money and federal and state financial assistance.

(b) If the amount of the grant requested is $75,000 $150,000 or more, the commissioner shall determine, under the considerations in paragraph (a), whether any part of the grant should be awarded. The commissioner must submit an appropriation request to the governor and the legislature for funding consideration before each odd-numbered year, consisting of requests or parts of grant requests of $75,000 $150,000 or more. The commissioner must prioritize the grant requests, under the considerations in paragraph (a), beginning with the projects the commissioner determines most deserving of financing.

(c) A grant may not exceed one-half the total cost of the proposed mitigation measures.

(d) After July 1, 1991, grants made under this section may be made to local governments whose grant requests are part of, or responsive to, a comprehensive local water plan prepared under chapter 103B or 103D.

Sec. 38. Minnesota Statutes 1996, section 103G.271, subdivision 6, is amended to read:

Subd. 6. [WATER USE PERMIT PROCESSING FEE.] (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cents per 1,000 gallons for the first 50,000,000 gallons per year;

(2) 0.10 cents per 1,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;

(3) 0.15 cents per 1,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year; and

(4) 0.20 cents per 1,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;

(5) 0.25 cents per 1,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;

(6) 0.30 cents per 1,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;

(7) 0.35 cents per 1,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;

(8) 0.40 cents per 1,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year; and

(9) 0.45 cents per 1,000 gallons for amounts greater than 400,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) for nonprofit corporations and school districts:

(i) 5.0 cents per 1,000 gallons until December 31, 1991;

(ii) 10.0 cents per 1,000 gallons from January 1, 1992, until December 31, 1996; and

(iii), 15.0 cents per 1,000 gallons after January 1, 1997; and

(2) for all other users, 20 cents per 1,000 gallons.

(c) The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is $50.

(d) For water use processing fees other than once-through cooling systems:

(1) the fee for a city of the first class may not exceed $175,000 per year;

(2) the fee for other entities for any permitted use may

not exceed:

(i) $35,000 per year for an entity holding three or fewer permits;

(ii) $50,000 per year for an entity holding four or five permits;

(iii) $175,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed $750 per year; and

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed $10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is $10 for years in which:

(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) For once-through systems fees payable after July 1, 1993, 75 percent of the fees must be credited to a special account and are appropriated to the Minnesota public facilities authority for loans under section 446A.21.

Sec. 39. Minnesota Statutes 1996, section 115.076, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY OF COMMISSIONER.] (a) The agency may refuse to issue or to authorize the transfer of:

(1) a hazardous waste facility permit or a solid waste facility permit to construct or operate a commercial waste facility as defined in section 115A.03, subdivision 6, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the facility in conformance with the requirements of this chapter and chapters 114C and 116, or if other circumstances exist that demonstrate that the permit applicant may not operate the facility in

conformance with the requirements of this chapter and chapters 114C and 116; or

(2) an animal feedlot facility permit, under section 116.07, subdivision 7, to construct or operate an animal feedlot facility, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the feedlot facility in conformance with the requirements of this chapter and chapter 116 or if other circumstances exist that demonstrate that the permit applicant may not operate the feedlot facility in conformance with the requirements of this chapter and chapter 116.

(b) In making this a determination under paragraph (a), the agency may consider:

(1) the experience of the permit applicant in constructing or operating commercial waste facilities or animal feedlot facilities;

(2) the expertise of the permit applicant;

(3) the past record of the permit applicant in operating commercial waste facilities or animal feedlot facilities in Minnesota and other states;

(4) any criminal convictions of the permit applicant in state or federal court during the past five years that bear on the likelihood that the permit applicant will operate the facility in conformance with the applicable requirements of this chapter and chapters 114C and 116; and

(5) in the case of a corporation or business entity, any criminal convictions in state or federal court during the past five years of any of the permit applicant's officers, partners, or facility managers that bear on the likelihood that the applicable facility will be operated in conformance with the applicable requirements of this chapter and chapters 114C and 116.

Sec. 40. Minnesota Statutes 1997 Supplement, section 115.55, subdivision 5a, is amended to read:

Subd. 5a. [INSPECTION CRITERIA FOR EXISTING SYSTEMS.] (a) An inspection of an existing system must evaluate the criteria in paragraphs (b) to (h).

(b) If the inspector finds one or more of the following conditions:

(1) sewage discharge to surface water;

(2) sewage discharge to ground surface;

(3) sewage backup; or

(4) a cesspool; or

(5) any other situation with the potential to immediately and adversely affect or threaten public health or safety,

then the system constitutes an imminent threat to public health or safety and, if not repaired, must be upgraded, replaced, or

its use discontinued within ten months of receipt of the notice described in subdivision 5b, or within a shorter period of time if required by local ordinance.

(c) An existing system that has none of the conditions in paragraph (b), and has at least two feet of soil separation need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more restrictive.

(d) Paragraph (c) does not apply to systems in shoreland areas regulated under sections 103F.201 to 103F.221, wellhead protection areas as defined in section 103I.005, or those used in connection with food, beverage, and lodging establishments regulated under chapter 157.

(e) If the local unit of government with jurisdiction over the system has adopted an ordinance containing local standards pursuant to subdivision 7, the existing system must comply with the ordinance. If the system does not comply with the ordinance, it must be upgraded, replaced, or its use discontinued according to the ordinance.

(f) If a seepage pit, drywell, cesspool, or leaching pit exists and the local unit of government with jurisdiction over the system has not adopted local standards to the contrary, the system is failing and must be upgraded, replaced, or its use discontinued within the time required by subdivision 3 or local ordinance.

(g) If the system fails to provide sufficient groundwater protection, then the local unit of government or its agent shall order that the system be upgraded, replaced, or its use discontinued within the time required by rule or the local ordinance.

(h) The authority to find a threat to public health under section 145A.04, subdivision 8, is in addition to the authority to make a finding under paragraphs (b) to (d).

Sec. 41. Minnesota Statutes 1997 Supplement, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the

pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Natural Resources Conservation Service and the Agricultural Stabilization and Conservation Service Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this

section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) After May 17, 1997, any new rules or amendments to existing rules proposed under the authority granted in this subdivision, must be submitted to the members of legislative policy committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

Sec. 42. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:

Subd. 7b. [FEEDLOT INVENTORY NOTIFICATION AND PUBLIC MEETING REQUIREMENTS.] (a) Any state agency or local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must publicize notice of the inventory in a newspaper of general circulation in the affected area and in other media as appropriate. The notice must state the dates the inventory will be conducted, the information that will be requested in the inventory, and how the information collected will be provided to the public. The notice must also specify the date for a public meeting to provide information regarding the inventory.

(b) A local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must hold at least one public meeting within the boundaries of the jurisdiction of the local unit of government, prior to beginning

the inventory. A state agency conducting a survey of livestock feedlots must hold at least four public meetings outside of the seven-county Twin Cities metropolitan area, prior to beginning the inventory. The public meeting must provide information concerning the dates the inventory will be conducted, the procedure the agency or local unit of government will use to request the information to be included in the inventory, and how the information collected will be provided to the public.

Sec. 43. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:

Subd. 7c. [NPDES PERMITTING REQUIREMENTS.] (a) The agency must issue National Pollutant Discharge Elimination System permits for feedlots with 1,000 animal units or more based on the following schedule:

(1) for applications received after the effective date of this section, a permit for a newly constructed or expanded animal feedlot with 2,000 or more animal units must be issued as an individual permit;

(2) for applications received after January 1, 1999, a permit for a newly constructed or expanded animal feedlot with between 1,000 and 2,000 animal units that is identified as a priority by the commissioner, using criteria established under paragraph (e), must be issued as an individual permit; and

(3) after January 1, 2001, all existing feedlots with 1,000 or more animal units must be issued an individual or general National Pollutant Discharge Elimination System permit.

(b) By October 1, 1999, the agency must issue a general National Pollutant Discharge Elimination System permit for animal feedlots with between 1,000 and 2,000 animal units that are not identified under paragraph (a), clause (2).

(c) Prior to the issuance of a general National Pollutant Discharge Elimination System permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

(d) To the extent practicable, the agency must include a public notice and comment period for an individual National Pollutant Discharge Elimination System permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

(e) By January 1, 1999, the commissioner, in consultation with the feedlot and manure management advisory committee,

created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required under paragraph (a), clause (2), for an animal feedlot with between 1,000 and 2,000 animal units. The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.

(f) By January 1, 2000, the commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required for an existing animal feedlot, under paragraph (a), clause (3). The criteria must be based on violations and other compliance problems at the facility.

Sec. 44. Minnesota Statutes 1997 Supplement, section 116.18, subdivision 3c, is amended to read:

Subd. 3c. [INDIVIDUAL ON-SITE TREATMENT SYSTEMS AND ALTERNATIVE DISCHARGING SEWAGE SYSTEMS PROGRAM.] (a) Beginning in fiscal year 1989, up to ten percent of the money to be awarded as grants under subdivision 3a in any single fiscal year, up to a maximum of $1,000,000, may be set aside for the award of grants by the agency to municipalities to reimburse owners of individual on-site wastewater treatment systems or alternative discharging sewage systems for a part of the costs of upgrading or replacing the systems.

(b) An individual on-site treatment system is a wastewater treatment system, or part thereof, that uses soil treatment and disposal technology to treat 5,000 gallons or less of wastewater per day from dwellings or other establishments.

(c) An alternative discharging sewage system is a system permitted under section 115.58 that:

(1) serves one or more dwellings and other establishments;

(2) discharges less than 10,000 gallons of water per day; and

(3) uses any treatment and disposal methods other than subsurface soil treatment and disposal.

(d) Municipalities may apply yearly for grants of up to 50 percent of the cost of replacing or upgrading individual on-site treatment systems, including conversion to an alternative discharging sewage system, within their jurisdiction, up to a limit of $5,000 per system or per connection to a cluster system. Before agency approval of the grant application, a municipality must certify that:

(1) it has adopted and is enforcing the requirements of Minnesota Rules governing individual sewage treatment systems;

(2) the existing systems for which application is made do not conform to those rules, are at least 20 years old, do not serve seasonal residences, and were not constructed with state or federal funds; and

(3) the costs requested do not include administrative costs, costs for improvements or replacements made before the application is submitted to the agency unless it pertains to the plan finally adopted, and planning and engineering costs other than those for the individual site evaluations and system design.

(d) (e) The federal and state regulations regarding the award of state and federal wastewater treatment grants do not apply to municipalities or systems funded under this subdivision, except as provided in this subdivision.

(e) (f) The agency shall adopt permanent rules regarding priorities, distribution of funds, payments, inspections, procedures for administration of the agency's duties, and other matters that the agency finds necessary for proper administration of grants awarded under this subdivision.

Sec. 45. Minnesota Statutes 1997 Supplement, section 169.1217, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169.123.

(b) "Designated license revocation" includes a license revocation under section 169.123:

(1) within five years of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents.

(c) "Designated offense" includes:

(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), subdivision 1a, an ordinance in conformity with any of them, or section 169.129:

(i) within five years of two prior impaired driving convictions, or two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license

revocations, or any combination of three or more impaired driving convictions and prior license revocations, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, clause (f), or a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(3) a violation of section 169.121, an ordinance in conformity with it, or section 169.129:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(4) until June 30, 1999, a second or subsequent violation of section 85.015, subdivision 1c.

(d) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(e) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(f) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(g) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 46. Minnesota Statutes 1996, section 308A.131, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] (a) The incorporators shall prepare the articles, which must include:

(1) the name of the cooperative;

(2) the purpose of the cooperative;

(3) the principal place of business for the cooperative;

(4) the period of duration for the cooperative, if the duration is not to be perpetual;

(5) the total authorized number of shares and the par value of each share if the cooperative is organized on a capital stock basis;

(6) a description of the classes of shares, if the shares are to be classified;

(7) a statement of the number of shares in each class and relative rights, preferences, and restrictions granted to or imposed upon the shares of each class, and a provision that only common stockholders have voting power;

(8) a statement that individuals owning common stock shall be restricted to one vote in the affairs of the cooperative or a statement that the cooperative is one described in section 308A.641, subdivision 2;

(9) a statement that shares of stock are transferable only with the approval of the board;

(10) a statement that dividends on the capital stock and nonstock units of equity of the cooperative may not exceed eight percent annually;

(11) the names, post office addresses, and terms of office of the directors of the first board;

(12) a statement that net income in excess of dividends and additions to reserves shall be distributed on the basis of patronage, and that the records of the cooperative may show the interest of patrons, stockholders of any classes, and members in the reserves; and

(13) the registered office address of the cooperative and the name of the registered agent, if any, at that address.

(b) The articles must always contain the provisions in paragraph (a), except that the names, post office addresses, and terms of offices of the directors of the first board may be omitted after their successors have been elected by the members or the articles are amended in their entirety.

(c) The articles may contain other lawful provisions.

(d) The articles must be signed by the incorporators.

Sec. 47. Minnesota Statutes 1997 Supplement, section 308A.705, subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION OF NET INCOME.] Net income in excess of dividends on capital stock, nonstock units of equity, and additions to reserves shall be distributed on the basis of patronage. A cooperative may establish allocation units, whether the units are functional, divisional, departmental, geographic, or otherwise, and pooling arrangements and may

account for and distribute net income on the basis of allocation units and pooling arrangements. A cooperative may offset the net loss of an allocation unit or pooling arrangement against the net income of other allocation units or pooling arrangements to the extent permitted by section 1388(j) of the Internal Revenue Code of 1986, as amended through December 31, 1996.

Sec. 48. Minnesota Statutes 1996, section 308A.705, subdivision 3, is amended to read:

Subd. 3. [DIVIDENDS.] Dividends may be paid on capital stock and nonstock units of equity only if the net income of the cooperative for the previous fiscal year is sufficient. The dividends are not cumulative.

Sec. 49. Laws 1997, chapter 216, section 15, subdivision 8, is amended to read:

Subd. 8. Pollution Prevention

(a) TOXIC EMISSIONS FROM FIRE TRAINING 65,000

This appropriation is from the trust fund to metropolitan state university to identify and quantify toxic emissions from live-burn training in acquired structures to evaluate and propose alternatives. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) POLLUTION PREVENTION TRAINING PROGRAM FOR INDUSTRIAL EMPLOYEES 200,000

This appropriation is from the future resources fund to the director of the office of environmental assistance for agreements with Citizens for a Better Environment and the University of Minnesota to provide the training and technical assistance needed for pollution prevention by industrial employees.

Sec. 50. [AGGREGATE RESOURCES TASK FORCE.]

Subdivision 1. [CREATION; MEMBERSHIP.] (a) An aggregate resources task force consists of 12 members appointed as follows:

(1) the subcommittee on subcommittees of the senate committee on rules and administration shall appoint one citizen member with experience in the state's aggregates industry, one citizen member who is an employee of a local government unit

that works with environmental and land use impacts from aggregate mining, and four members of the senate, two of whom must be members of the minority caucus; and

(2) the speaker of the house shall appoint one citizen member who is an employee of a local governmental unit that works with environmental and land use impacts from aggregate mining, one citizen member with experience in native prairie conservation, and four members of the house, two of whom must be members of the minority caucus.

(b) The appointing authorities must make their respective appointments not later than July 1, 1998.

(c) The first meeting of the task force must be convened by a person designated by the chair of the senate committee on rules and administration. Task force members shall then elect a permanent chair from among the task force members.

Subd. 2. [DUTIES.] The task force shall examine current and projected issues concerning the need for and use of the state's aggregate resources. The task force shall seek input from the aggregate industry, state agencies, counties, local units of government, environmental organizations, and other interested parties on aggregate resource issues, including resource inventory, resource depletion, mining practices, nuisance problems, safety, competing land uses and land use planning, native prairie conservation, environmental review, local permit requirements, reclamation, recycling, transportation of aggregates, and the aggregate material tax.

Subd. 3. [REPORT.] Not later than February 1, 2000, the task force shall report to the legislature on the findings of its study. The report must include a recommendation as to whether there is a need for a comprehensive statewide policy on any aggregate resource issue. If the task force recommends a statewide policy, the report must include recommendations on the framework for the statewide policy.

Subd. 4. [EXPIRATION.] The aggregate resources task force expires 45 days after its report and recommendations are delivered to the legislature, or on June 30, 2001, whichever date is earlier.

Sec. 51. [REPORT ON NONCOMMERCIAL MANURE APPLICATOR TRAINING AND CERTIFICATION.]

The commissioner of agriculture, in close consultation with the commissioner of the pollution control agency and statewide farm organizations including the Minnesota Farmers Union and the Minnesota Farm Bureau Federation, shall conduct a study to assess the need for and feasibility of a program for noncommercial manure applicator training and certification. The commissioner must submit a report to the members of the senate

and house policy committees with jurisdiction over agriculture and the environment by January 20, 1999. The report must include recommendations on:

(1) persons and activities that should be exempt from certification;

(2) dates by which persons should be required to obtain certification;

(3) content of the noncommercial animal waste technician training curriculum; and

(4) procedures and timelines for implementing noncommercial animal waste technician training programs.

Sec. 52. [PERMIT REQUIREMENTS.]

Until June 30, 2000, neither the pollution control agency nor a county board may issue a permit for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon. This section does not apply to repair or modification related to an environmental improvement of an existing lagoon.

Sec. 53. [FEEDLOT RULES.]

By March 1, 1999, the commissioner of the pollution control agency must submit a copy of updated feedlot permit rules as prescribed in Minnesota Statutes, section 116.07, subdivision 7, paragraph (i). The updated rules must become effective no later than June 1, 1999.

Sec. 54. [ENVIRONMENTAL REVIEW RULES.]

The environmental quality board, in consultation with the pollution control agency, shall study and adopt rules pursuant to Minnesota Statutes, chapter 14, to revise and clarify Minnesota Rules, part 4410.1000, subpart 4, as it applies to connected actions on animal feedlots and the need for environmental review. The board must submit a copy of the proposed rules and a summary of public comments received on the rules to the members of the senate and house policy committees with jurisdiction over agriculture and the environment, the senate environment and agriculture budget division, and the house environment, natural resources, and agriculture finance committee by March 1, 1999. The rules may not become effective until 60 days after they are submitted to the committee members and must become effective no later than June 1, 1999.

Sec. 55. [REPORT ON REVISED STANDARDS FOR HYDROGEN SULFIDE EXPOSURE.]

By January 15, 1999, the commissioner of labor and industry, in consultation with the commissioners of the pollution control agency, health, and agriculture, shall report to the senate and house policy committees with jurisdiction over agriculture and environment on the need for and, if appropriate, suggested changes to standards for hydrogen sulfide exposure

levels within livestock confinement facilities having a design capacity of 500 animal units or more and at various distances up to 5,000 feet from animal waste storage facilities.

Sec. 56. [REPORT ON ANIMAL WASTE LIABILITY.]

By January 15, 1999, the commissioner of the pollution control agency, in conjunction with the commissioner of agriculture, shall report to the legislative policy and finance committees or divisions with jurisdiction over agriculture and the environment on the need for an animal waste liability account, improved animal waste incident reporting, and a contingency action plan for animal waste sites. The report must include:

(1) an analysis of the need and level of funding required for an animal waste liability account;

(2) the identification of possible funding sources to ensure adequate resources for animal waste site cleanup under clause (1);

(3) an analysis of the need for changes to the current animal waste incident reporting system; and

(4) the need for development of a statewide animal waste contingency plan for animal waste sites, including containment, closure, and cleanup.

Sec. 57. [COUNTIES AND TOWNS TO REPORT.]

(a) Not later than August 1, 1998, each county and each town that has adopted ordinances related to animal feedlots shall supply copies of the ordinances to the commissioner of agriculture. A county or town that adopts a new or amended ordinance related to animal feedlots shall report the new or amended ordinance to the commissioner within 60 days after the adoption.

(b) The reporting requirements of paragraph (a) expire after June 30, 2001.

Sec. 58. [LOAN WORK PLAN.]

Notwithstanding the requirements of rules adopted pursuant to Minnesota Statutes, section 115A.0716, that prevent the use of funds for costs incurred before the term of the agreement, the director shall disburse loan funds awarded to United Recycling, Inc., provided that the director has approved a new project proposal that includes performance goals for carpet recycling and demonstrates the financial viability of the recycling enterprise.

Sec. 59. [WATER QUALITY COST-BENEFIT MODEL SCOPING TASK FORCE.]

The commissioner of the pollution control agency shall convene a task force comprising of no more than three representatives each from industry, municipalities, watershed

management groups, labor, agriculture, and environmental groups within 30 days of the effective date of this section. The task force shall select an entity to conduct a scoping study for a cost-benefit model to analyze water quality standards. The scoping study shall include: a watershed-based approach that evaluates both point and nonpoint pollution sources, the extent of the costs and benefits to be evaluated, the necessary elements of the model, a model that is transferable to other watersheds and standards, and the characteristics of the watersheds and standards to be evaluated. By October 15, 1998, the task force shall review the completed scoping study and make recommendations on the scope, cost, and time frame for development of the model to the commissioner and to the chairs of the house and senate environment and natural resources committees, the chair of the house environment, natural resources, and agriculture finance committee, and the chair of the senate environment and agriculture budget division.

Sec. 60. [ANALYSIS AND SALE OF LAKESHORE LEASED LOTS.]

Subdivision 1. [ANALYSIS OF LOTS.] By January 15, 1999, the commissioner of natural resources must submit a report to the chairs of the senate and house environment and natural resources committees, the chair of the house environment, natural resources, and agriculture finance committee, the chair of the senate environment and agriculture budget division, the chairs of the senate children, families and learning committee, and the chair of the house education committee, including the results of the field inspection required by this section, recommendations on appropriations needed to accomplish this section, and additional recommendations on methods to preserve public lakeshore in the state. The commissioner must conduct a field inspection of all lands leased pursuant to Minnesota Statutes, section 92.46, subdivision 1. The commissioner shall identify all lots within the following classifications:

(1) sale of the lot would create a block of contiguous property that could result in a shift in land use from residential to commercial development;

(2) the lot should remain in public ownership in order to provide public access to the lake where it is located;

(3) the lot is part of the trust land in Horseshoe Bay, as referenced in Laws 1997, chapter 216, section 151;

(4) the lot contains all or part of an unusual resource, such as a historical or archaeological site, or a sensitive ecological resource, or contains high quality habitat, or has a high scenic value;

(5) the lot is not in compliance with state law concerning on-site sewage treatment or minimum lot size requirements for

development, or the lot is hydrologically unsuitable for future development; and

(6) the lot provides access for adjacent state land.

Subd. 2. [SCHOOL TRUST LAKESHORE LOTS; EXCHANGE AND SALE.] (a) For each parcel of land that does not meet the criteria in subdivision 1, the commissioner must preserve the assets of the school trust pursuant to this subdivision.

(b) The commissioner must attempt to establish a land exchange with each lessee. The lessee and the commissioner must attempt to agree on a parcel of private lakeshore land to be used for the land exchange. If the lessee obtains an option to purchase the parcel, the commissioner must conduct an appraisal and a survey of both parcels of land at the lessee's expense. If the commissioner determines that the parcel offered by the lessee is of equal or greater value than the trust land, the commissioner must submit the proposed exchange to the land exchange board, as defined in Minnesota Statutes, section 94.341, for approval. Notwithstanding Minnesota Statutes, sections 94.342 to 94.347, the land exchange board shall determine the procedures for approval of individual land exchanges, subject to the requirements of the Minnesota Constitution and this section. Any exchange under this paragraph must be submitted to the land exchange board by July 1, 2004.

(c) By December 15, 2004, the commissioner must submit a list of each parcel of land that has not been exchanged pursuant to paragraph (b) to the house and senate environment and natural resource committees. The list submitted by the commissioner must include recommendations for sale or retention of the remaining individual parcels. Subject to approval by the legislature, the commissioner must sell parcels approved for sale by public sale at the expiration of the lease term using a sealed bid procedure under the remaining provisions of Minnesota Statutes, chapter 92. After approval of sale by the legislature, a lessee of land approved for sale may request during the remainder of the lease term that lands leased by the lessee be sold at a public sale pursuant to this section within one year of the request.

(d) The commissioner must mail notice of this section to each lessee by July 1, 1998.

Sec. 61. [REPEALER.]

(a) Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c, as amended by this act, is repealed effective June 30, 1999.

(b) Laws 1991, chapter 275, section 3, is repealed.

Sec. 62. [EFFECTIVE DATE.]

Section 31 is effective January 1, 1998. Sections 28 and 29 are effective January 1, 1999. Section 23 is effective July 1, 1999. Section 52 is effective the day following final enactment and applies to new applications submitted after that date. The remainder of this act is effective the day following final enactment.

mja

FOR YOUR INFORMATION

(does not pertain to BWSR meeting today)

- "Board Member Update"
- Summary of Lac Qui Parle/Yellow Bank Watershed District Revised Watershed Management Plan
- Overview of the Nobles County Comprehensive Water Plan, the Kanaranzi-Little Rock Watershed District, and Okabena-Ocheda Watershed District Overall Management Plan
- Memo to agencies regarding state review of Nobles County Water Plan
- "NASCA Update"
- "Comprehensive Local Water Planning" Recipient of The National Awards for Environmental Sustainability
- Minnesota Department of Agriculture "Agricultural Best Management Practices Loan Program"
- "1998 Impaired Waters List" Maps from Howard Markus, Pollution Control Agency
- Letter to Grant Satre, Marshall-Beltrami SWCD, from Ron Harnack, regarding FY99 State Cost-Share Program Allocation Policy
- "Water Pollutant Trading: From Policy to Reality"
- Memo to Allan Oehlke from Al Kean, regarding Participation on Citizen's Committee for Animal Agriculture GEIS
- "Clean Water Action Plan: Restoring and Protecting America's Waters"
- Memo to Board Conservationists and Regional Supervisors from John Jaschke, regarding "WCA Dispute/Resolution Tracks"
- Correspondence to Ron Harnack from Allan Klein, Administrative Law Judge, regarding Proposed Rules of the BWSR Relating to Wetlands, Minnesota Rules, Chapter 8420
- Correspondence from Jim Haertel, regarding Capitol Region Watershed District Petition and Public Hearing
- Correspondence from Jim Birkholz, regarding Summary of BWSR Activities in Cooperation with Watershed Districts in the Red River Valley
- Letter to Senator Doug Johnson from Jerome Deal, Bois de Sioux Watershed District, regarding the Red River Watershed Management Board
- Report of the Governor's Round Table on Sustainable Development

Minnesota Board of Water & Soil Resources

Board member Update

April 1998

Northern Region

Program information

Wetlands

They haven't gone away yet. Mark Nelson, Duluth board conservationist (BC), attended three meetings dealing with the St. Louis County Wetland Protection and Management Plan (CoWProMP). Some sporting groups are just finding out about the wetland plan. Final adoption will depend on the comfort level of the many interested groups. Mark and Wetland Specialist Dan Eklund continue to make slow progress on the Koochiching CoWProMP. Dan Eklund's wetland specialist position is proving indispensable in the development, review, and ultimate approval of the local wetland plans. Beltrami County is in the early stages of developing a CoWProMP as well. This group has had two meetings to date. Part of Marshall County (Thief River Watershed) is included in this CoWProMP. The issue here is that the Thief River Watershed may be reclassified into a greater than 80 percent presettlement wetland area. Bemidji BC Brian Dwight is working with the locals to ensure they understand what level of documentation is needed to make this reclassification a reality.

Dale Krystosek, Bemidji BC, reports that Otter Tail County has one of the worst Wetland Conservation Act (WCA) violations he has ever seen. The violation consists of about five acres of fill in a type 6 wetland on the shores of Big Pine Lake. Several ditches were dug and discharge directly into the lake and fill was placed along the lakeshore. A cease and desist order was issued, the technical evaluation panel (TEP) met, the soil and water conservation district (SWCD) issued a restoration order and it was served to the landowner. Dale appeared at the planning commission meeting where the landowner had requested a plat for the parcel. The plat was denied. Local implementation of WCA is working, despite continued criticism from other agencies and interest groups.

Dan Eklund's wetland specialist position is proving indispensable in the development, review, and ultimate approval of the local wetland plans.

Water Planning

Planning for this summer's annual

At the request of Cormorant Lakes Watershed District, Dale facilitated a meeting in Pelican Rapids to discuss methods of dealing with high water levels in lakes within the district that are threatening properties.

water planners' conference continues. Education Specialist Kamal Alshaif has joined BCs Bill Best and Dale in working on this project. This year's conference is in Crookston July 21 through 23.

Bill recently completed his water plan updates. The Norman County Water Plan was approved by the board in March. There are only about six water plan updates left to approve in the north.

Watershed Districts

At the request of Cormorant Lakes Watershed District, Dale facilitated a meeting in Pelican Rapids to discuss methods of dealing with high water levels in lakes within the district that are threatening properties. About fifty people attended the meeting.

Bill and Brainerd BC Pete Waller have begun talking with Norman SWCD and Wild River Watershed District regarding the possible establishment of a Storm Water Utility District in the city of Twin Valley.

Dan Steward, Brainerd BC, covered for Pete and attended a meeting with the Sauk River Watershed District regarding options for addressing sedimentation into Big Birch lake. In the end the watershed district board decide to implement aggressive promotion of the Conservation Reserve Program (CRP) continuous sign-up buffer strips. More local groups should take advantage of the solid erosion control implementation available through continuous CRP.

Pete worked with Doug Thomas, water plan coordinator, to arrange a meeting with watershed district attorneys to discuss the legal aspects of water management districts and storm water facilities and the use of general funds versus utility fees. These utility fees are fundamentally different from ad valorem and assessment funds in a number of ways. Attorneys representing nine watershed districts attended. They generated lots of discussion and left the meeting with a better understanding of water management districts and storm water facilities.

Bill, Brian, and Chief Engineer Al Kean attended and participated in the Red River Water Management Board annual conference in Thief River Falls. Those in attendance seemed appreciative of the increased assistance BWSR has been providing to watershed districts in the valley and elsewhere.

General local government unit assistance

Dan and Dan attended an Aitkin County Board training session on management of county ditches in Aitkin County. After decades as a non-issue, ditches are making somewhat of a comeback in this part of the state. Local government units (LGUs), soil and water conservation districts (SWCDs) and counties land in the middle of these ditching debates.

Jim Lemmerman, Duluth forester, did a windbreak presentation for 25 people taking a Woodland Advisors training program. The Woodland

Advisors program provides 40 hours of training to interested people who in turn offer assistance to neighbors.

Engineering and Technical Services Section

Program information

Non Point Engineering Assistance

The Non Point Engineering Assistance (NPEA) Committee, including a joint powers board supervisor as well as host district manager, engineer, or technician from each of the joint powers areas, and several BWSR staff, met on April 2 for a program update and ongoing coordination. Topics of discussion included: a legislative update; review of upcoming financial reporting, overview of fiscal year (FY) 1999 base grant procedures; review of other grant opportunities; status of the Ag Best Management Practices (BMP) Loan Program; and a draft description of roles and responsibilities of the various organizations and positions involved in the NPEA program. Attitudes seem to be upbeat and program implementation good.

Conservation Reserve Enhancement Program (CREP) training was provided at three locations in the Minnesota River basin on March 24-26. These were joint agency sessions for the Farm Service Agency (FSA), the Natural Resources Conservation Service (NRCS) and SWCD staff. All sessions were well attended (85 to 100 people at each). Tim Fredbo, easement program manager, and Greg Larson, land and water section administrator, were involved in providing the training, and other conservation easement program staff helped put together the associated materials.

Tim and Mark Oja, NRCS biologist, attended a recent Minnesota Association of Soil and Water Conservation Districts (MASWCD) Area VI meeting to give a presentation about the Reinvest in Minnesota (RIM) Reserve/Wetland Reserve Program (WRP) wetland restoration partnership. To date, the partnership has easement applications that will leverage $1.1 million in federal funds. BWSR and NRCS staff continue to work out the details of this partnership.

To date, the partnership has easement applications that will leverage $1.1 million in federal funds.

General local government unit (LGU) assistance

Justin Jeffery, training and design engineer, is working with several NRCS area engineers to provide training on the Feedlot Evaluation (FLEval) model. The first session will be in Rochester on April 28. Char Sokatch, metro region secretary, has helped Justin prepare a "high tech" presentation, and Rob Romocki, NRCS Area VII engineer, has taken care of logistics. This training course was requested by many SWCD and NRCS staff via the

A number of SWCD staff attended the March MASWCD board meeting and reportedly got into a discussion about standards and technical approval authority (TAA) requirements for the state Cost-Share Program.

partnership training needs inventory. The FLEval model is a key tool for rating feedlot pollution potential and evaluating some design alternatives. It seems that Justin has become somewhat of a statewide expert for the model.

Justin is also working on developing an ag waste management systems planning course and an in-state construction inspection course. These are high on the list of courses requested by SWCD, NRCS and BWSR staff. This planning course is much more than engineering and the construction inspection course is very involved, so Justin is looking for others to assist in course development and presentation.

A number of SWCD staff attended the March MASWCD board meeting and reportedly got into a discussion about standards and technical approval authority (TAA) requirements for the state Cost-Share Program. Upon hearing about the discussion, Al Kean, chief engineer, did some homework and decided to ask the MASWCD convention planning committee for a time slot for he and John Brach, NRCS state conservation engineer, to address these issues. The anticipated session title is "Standards, Specs and TAA -- Help or Hindrance?"

Joe Wiltsey, training coordinator, and Tim Fredbo are scheduled to give presentations at the upcoming Minnesota Association of Conservation District Employees (MACDE) annual training session in June regarding the training initiative and the RIM/WRP partnership, respectively.

Gene Clark, lakeshore engineer, has been working with the Lake Superior SWCDs to help prepare their state cost-share special project applications. Each SWCD will submit one application for numerous prioritized North Shore projects within their district. A substantial waiting list has existed since the shoreline BMP workshops held nearly two years ago along the North Shore.

Gene recently assisted John Hodgson, SWCD joint powers Area II engineer, present a lakeshore stabilization training session in Bemidji. Gene reports that the training session was well prepared and well attended.

The U.S. Geological Survey, via the U.S. Fish and Wildlife Service (USFWS), and the Corps of Engineers have been inquiring about funding and support for watershed modeling in the Red River and Minnesota River basins, respectively. Both appear to be looking for work and the Corps specifically to drum up local and state support for appropriations under a study authorization in the federal FY 96 Water Resources Development Act. Al has been coordinating with DNR, USFWS and Corps staff to help identify the associated facts, opportunities and challenges. Multi-agency/organization discussion meetings have been scheduled for April 27 and May 27.

A consultant to the Itasca SWCD and Arrowhead Water Quality Team recently completed two new videos entitled "Standing Firm Against Erosion, BMPs for Shoreland" and "The Living Shore, BMPs for Shoreline Vegetation." These videos were funded in part by a BWSR challenge

grant. They are more focused and detailed than a previous video commissioned by the Arrowhead Water Quality Team. Gene Clark is in one of the videos and reports that it was a tough filming experience without cue cards or real backgrounds (the backgrounds were dubbed in later). These are very good quality videos that are already being used for training sessions.

Hot Topics

Implementation is full speed ahead for the recent legislative appropriations for small feedlot pollution abatement cost-sharing. BWSR staff intend to make associated grants available with other SWCD base grants and cost-share grants in early summer. The recent legislation calls for this cost-share funding to focus on small feedlots that have received a notice of violation and counties with a level 2 or 3 feedlot inventory completed or in progress. This is a major boost to the state Cost-Share Program.

Metro Region

Program Information

Wetland Conservation Act

Metro BC Phil Belfori has been involved with several TEPs regarding the drainage of a large wetland in Scott County. The local government did issue an exemption for the drainage; however, the TEP found that the exemptions did not apply. The DNR is beginning the process of appealing the local decision.

Watershed districts/watershed management organizations

Washington County has directed staff to move forward with the study on governance of water management in the county. The charge of the study is to determine the county's role in management and how water management should be organized. BC Matt Moore and Metro Supervisor Bruce Sandstrom will be representing BWSR on the work group and steering committee.

Metro region staff continue to work with Sunrise River Watershed Management Organization and Lower Rum River Watershed Management Organization in review of their "second generation" Watershed Plans. The Lower Minnesota River and Prior Lake Spring Lake Watershed Districts are planning to submit their plans in May/June for initial review. The region has recently begun work on a study to determine if there is "seamless coverage" of local governments to administer WCA within the region.

Carver County is continuing to develop the watershed plan for the areas in the county not in watershed districts. The estimated completion date for the plan is January 1999. Scott County is expected to move forward with the creation of the a similar plan beginning this May.

Hot topics

Earlier this month there was a non-controversial public hearing held on the establishment of the Capitol City

Implementation is full speed ahead for the recent legislative appropriations for small feedlot pollution abatement cost-sharing.

LARS is going through some growing pains and has some "bugs" that need to be worked out.

Watershed District in the area that is currently made up of the Central and Southwest Ramsey Watershed Management Organizations. The meeting had excellent attendance and comments were heard from a wide variety of citizens and organizations. The Metro Subcommittee will meet on April 27 to make a formal recommendation of the establishment to the full board.

Miscellaneous

Effective February 3, Doug Snyder was assigned as the board conservationist for Hennepin and Carver counties. Previous to this new assignment, Doug had been working with the region on developing watershed plans for water management organizations in Scott and Carver counties. Congratulations Doc!

Southern Region

Program Information

Local water planning

BC David Sill received the final updated plan for the Lac qui Parle/ Yellow Bank Watershed District. An overview of the plan was completed for the April board packet. The final steps in plan approval are in sight!

General LGU Assistance

BCs received the 1998 Annual Plan of Work from each of the SWCDs by the March 15, 1998, deadline. BCs review and approve these plans and then notify the central office so that the SWCD grant agreements can be processed in a timely manner. Some SWCDs chose to submit a written report, although not required because of the Local Government Annual Reporting System (LARS) reporting. These SWCDs still like doing a written report to share with interested parties within their county.

LARS is going through some growing pains and has some "bugs" that need to be worked out. John Lenarz, BWSR's information systems manager, met with BC Tom Fischer, the Nicollet County water planner, and the Nicollet SWCD manager at their offices. These one-on-one meetings provided John with an opportunity to hear firsthand about LGU's concerns relating to and ideas for improving LARS. Both the LGUs and John Lenarz felt the meeting was very worthwhile.

Marshall BC David Sill reports that with the excellent assistance of BC Dave Peterson and SWCD Accounting Coordinator Sara Johnson, an evaluation of the Swift SWCD was recently completed. The Swift SWCD board requested this input as they seek to establish some new direction for programs and staff. In addition to several meetings with the SWCD and a summary letter outlining the evaluation panel's findings, the panel worked with the SWCD to establish several short- and long-term goals.

David Sill also participated in the southwest water planners conference

in late March. This has become an annual event for water planners, local task forces, county commissioners, and soil and water conservation districts in the southwestern part of the state to inform, educate, and share opportunities. BWSR staff members, along with several other state agencies, were asked to give short presentations on their perspectives of the future role of water planning.

Hot Topics

Since the January BWSR board meeting, when the board voted to not recommend or purchase an SWCD accounting software package, there have been numerous SWCD meetings around the state on the subject. Areas I, II, and III had a discussion in mid-March at their spring training session, and three possible packages were described.

A group from Area VI went to the cities in March to see a demo of the KB Consultant package and the new Windows accounting package from the Software Library. These groups were told that the price for individual KB packages would be close to $2,000, plus there would be a license fee of around $460 per district and an annual support fee of just over $500 per year. The MASWCD has agreed to be an umbrella for the license fee, and the districts wanting to go with KB will split the cost. If BWSR had purchased 92 KB packages, the cost would have been about $500 per district. KB Consultants said the price would be good until May 30, at which time the software will increase to $9,000. At last count, 13 districts were definitely going with KB. Several others will be discussing it at their late April and May board meetings. If enough districts purchase that package, KB will probably load that software on Sara Johnson's computer, and she would be able to provide some support as well.

The cost for Quickbooks runs about $200. Several districts in Area VII are going with that. There was also discussion in that area about hiring a consultant to come in and set up their chart of accounts and do some training. BWSR purchased a copy of Quickbooks for Sara, and in the near future, she should be able to give some assistance to those districts using Quickbooks.

The third package being considered is the Windows version of an accounting package from The Software Library. At this time, none of the districts is showing any interest in that. The payroll module of the software is not completed yet, and there will not be an inventory module.

Districts will need to change from the Accountant (the present package), because it is not year 2000 compliant. While this should not be a huge issue with the SWCDs (they only have one year on the system at a time anyway), the fact that the Accountant is a DOS-based system and no one knows what will happen to DOS in the year 2000 is a problem.

Miscellaneous

Marshall BC Tabor Hoek recently presented information on wetland

Since the January BWSR board meeting, when the board voted to not recommend or purchase an SWCD accounting software package, there have been numerous SWCD meetings around the state on the subject.

regulations at a drainage contractors workshop sponsored by the University of Minnesota Extension Service (Extension). As is the trend, there is a large interest in cropland drainage, and according to Extension, the yield benefits coincide. Nitrogen losses have been documented at 30-50 percent of applied N at recommended rates and as leaving sites primarily via ground water flows. Nutrient management and buffers are a way to prevent and intercept this loss. The Heron Lake Watershed District has documented over 7 million feet of permitted private tile since the formation of the district in 1972. This does not include public drainage systems. The footage per year doubled in 1993 with the beginning of our recent wet climate. Expect to see a lot more 50-100 foot lateral spacing on tile lines.

As is the trend, there is a large interest in cropland drainage, and according to Extension, the yield benefits coincide.

SUMMARY OF THE **LAC QUI PARLE / YELLOW BANK WATERSHED DISTRICT** REVISED WATERSHED MANAGEMENT PLAN

APRIL 22, 1998 BWSR BOARD MEETING

INTRODUCTION

The Lac qui Parle / Yellow Bank Watershed District is located in west central Minnesota on the southwest side of the Minnesota River. The watershed contains approximately 976 square miles of land. Approximately 73% of the land surface is located in Lac qui Parle County, 20% in Yellow Medicine County, and 7% in Lincoln County. The total land area drained by the two rivers - Lac qui Parle and Yellow Bank - is approximately 1,712 square miles, of which 736 miles are located in South Dakota.

The Lac qui Parle / Yellow Bank Watershed District was established on April 19, 1971. In October of 1972 the original Watershed District Plan was completed.

This recent planning revision process began in the summer of 1996, under the direction of the Lac qui Parle / Yellow Bank Watershed District Managers and their plan consultant - Dr. James Van Alstine of West Central Environmental Consultants.

PHYSICAL DESCRIPTION OF THE WATERSHED DISTRICT

The topography of most of the Lac qui Parle / Yellow Bank Watershed District is nearly level to gently rolling terrain. However there are **several pronounced geologic features** in the District - including the Minnesota River Valley and the highland plain known as the Coteau des Prairie. The Minnesota River and its large valley form the northeast boundary of the District. At places this valley is over 100 feet below the surrounding plains' land surface. The Coteau des Prairie extends from northeastern South Dakota in a southeasterly direction into Nobles County in Minnesota and enters the District in Lincoln County. The Coteau des Prairie forms a watershed boundary between the Big Sioux River of the Missouri River Basin on the west and the Minnesota River of the Mississippi River Basin on the east. The Lac qui Parle and Yellow Bank Rivers and most of their tributaries originate in this highlands plateau and flow in a northeasterly direction. Extensive and well developed flood plains along the rivers extend from the foot of Coteau des Prairie to the Minnesota River Valley. The lowest elevation in the watershed is 931 feet above sea level on the shore of Lac qui Parle Lake. The highest elevation is 2,001 feet above sea level and is in South Dakota. The highest elevation in the Watershed District is located southwest of Hendricks and is between 1,870 and 1,880 feet above sea level. The dramatic change in elevation within the watershed is the cause of many of the flooding problems. There is a 1,070 foot drop in elevation in the first 60 miles of the drainage, and a 931 foot drop in elevation over the next 1,000 miles of the drainage.

The **population** of the District is estimated at approximately 14,000 people. This reflects a continued loss of population in the area. (The census data between 1970 and 1990 reflects a 15% - 20% decline for the three county region.) There are nine municipalities located within the District.

The original vegetation of the area consisted primarily of tall and mid-grass prairie and prairie wetlands. Today the **land use and economy** of the District is devoted primarily to agriculture. 1989 land use information estimates that 83% of the land is used for crop production (primarily corn and soy beans), 9% is pasture or grassland, and approximately 2% is deciduous forest. Other small landuses include water and wetlands, farmstead and rural residents, and urban and industrial. Livestock (beef cattle and hogs) numbers have declined in recent years, although the number of livestock per farm has increased.

Surface waters in the District have significantly been impacted since the time of settlement, drainage

systems have eliminated many of the lakes and more than 80% of the original wetlands. Major lakes include: Lac qui Parle, Marsh, Salt, Hendricks and Twin. Del Clark Lake is the largest of three recreational impoundments in the Canby Creek Watershed Development project. Lac qui Parle Lake - the largest lake in the District - was created by the Lac qui Parle Flood Control Project, completed in 1951. The reservoir behind the dam has a carrying capacity of 122,800 acre feet and was designed for fish and wildlife conservation and recreation, in addition to flood control. The main stems of the Lac qui Parle and Yellow Bank tributaries and their tributaries were previously mentioned.

Constructed drainage systems are also a significant feature in the District with 62 county and 8 judicial systems constructed within its boundaries. Most of the public drainage systems occur in eastern Lac qui Parle County. In addition to the public drainage system, there are many private ditches and tile.

Ground water resources - the principle aquifers in the District are characterized by two broad groups; unconsolidated glacial drift aquifers and bedrock aquifers. Buried-drift aquifers are used extensively for public water supply, irrigation and farm wells in central and southwestern Minnesota. Wells utilizing these aquifers are commonly at depths of 80-380 feet. Bedrock aquifers are generally confined, and where present, range from 280-620 feet below the surface. This aquifer is generally not widely used for groundwater except where drift aquifers are absent or where well yields are poor. The aquifer is a major source of water southwest of the Minnesota River. Most water use from these aquifers is for rural domestic and livestock supplies, and the potential for development of large municipal and industrial water supplies is poor.

STAFF REVIEW

The revised plan provides an **updated inventory of the watershed setting and physical features, and describes the water resources and water use** within the District. **Existing and potential problems** of the District are then identified and described in detail. The plan identifies stream flooding, watershed cross-over flooding and drainage, erosion and sedimentation, surface water quality and ground water quality as major problems. Water supply, stream flow, lake levels, fish and wildlife habitat, water-based recreational opportunities and unique water related features are also identified as issues. **An assessment of each problem is completed, including the identification of alternative solutions and a summary of any active or planned projects.** The revised plan has established **goals, objectives and proposed actions** for each of the previously identified problems. **Several actions include:** develop a task force to assist the watershed district in implementing their plan; create and produce a map of the watershed and its sub basins; identify and evaluate flooding problems by sub-watersheds using a comprehensive approach; develop a method to prioritize those sub-watersheds requiring flood control measures; evaluate land use practices on flood plains; evaluate the stream gaging and flow recording system in the District; apply best management practices in critical areas; collect existing inventories of restored and restorable wetlands by sub watershed, determine additional inventory needs, and where possible restore additional wetlands; encourage water management by installing seepage tile and encourage blind intakes where possible; coordinate the identification, evaluation and implementation of large reservoir projects with partners; develop and rank potential road retention projects with Area II; promote removal and snagging of debris from channels where appropriate working with DNR; inventory areas of severe stream bank and channel sedimentation utilizing DNR Fisheries survey data; educate and promote upland soil conservation and riparian buffers encouraging CRP, RIM and CREP; seek funding to complete a current inventory of the public drainage system in the District, compiling information into a GIS format; investigate with other partners the opportunity of a Clean Water Partnership; work with partners to increase water quality monitoring in the District; assist with upgrading a feedlot inventory; promote extending current canoe and boating route designations; encourage reasonable protection of unique natural features such as native prairie, artesian wells, calcareous fens, and salt lakes; review and amend current District rules and regulations.

OVERVIEW OF THE NOBLES COUNTY COMPREHENSIVE WATER PLAN, AND THE KANARANZI-LITTLE ROCK WATERSHED DISTRICT, AND OKABENA-OCHEDA WATERSHED DISTRICT OVERALL MANAGEMENT PLAN FOR THE APRIL 22, 1998 BWSR BOARD MEETING

INTRODUCTION

The plan under consideration for approval will comprise a joint resource management plan that will serve as the Nobles county water plan and the overall management plans for Kanaranzi-Little Rock (KLR) and Okabena-Ocheda (O&O)watershed districts.

The resource planning process is essentially the same for all entities involved. However, each entity is given their own implementation section and identity where necessary in the plan.

Nobles County is located in southwestern Minnesota in the state's prairie region. The city of Worthington serves as the county seat. The O&O watershed is located in south-central Nobles county and the KLR covers western Nobles county and small portion of south-east Rock county.

Nobles county is a member of the Southwest Water Plan Coordinators which meets regularly to coordinate planning and implementation activities.

Nobles County began its original Comprehensive Water Plan (Plan) in 1988, with assistance from James M. Montgomery, Consulting Engineers, Inc.. The BWSR-approved Plan was adopted by Nobles County on May 22, 1990.

The O&O Overall Management Plan was last updated and approved on Dec. 15, 1972. The KLR Overall Management Plan was last updated and approved on Aug. 12, 1982. The plans have both expired and are due for updates.

The Comprehensive Water Plan Update (Plan Update) was initiated on November 22, 1994. The Nobles SWCD office provided the leadership for the Plan Update. The updated Plan is due to expire in 2002.

PHYSICAL DESCRIPTION OF COUNTY

Nobles County consists of 449,700 acres, of which 84.7 percent is cultivated farmland, 8.9 percent is grassland, with the balance being urban development or water areas. The topography of Nobles County consists of the Coteau in the Western portion of the county with near level to gently rolling topography over the balance of Nobles county. Nobles county contains portions of three major watersheds, the Rock River, West Fork DesMoines River, and Little Sioux River watersheds.

PLAN ACCOMPLISHMENTS

1. Comprehensive testing program of private water wells.
2. Education and incentive program to seal abandoned wells.
3. Watershed treatment project in the Heron Lake, O&O, and KLR watersheds. Heron Lake and O&O are MPCA Clean Water Partnerships while KLR is a NRCS PL 566 watershed project that has been implemented since 1982 at the formation of the KLR Watershed District.
4. Feedlot inventory and updated ordinance.
5. Significant effort has already been placed on finding adequate sources of groundwater supplies. The Lewis and Clark water project continues to move forward and the water plan is a part of the process.
6. Local BMP cost-share programs sponsored by watershed districts to fill the gaps in lack of funding from state and federal cost-share programs.

STAFF REVIEW

The plan organizes the objectives, and action items under six management strategies. Within these six strategies, the combined implementation efforts of the parties to this plan are laid out. Beyond this shared implementation plan, there are separate sections of the plan to cover each parties mandated planning components.

1. Minimize Flood Damages to Public and Private Lands. Protection of existing and restoration of new wetlands, floodplain encroachment, and stream channel straightening are identified for action.
2. Maximize Pubic Drainage System Benefits. Assure public drainage systems are maintained and properly administered, including buffer strips.
3. Improve Existing Surface Water Quality. Baseline water analysis, erosion control, feedlots, and point source pollution control.
4. Ensure Adequate Water Supplies. Groundwater conservation and exploration utilizing existing and outside sources of water.
5. Maintain or Improve Groundwater Quality. Management of hazardous wastes, well abandonment, and educational efforts, septic systems and wellhead protection.
6. Protect and Enhance Fish and Wildlife Habitat and Water Recreational Facilities. Shoreland management and habitat development.

The combined Nobles County draft Plan Update and O&O and KLR watershed district plan was submitted to BWSR for final state agency review in March of 1998. The review committee will meet in summer of 1998 with all parties to the plan. It is anticipated that BWSR will be asked to approve the Plan Update at their July Board meeting.

RH

NASCA UPDATE

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MARCH, 1998

This issue of **Update** discusses congressional legislation on animal waste management, , the Clean Water Action Plan, the Poultry Industry Environmental Dialogue, EPA actions on national nutrient standards and AFO/CAFO regulations, updates on the National Water Quality Monitoring Council and the Index of Watershed Indicators, upcoming meetings and other items of interest to NASCA members.

Federal Legislation on Animal Agriculture Considered

We are following S.1323 introduced by Senator Harkin (D-IA) "To regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes", and H.R.3232 introduced by Representative Miller (D-CA) "To amend the Federal Water Pollution Control Act to control water pollution from concentrated animal feeding operations, and for other purposes".

Cox and Geddes attended a hearing of the Senate Committee on Agriculture, Nutrition, and Forestry on the Harkin bill on April 2. EPA and USDA spokesmen for the Administration agreed with the need for additional action for addressing animal waste pollution but opposed the bill for the following reasons:

1. Giving USDA enforcement responsibilities will impair the ability of NRCS to work with producers on agriculture problems with voluntary programs;
2. S.1323 would create overlap and conflict with existing EPA and state water quality agency permitting programs;
3. NRCS does not have adequate field staff to administer a regulatory program

Administration spokesmen did agree that:

1. There is a need for improved and uniform national standards on animal waste;
2. There is a need to address land application of manures and the build up of soil phosphorous;
3. There is a need to "beef up" NRCS technical assistance and increase funding for EQIP.

Senator Harkin stated that he was willing to amend his bill but that problems from animal waste must be addressed in the near future.

Among the witnesses were Governor Glendening of Maryland and NASCA member Dewey Botts of North Carolina who described problems in their states. Several

witnesses explained that a "federal cookie cutter" or "one size fits all" approach will not work and supported adequate funding to states to address the problem locally.

Where Senator Harkin's bill would create a new program in NRCS, Representative Miller's bill would strengthen the existing NPDES system. "Waste management plans" must be submitted to the EPA Administrator for approval in non-delegated states , otherwise to the designated state permit approval authority. As such, this legislation tries to work within existing programs and procedures.

You will be updated as appropriate as these pieces of legislation move forward.

Clean Water Action Plan Update

The final version of the "Clean Water Action Plan: Restoring and Protecting America's Waters" has been printed and is in the process of distribution. Throughout this document, the emphasis is on state-based plans and actions. See in particular the language on pages 76 and 77 for examples of the emphasis on state developed assessments of watershed health.

Jim's memo of March 18 identified the development of "Unified Watershed Assessments" of particular interest to NASCA members. Since that time EPA has had a series of conference calls to outline a generic process to produce those lists and, as a result, has developed a very preliminary framework to meet the October 1 deadline. As a reminder, these lists will be the basis for distributing any new funding coming to states as a result of the President's expanded budget proposal. Dayle Williamson has recently agreed to represent NASCA in future discussions on this topic.

Page 59 of the Clean Water Action Plan details EPA's intention to establish ,by the year 2000, "numeric criteria for nutrients (i.e.,nitrogen and phosphorous) that are tailored to reflect the different types of water bodies (e.g., lakes,rivers, and estuaries) and the different ecoregions of the country, and will assist states in adopting numeric water quality standards based on those criteria over the following three years". This "Key Action" goes on to state that " if a state does not adopt appropriate nutrient standards, EPA will begin the process of promulgating nutrient standards". Obviously, these standards will apply to all sources of nutrients, but will have to be carefully blended with the AFO/CAFO efforts already announced (see following report).

EPA and USDA have recently announced a series of CWAP briefing sessions to be held around the country in April and May (see a separate mailing from NACD). Further details can be obtained from Hiram Boone who was recently detailed to the USDA Office of the Undersecretary for Natural Resources and the Environment. NASCA members are strongly encouraged to participate in these meetings whenever possible.

Poultry Industry Environmental Dialogue

The National Broiler Council (NBC) and EPA Region III staff have had a number of discussions since last summers' pfiesteria concerns surfaced in Maryland regarding the roles and responsibilities of both the integrators and growers in managing dry litter from various forms of poultry in the Delmarva peninsula. This has now evolved into a full dialogue somewhat like that done for pork last year.

The first meeting of the Dialogue was held in Atlanta in February; the second was held in Fayetteville, AR in March and was attended by Jim. Meanwhile, the Delaware partnership has requested that NASCA be fully represented on the Dialogue and the NBC has recently offered NASCA that opportunity. President Bob Buckley has asked Vice-President Randy Young to represent our membership and Jim Cox to serve as a staff representative.

Jim is serving on the "Compliance Assurance" workgroup which is considering many critical issues including integrator contracts, and is chaired by Jimmy Mardis of Tysons. Unlike the pork dialogue, EPA has announced that it intends to declare dry litter as a "pollution effluent" making it eligible for regulation under the NPDES program. This would suggest that this Dialogue will concentrate more on the type and coverage of future regulations rather than whether or not to regulate litter at all.

The next meeting of the Dialogue is scheduled for May 12-13 in Newark, DE.

EPA Issues "Strategy for Addressing Environmental and Public Health Impacts from Animal Feeding Operations"

On March 4, EPA issued the subject guidance (AFO Strategy) in order "to provide a blueprint for a significant expansion of EPA's regulatory and voluntary efforts related to AFO's". An overview of this strategy is as follows:

1. Expand compliance/enforcement efforts;
2. Focus on priority watersheds;
3. Improve Clean Water Act permits;
4. Revise existing regulations;
5. Increase EPA/USDA coordination

In addition, EPA intends to continue to work with USDA and other partners to promote research related to AFO issues; work with industry to promote voluntary efforts to reduce the environmental impact of AFOs; define performance measures and track progress in meeting goals; and continue active communication with the animal agriculture community and citizens.

National Water Quality Monitoring Council

The USGS and EPA have jointly convened the NWQMC under the auspices of the Advisory Committee on Water Information (ACWI) and have invited NASCA to becomea full member. Jim has represented NASCA at their two meetings to date. The council's charge is to implement a nationwide strategy to improve water quality monitoring, assessment, and reporting and oversee the activities of the Methods Board. NASCA's interest in this Council is to improve the quality and distribution of monitoring that focuses on nonpoint impacts and to improve the science behind watershed assessments. The membership will be kept apprised of the progress of this effort as it moves forward.

Index of Watershed Indicators

The second National Experts Meeting for IWI (formerly the National Watershed Assessment Project) was held on March 30-31 in Washington. The first meeting was reported in last April's "Update". Phase I of the IWI attempted to incorporate a total of 15 layers of data detailing the condition and vulnerability of 2111 USGS 8-digit cataloguing unit watersheds in the continental U.S. The Phase I version of the IWI will be refreshed by adding following new or improved indices by these dates:

1996 305(b) data (April)
Fish consumption data (July)
Source water indicators (April-May)
Permit compliance system "loads over limits" (April)
Urban runoff potential (August)
Population change (August)
Hydrologic modifications (FY99)
Coastal vulnerability

Phase II indicators under consideration include groundwater, biological integrity, atmospheric deposition, and coastal condition. Other discussion topics included recommendations for ways to get data to and from states for the CWAP Unified Watershed Assessments and how to improve IWI's presentation on Surf Your Watershed (http://www.epa.gov/surf). The revised IWI should be available this fall.

Miscellaneous Items

- NASCA president Bob Buckley (TX) will undergo open heart surgery on April 15 in Temple, TX. Our thoughts are with him for a full recovery.
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- Judy Doerner is now sending information to all NASCA members who are on VoiceCom. If you are not on VoiceCom we suggest you contact your State Conservationist. Also, in the near future USDA will implement its' new electronic mail system and you should contact your State Conservation to get an e-mail address on that system.
- NASCA has been invited to join the State/EPA Water Operations Committee which recently met in Atlanta to discuss Unified Watershed Assessments and animal feeding operations. NASCA has subsequently participated in the initial drafting of national guidance for states to follow in preparing the Assessments by the October 1 deadline.
- NASCA was represented by Randy Young (AR), Brad Spicer(LA), and Jim Gulliford (IA) at the second meeting of the Mississippi River/Gulf of Mexico Nutrient Task Force held April 8-9 in New Orleans, LA.
- Roland and Jim have both been invited to participate in the 21st Century Watersheds Summit sponsored by the Water Environment Federation to be held in Denver, CO on May1.
- NASCA, along with 13 other conservation organizations, signed on to a letter to Congressional Appropriation Subcommittees supporting funding for the CWAP.

Upcoming Meetings

A number of meetings of interest are coming up, including:

- **"The National Monitoring Conference"** sponsored by the NWQMC will be held July 7-9,1998 at the Silver Legacy Hotel in Reno, NV. Contact your state USGS office for further information.
- The dates and locations for the Regional NPS Forums have been finalized by ASIWPCA and enclosed for your information.
- **"Strengthening the Foundation of the Nation's Water Quality Program"** sponsored by EPA's Office of Water will be held August 24-28 in Philadelphia. Contact The Cadmus Group at 703-998-6862 (press 2190) for further information. Preregistration is required to attend.

As always, your comments, suggestions, or submissions for **Update** are welcomed. Please direct them to Jim Cox at 804-443-1527 or Roland Geddes at 804-443-2484. The e-mail addresses are jcox@access.digex.net and rbgnasca@crosslink.net.

ASIWPCA

Association of State and Interstate
Water Pollution Control Administrators
750 First St., NE, Suite 910, Washington, DC 20002
(202) 898-0905 • Fax (202) 898-0929
Email: admin1@asiwpca.org Web: www.asiwpca.org

TO: Wye Woods Participants

FROM: Robbi Savage

DATE: March 27, 1998

SUBJECT: **Specifics on the Upcoming Regional NPS Forums**

We understand that many of you will be personally attending all 5 Forums or will be arranging for members of your organization to attend. So to make your lives easier - please note the information below.

Atlanta, GA **April 30, 1998**
Georgia International Conference Center
1902 Sullivan Road
College Park, GA 30349
770/997-3566
Hotel List Enclosed.

Key Issues: Agriculture NPS pollution, urban runoff control, animal feeding operations, forestry management and watershed protection

Dallas, TX **June 15, 1998**
Harvey Hotel - Dallas/Fort Worth Airport
4545 John Carpenter Freeway (Highway 114 at Esters Boulevard)
Irving, TX 75063
972/929-4500
Reservations under NPS Forum by 5/25/98. Room Rate = $94.00. There is also a special Weekend Rate of $59.00 if you'd like to spend the weekend touring the Dallas area.

Key Issues: Agricultural, urban, forestry, and other major NPS of surface and ground water pollution

Portland, OR **May 18, 1998**
The Embassy Suites - Downtown
319 SW Pine Street
Portland, OR 97210
503/279-9000
Reservations 800-362-2779 by 4/17/98. Rate = $110 includes breakfast and daily evening reception

Key Issues: Increased Federal Agency partnership with States, Endangered Species Act relationship to the Clean Water Act, and total maximum daily load (TMLD) development and implementation

Merrimack, NH **June 19, 1998**
Merrimack Hotel and Conference Center
4 Executive Park Drive
Merrimack, NH 03054
603/424-8000
Reservations by 5/18/98. Room Rate = $72.00

Key Issues: Agricultural nonpoint source pollution, storm water management, other urban NPS problems, and TMDLs

Kansas City, MO **June 2, 1998**
The Embassy Suites (at the airport)
7640 NW Tiffany Springs Parkway
Kansas City, MO 64153
816/891-7788
Reservation deadline is 5/11/98. Room Rate = $97.00

Key Issues: Agricultural nonpoint source pollution and the relationship to improved animal feeding operations, crop production, public/landowner involvement and TMDLs

AK - DT
↳ do you know folks from FCA already going?

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National Parks and Conservation Association
National Tribal Environmental Council
National Wildlife Federation
Natural Resources Defense Council
The Nature Conservancy
Rails to Trails Conservancy
Renew America
Rodale Institute
Roundtable Associates
Sierra Club
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MINNESOTA DEPARTMENT OF AGRICULTURE
AGRICULTURAL BEST MANAGEMENT PRACTICES LOAN PROGRAM

Program Description

The primary purpose of this loan program is to assist local governments implement agriculture-related priorities of their Local Comprehensive Water Plan.

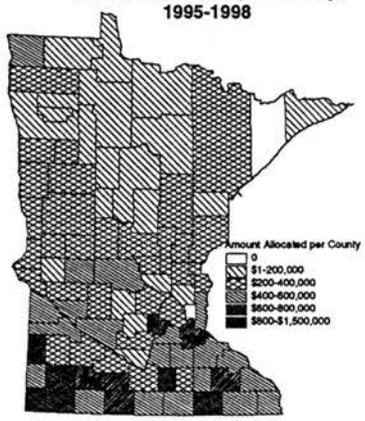
This money is provided by the USEPA under the Clean Waters Act, through the Public Facilities Authority's State Revolving Fund.

MDA provides 0% interest loans to counties, Soil and Water Conservation Districts and Joint Powers Organizations. These organizations establish local revolving loan accounts and use this money for ten years before repayment to the state begins. They then repay the state over the next ten years beginning in year eleven.

These local governments, working with local banks to service the loans (with the exception of one county), provide low-interest (no more than 3%) loans to farmers, rural landowners, and farm supply businesses to fund Best Management Practices that implement priorities in local water plans. These loans are typically five to ten years in length.

The MDA also administers the Countywide ISTS Loan Program to 49 counties using similar procedures.

Amount Allocated per County, 1995-1998



Allocations

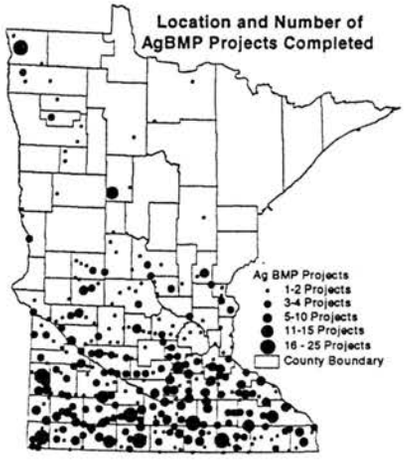
Since its inception in 1995, the AgBMP Loan program has allocated $27.2 million to 82 of the state's 87 counties for implementing 2,842 projects. The 1998 funding will include three additional counties, with only Ramsey and Lake counties not having applied for funds. The following table shows the amount allocated, the number of projects that were proposed to be implemented, and the number of projects completed to date as well as the total amount of loans issued for these completed projects.

As of March, 1998, over 1,425 projects have been completed statewide, with over $16.3 million loan dollars disbursed for these completed projects. The program currently disburses an average of $500,000 monthly, demonstrating the counties' effectiveness in implementing these projects. This year, approximately $2.4 million from repayments by the current borrowers that will be available to new borrowers through the revolving accounts.

Summary of allocations to local governments and projects completed under the AgBMP Loan Program, 1995-1997.

Category of Practices	Allocated Amount	Proposed Projects	Completed Loans	Completed Projects
Ag Waste Management	$12,229,225	573	$6,755,108	347
Structural Erosion Control	$2,609,785	554	$358,106	67
Conservation Tillage Equipment	$7,780,252	565	$7,237,144	574
Septic Systems	$3,944,604	748	$1,881,360	428
Other Practices	$595,630	402	$35,066	9
Total	$27,159,494	2,842	$16,266,784	1,425

Location and Number of AgBMP Projects Completed



Location shows mailing address of loan recipient. Actual project location may differ.

Completed Projects and Their Locations

Over 1,425 projects have been completed, with projects in nearly all counties having funds available to them.

The southern counties have implemented the majority of projects, mainly because they were the first to become actively involved in the program in 1995. As work proposed in the 1996 and 1997 allocations is completed, the statewide distribution of projects will become more uniform.

- Estimated number of projects an additional $13 million would fund assuming distribution in the same proportions as current projects:

Category of Practices	Number of Projects
Ag Waste Management	500
Structural Erosion Control	96
Septic Systems	616
Other Practices	13
Total	1,225

For Questions Call:
Paul Burns (612) 296-1488

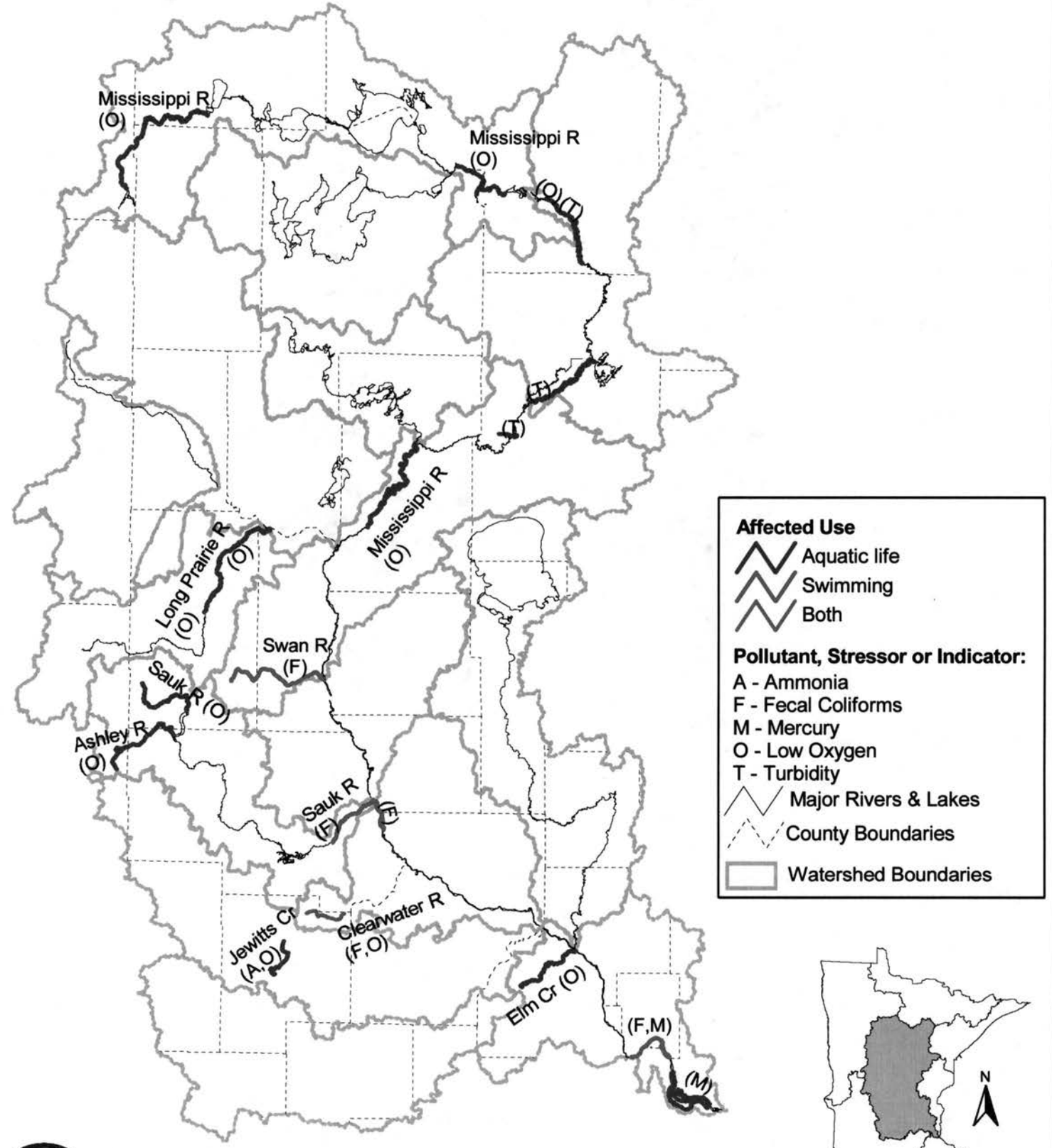
Prepared by Agricultural Marketing and Development Division, Minnesota Department of Agriculture

4/1/98

SUM317.DOC

Upper Mississippi River Basin

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)

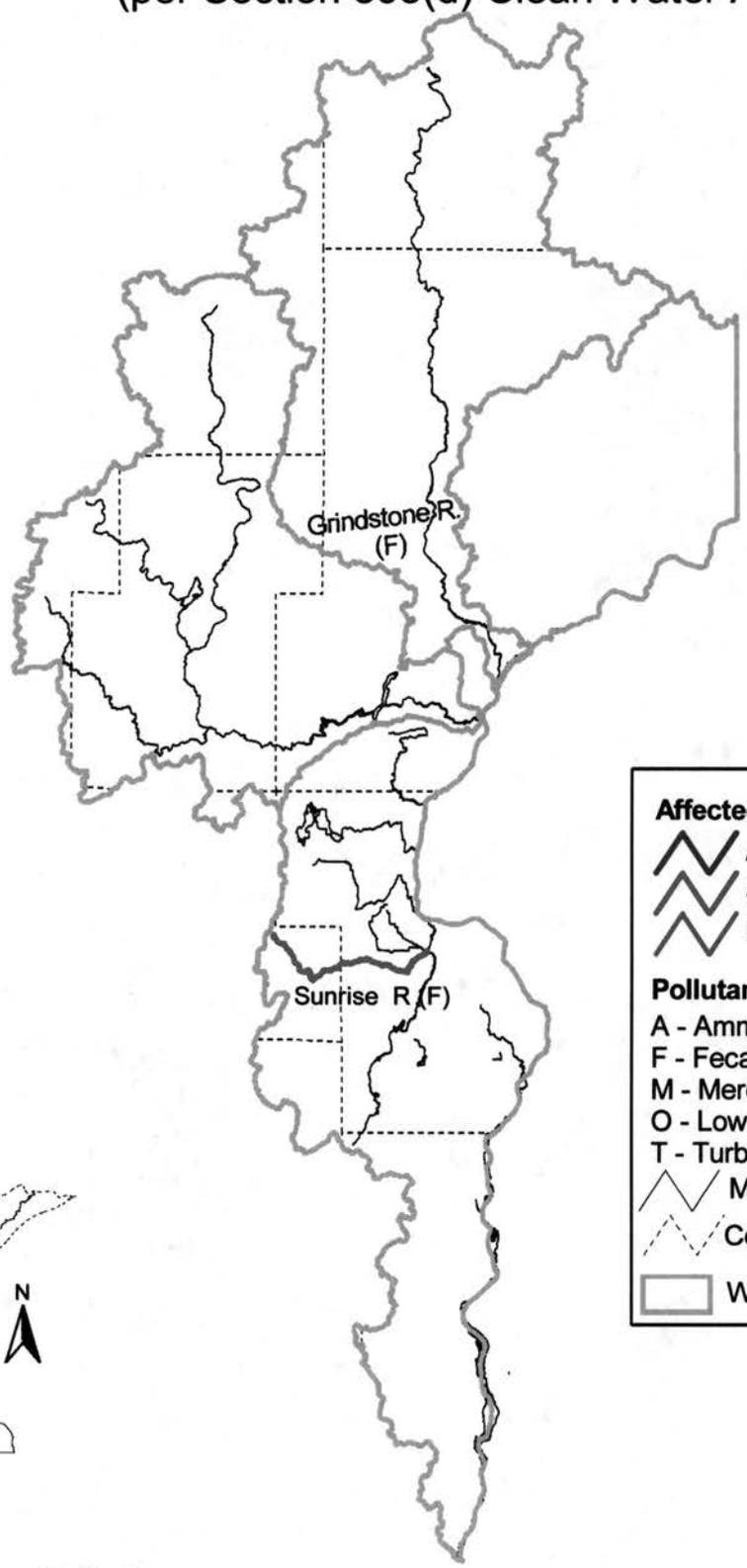


Minnesota Pollution Control Agency

February 1998

St. Croix River Basin

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)



Affected Use

- Aquatic life
- Swimming
- Both

Pollutant, Stressor or Indicator:

A - Ammonia
F - Fecal Coliforms
M - Mercury
O - Low Oxygen
T - Turbidity

- Major Rivers & Lakes
- County Boundaries
- Watershed Boundaries



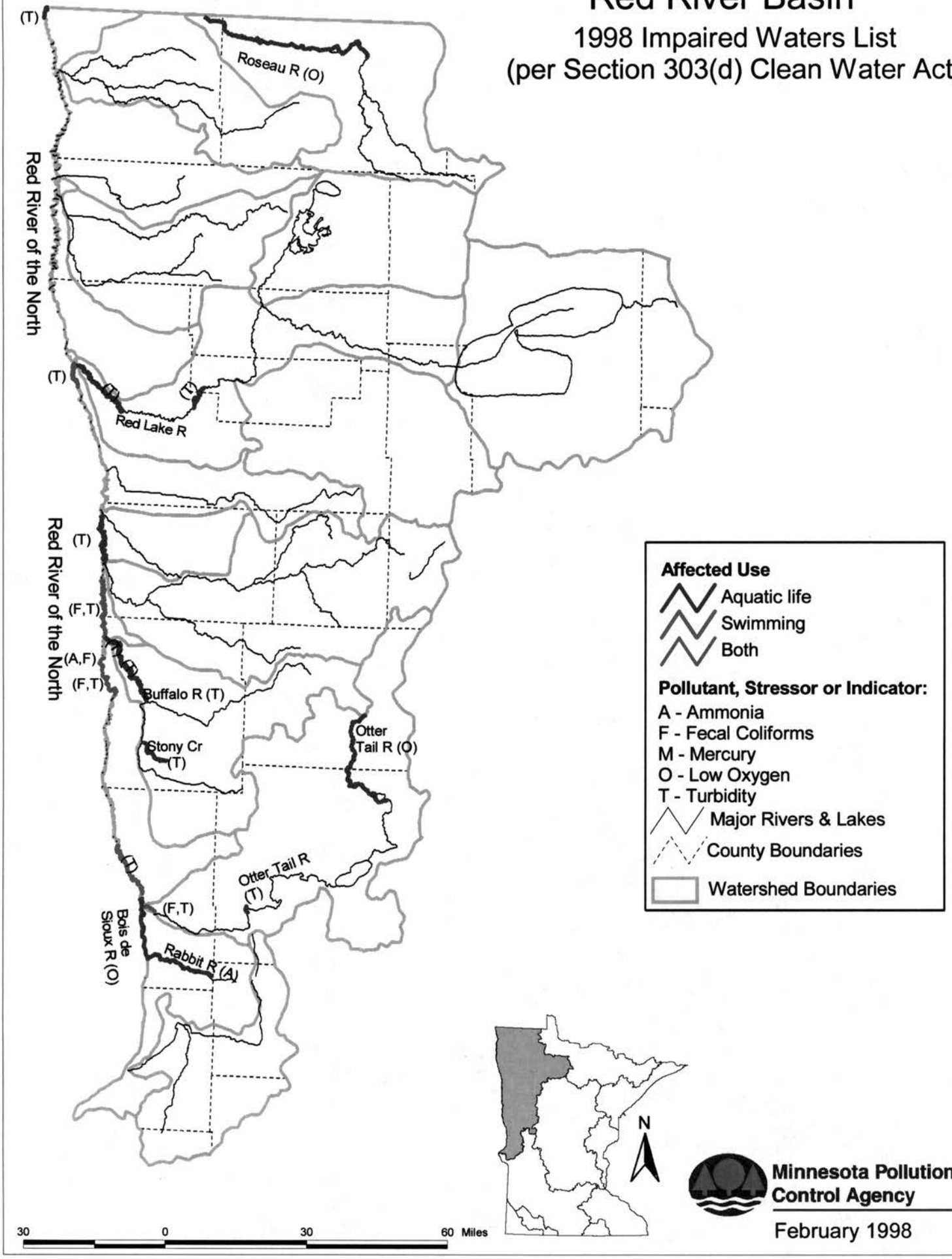
Minnesota Pollution Control Agency

February 1998

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Red River Basin

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)

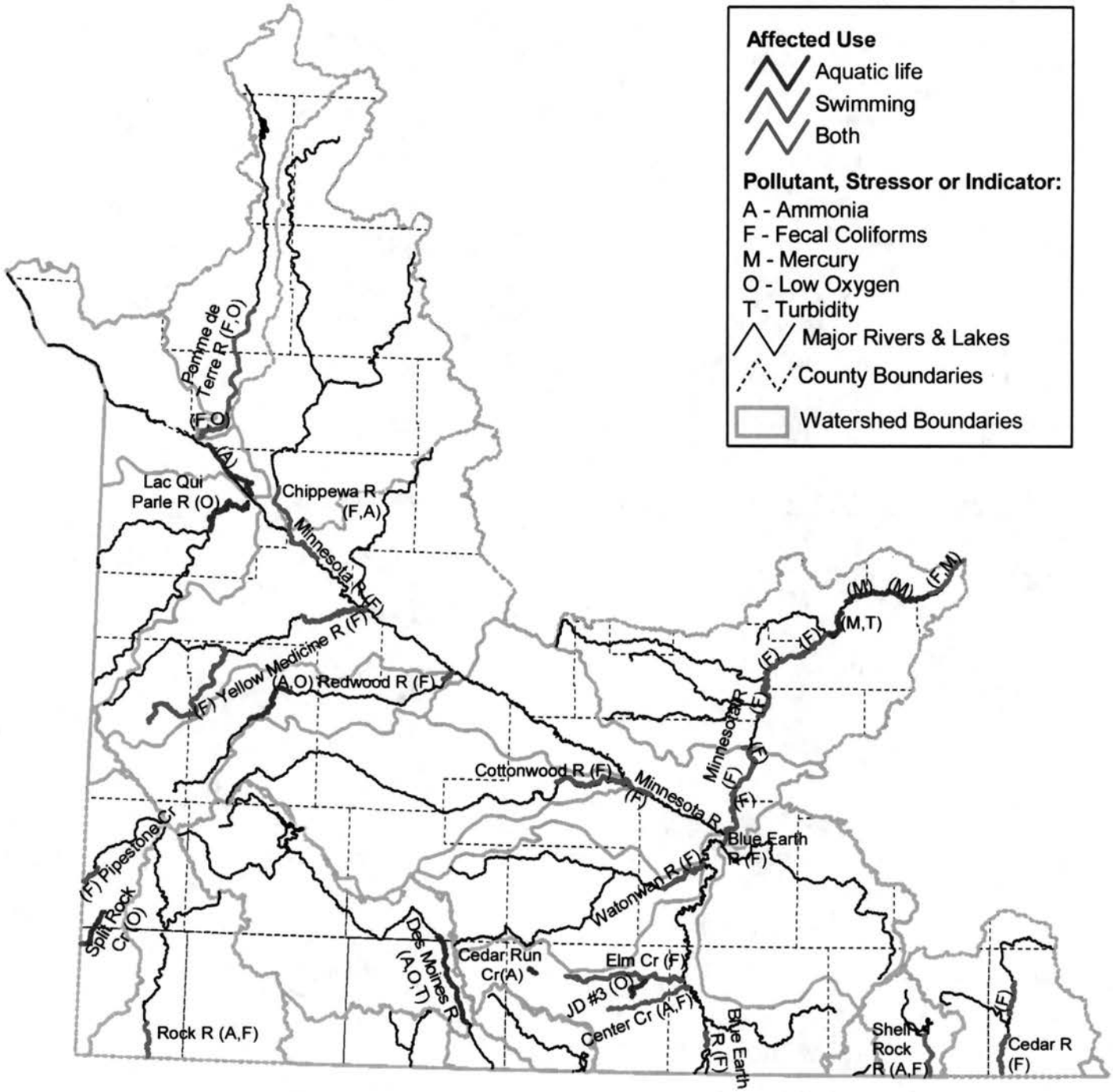


Minnesota Pollution Control Agency

February 1998

Minnesota, Missouri, Cedar and Des Moines River Basins

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)

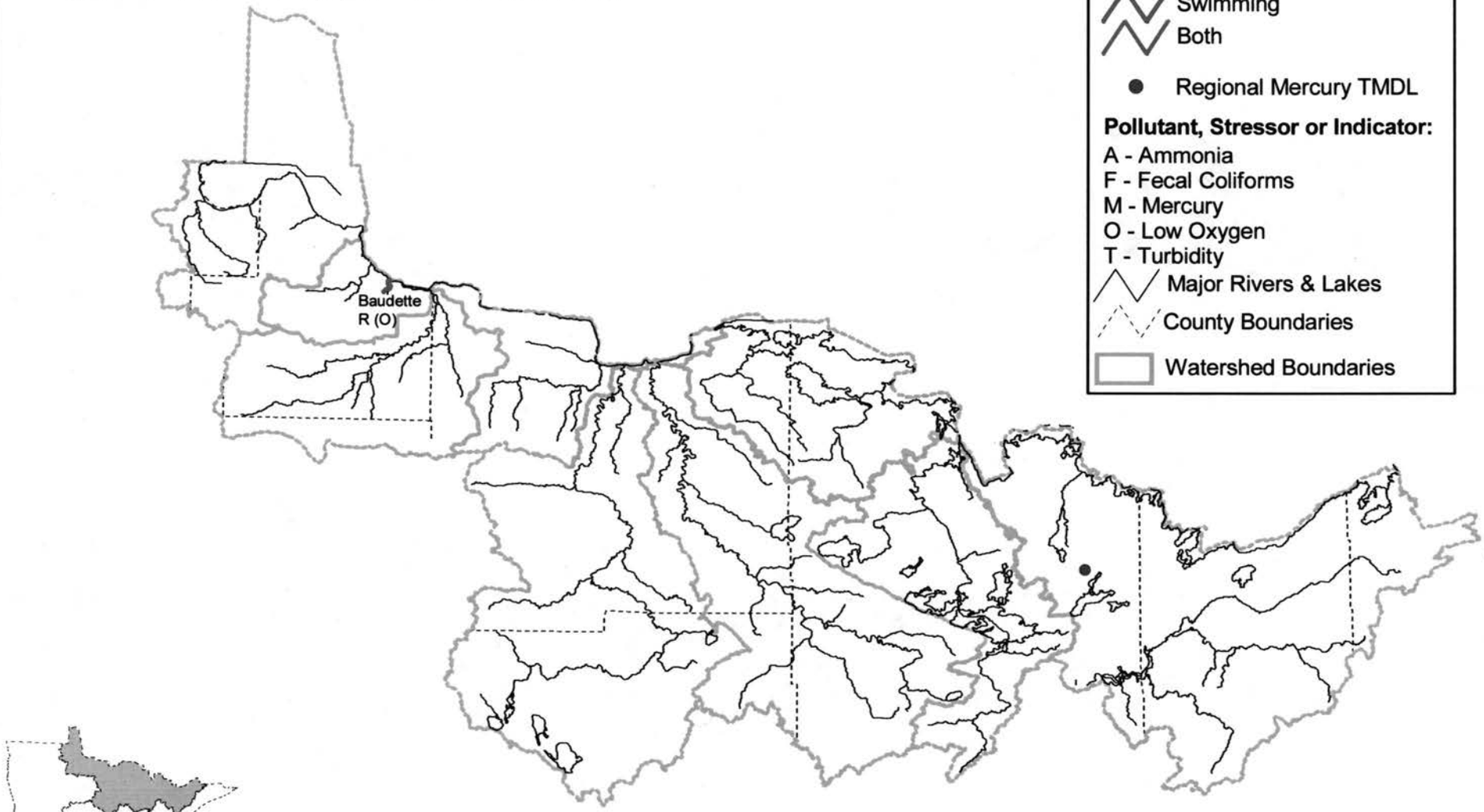


Minnesota Pollution Control Agency

February 1998

Rainy River Basin

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)



Affected Use

- Aquatic life
- Swimming
- Both
- Regional Mercury TMDL

Pollutant, Stressor or Indicator:

A - Ammonia
F - Fecal Coliforms
M - Mercury
O - Low Oxygen
T - Turbidity

- Major Rivers & Lakes
- County Boundaries
- Watershed Boundaries



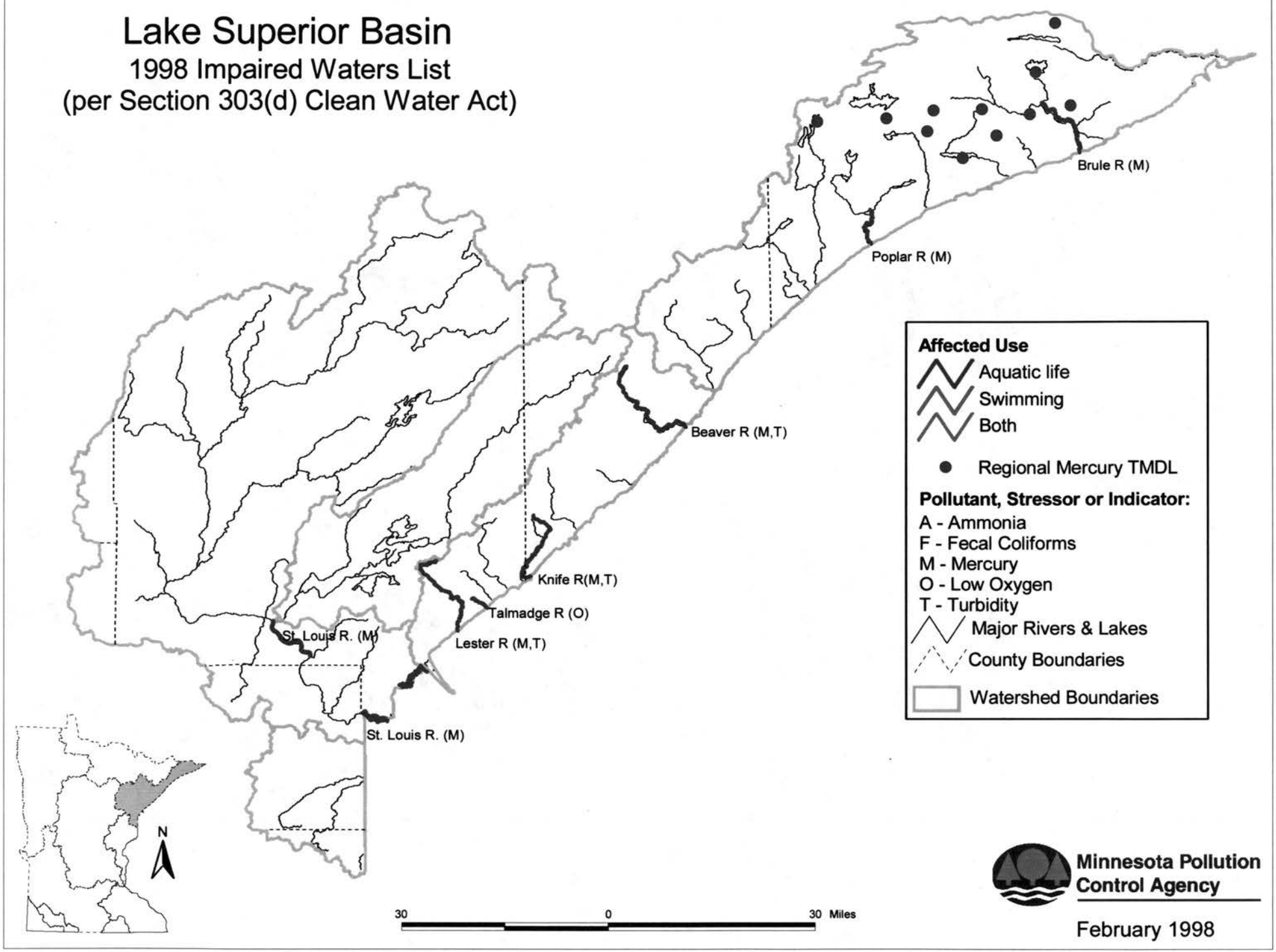
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Minnesota Pollution Control Agency

February 1998

Lake Superior Basin

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)

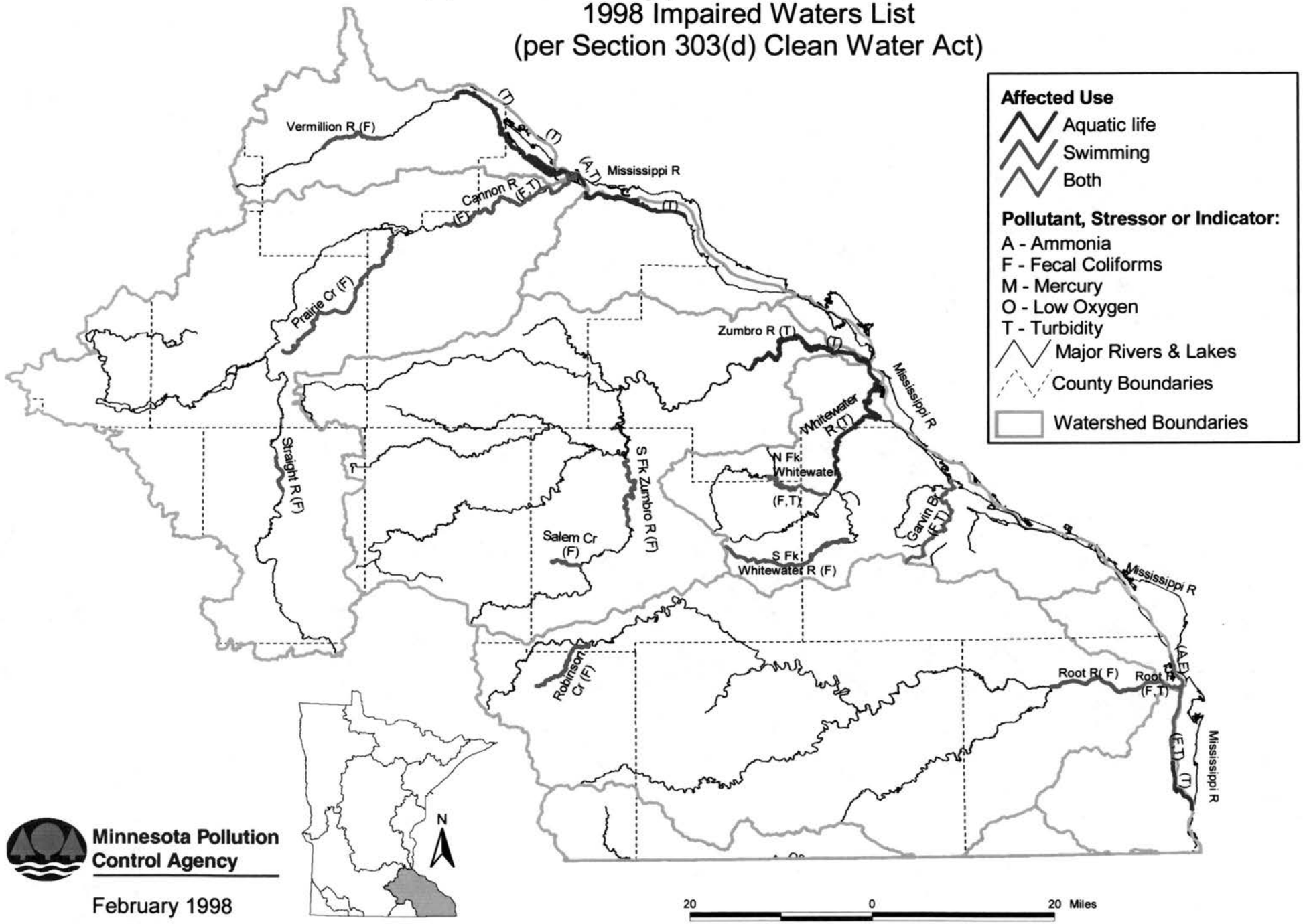


Minnesota Pollution Control Agency

February 1998

Upper Mississippi River Basin, Lower Portion

1998 Impaired Waters List
(per Section 303(d) Clean Water Act)



Minnesota Pollution Control Agency

February 1998

Minnesota Board of Water & Soil Resources

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

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

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

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

Southern Region:
261 Highway 15 S.
New Ulm, MN 56073-8915
(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
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Metro Region:
One West Water Street
Suite 250
St. Paul, MN 55107
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Fax (612) 297-5615

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April 8, 1998

Grant Satre, Chair
Marshall-Beltrami SWCD
P.O. Box 16
Grygla, MN 56727

RE: **FY 99 State Cost Share Program Allocation Policy**

Dear Grant Satre:

Thank you for your concern regarding the FY 99 State Cost Share Allocation Policy, and more specifically, the Board's decision to discontinue the Area Allocation Process.

The primary reason for the Board's decision was the declining interest of the Areas to participate in the process, and SWCD's concern about the time and costs associated with attending extra SWCD and MASWCD Area Cost Share Committee Meetings. Also, because of the change to two-year grant agreements in FY 97, the Board is anticipating very small amounts of Area roll-over funds available, if any.

The MASWCD Board of Directors also endorsed this policy change at their February 23, 1998 Meeting.

SWCDs in Area One have traditionally been quite successful at applying for and receiving Special Project funds. The Board again welcomes applications from Area One SWCDs. Applications for FY 99 funding are currently being received through May 1, 1998.

On behalf of the Board, your interest and concern is appreciated.

Sincerely,

Ron Harnack
Executive Director

c: Brian Dwight
MASWCD
Wayne Zellmer

H:\MB\AAP

MARSHALL-BELTRAMI SOIL AND WATER
CONSERVATION DISTRICT

P.O. Box 16
Grygla, Minnesota 56727
Telephone (218) 294-6144

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

RECEIVED
APR 0 6 1998

April 3, 1998

Wayne Zelmer, Grant Coordinator
Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, MN 55107

Dear Mr. Zelmer:

We are in receipt of your memo on FY 99 State Cost Share Program Allocation Policies dated March 4, 1998.

We feel the discontinuance of the Area Allocation Process is premature. As the cost-share grant covers a two year time frame, this is the first year that area allocation may be rolled over, so we have not had an opportunity to fully develop this option on an area-wide basis. We feel the Area allocation should be continued at this time.

Sincerely,

Grant Satre

Grant Satre, Chairman
Marshall-Beltrami SWCD

GS:chs
cc:files
Ron Harnack
Brian Dwight
MASWCD

WATER POLLUTANT TRADING: FROM POLICY TO REALITY



by Wayne P. Anderson, P.E.,
James A. Klang, P.E., and Robert Peplin, P.E., DEE

OUR SOCIETY IS COMPLEX and regulatory programs throughout the country reflect those complexities. For example, as regulations have developed on discharges from industries, municipalities and large commercial enterprises, the National Pollutant Discharge Elimination System (NPDES) permit has been the legal tool restricting discharges and loading impacts on waters.

In contrast, pollutant sources such as runoff from a lawn or farm, and stormwater from a highway or city street, have only recently been recognized as contributing significantly to pollutant loading. The significance that is being observed is often due to cumulative rather than incremental impacts. Therefore, the high individual transaction costs for a regulatory program such as NPDES — coupled with cultural traditions, especially in agriculture — have resulted in resistance to the adoption of a command-and-control strategy.

In addition, it has been difficult to find the resources to retrofit Best Management Practices (BMPs) to reduce highway runoff and urban stormwater pollutants in areas that are well-developed. Because of these issues and several others, the non-point source programs in the nation have tended to rely more heavily on education and incentives than on the NPDES permit process.

Since point sources have received more financial assistance and regulatory oversight, there is a gap between loading reduction potential of point and non-point sources. In some cases, there are diminishing returns for point source control investment, and limited opportunity for non-point source loading reductions.

Efforts to embrace new approaches in environmental protection that are both effective and flexible took a step forward with the recent issuance of the Rahr Malting Co. (Shakopee, Minn.) point/non-point pollutant trading permit. This permit places the first trade of its kind in operation in the state of Minnesota.

Point/non-point source (P-NPS) pollutant trading offsets a point source's load impact, which otherwise would not be allowed by its NPDES permit, with the loading reductions of a non-point source partner such as agriculture or urban stormwater managers.

Bridging the Gap

If structured carefully, the P-NPS pollutant trading permit can be the bridge that spans the gap between point and non-point approaches. It provides the NPDES discharger with flexibility to select cost-effective means to offset its pollutant load control responsibility, while providing watershed managers more resources for education and financing.

Watershed management approaches can provide tools to establish environmental outcomes, as well as whole community involvement, rather than dependence on prescriptive controls of a few sources. Environmental assessments that establish spatial and temporal relationships of sources and impacts, and tools such as models that help establish pollutant reduction scenarios and assign load reduction responsibilities, provide the framework necessary to support trading as an option.

Once loading assignments are made within a watershed or other geographic zone, P-NPS trading gives the industry or municipality the option of seeking out partners who are willing to provide offsetting comparable load reductions at lower cost. The challenge is in creating mechanisms that satisfy the policy needs of point source regulatory programs without incurring prohibitive transaction costs inherent in regulatory non-point sources. If successful, trading reduces the operating costs for the permittee, while expanding the resources for others in the watershed.

Flexible Alternative

Pollutant trading is a policy being carefully developed for use as a flexible alternative to achieve the same outcome as traditional methods. While a variety of pollutant trading programs are con-

Continued →

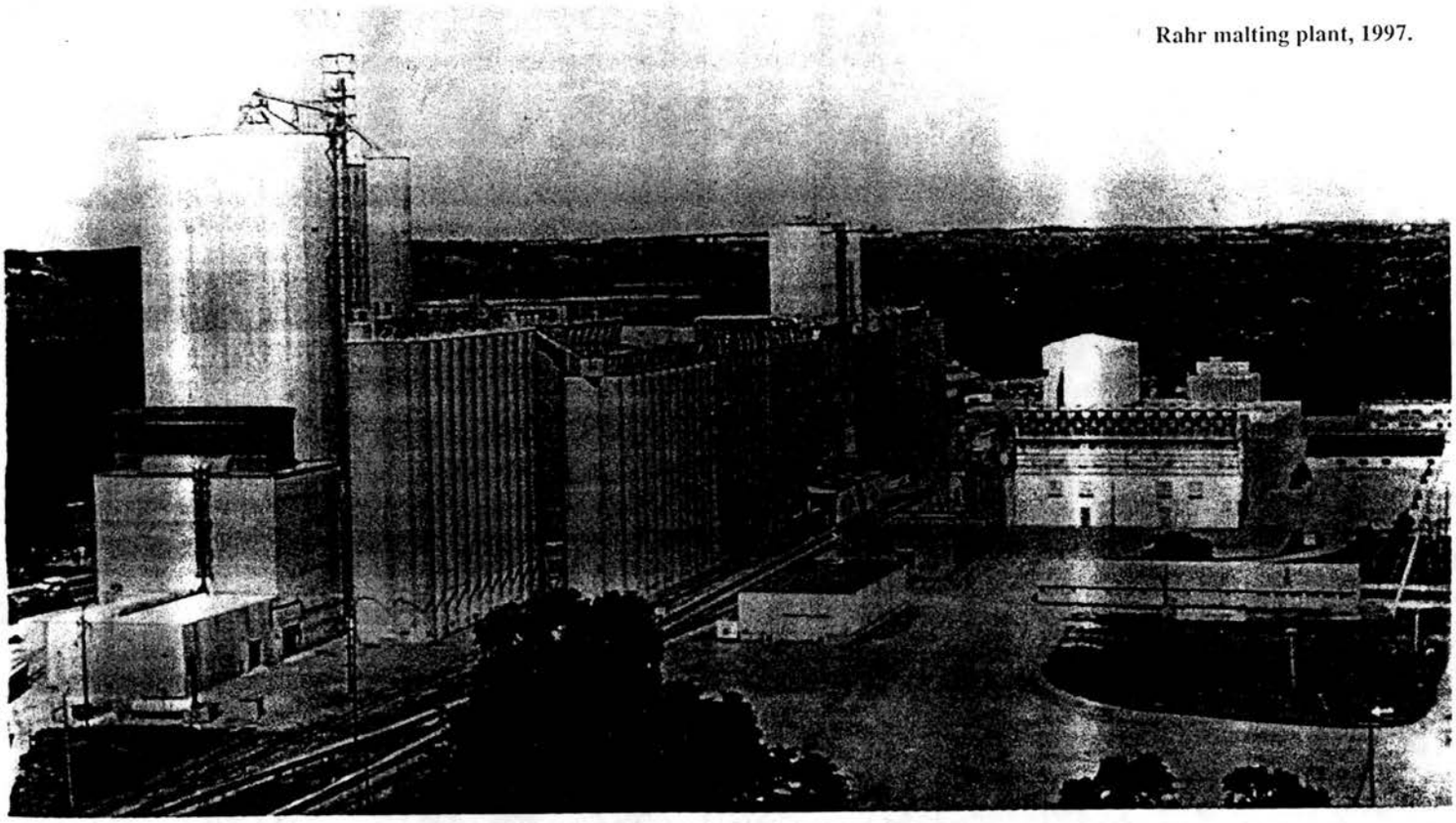
ceivable, each trade must meet the critical eye of business, environmental organizations and the regulatory community. A Minnesota Pollution Control Agency (MPCA) document, "Pollutant Trading for Water Quality Improvement: A Policy Evaluation," lists four critical elements for trading. They are cost-effectiveness, equivalence, additionality, and accountability.

- *Cost-Effectiveness*, as the name indicates, is the permittee's incentive to participate. The P-NPS trades or offsets must be sufficiently economical to overcome the transaction costs, time, and complexities of involving more entities as is required when administrating a trading permit. Participation in this process is voluntary and the decision is made solely by the permittee.
- *Equivalence* refers to the physical substitutability of point and non-point source loadings, a prerequisite for P-NPS trading that raises complex questions. There are often significant differences in the time and place of loading from these two classes of pollution sources. Are non-point loads that enter the river after storms, typically at high flow, equivalent to point source loads that enter the river at a constant rate, year-round? What if a distance of 10 or 100 miles separates point and non-point source loadings? Can they still be treated as equivalent? In addition, there may be significant chemical differences between point and non-point source loadings. Point source loads typically are high in biologically-available phosphorus, whereas non-point source loadings tend to be very high in particulate phosphorus (except for feedlots). Or it may be that a point source is faced with a Biochemical Oxygen Demand (BOD) limit, against which it wishes to trade upstream non-point source loading reductions. Since BOD has site-specific impact on water quality, how can equivalent upstream loading reduction be defined and quantified? These are the types of questions that arise under the equivalence criterion.
- *Additionality* requires that non-point source load reductions that are credited to a point source in a P-NPS trade would not have occurred otherwise in the absence of P-NPS trading. What exactly does additionality mean? Additional to non-point source measures that are planned under current programs? Additional to non-point source measures that landowners should be applying — and units of government should be demanding — according to existing pollution control rules? Additional to what landowners are likely to do in their own economic self-interest, in the case of nutrient management, for example? Or additional to what the public should demand of landowners in the way of minimum land stewardship practices that are practical, affordable and effective? Answers to these questions will greatly influence which BMPs remain eligible for P-NPS trading, and therefore, how much it is likely to cost to obtain non-point source reductions.
- *Accountability* refers to the need to ensure that a P-NPS trade satisfies the above criteria of equivalence and additionality, and that terms of the trade agreement are being met. For example, have the non-point source BMPs specified in the trading agreement been implemented? Are they being maintained? Are they as effective as first believed? A larger question of accountability is, will the application of these BMPs have a water quality impact that is comparable to the impact that would have resulted from equivalent point source loading reductions? The degree of monitoring of BMP implementation and maintenance of water quality trends that is required under trading will depend on the degree of accountability desired.

Keeping the River Clean

The first tentative step towards answering these questions regarding trading in Minnesota was pursued with the Rahr Malting Co.

Rahr malting plant, 1997.



NPDES permit. Rahr is a family-owned business established in 1847. The facility, located on the Minnesota River just upstream of river Mile 25 in Shakopee, Minnesota, has a total annual capacity of 24 million bushels of barely malt. The timing was right for Rahr to consider trading, because of other activities going on in the watershed. The Minnesota River has been the recipient of several initiatives to restore the river from its highly-degraded state to fishable and swimmable water.

The USEPA and MPCA established a Total Maximum Daily Load (TMDL) for Biochemical Oxygen Demand at the Minnesota River below river Mile 25. The TMDL was established in 1988 for the seven-day, ten-year summer low flow and is set at 53,400 pounds per day of Carbonaceous Biochemical Oxygen Demand (CBOD) ultimate. The load allocation resulted in more stringent limits for the Metropolitan Council's district wastewater treatment plants and an upstream CBOD loading reduction from all sources of 40 percent in CBOD.

In 1992, Governor Arne Carlson announced an initiative to clean up the state's namesake river. A study conducted by federal, state, and local government agencies documented the biological, chemical and physical state of the river in a report titled, "Minnesota River Assessment Project." Concurrently, a Citizens Advisory Committee recommended directions that the state should undertake to correct the degraded state of the river.

To remain competitive, Rahr intended to increase its production, which would also increase the company's wastewater load. The company's wastewater had been treated at the Metropolitan Council's regional wastewater treatment plant, but Rahr wanted to control future wastewater treatment operation costs while providing a beneficial reuse of the sludge associated with the food grade wastewater (not domestic sewage). The company's suggested solution was to treat the process wastewater in a separate system and discharge the effluent into the lower Minnesota River. Rahr officials petitioned MPCA to allow a new discharge into this reach of the river.

Allocation of loading to point and non-point sources under the TMDL did not consider Rahr's proposed discharge or any new or expanding discharge. How would a new discharge fit with the Governor's initiative and the 40 percent upstream reduction goal?

Rahr was willing to treat its effluent discharge beyond what is required at the Twin Cities Metropolitan Councils Wastewater Treatment Plant and participate in P-NPS trading to meet the goals.

The Nutrient-River Relationship

Erwin Van Nieuwenhuyse, Ph.D., formerly of the MPCA, documented the association of nutrients (specifically phosphorus) with chlorophyll concentrations in rivers worldwide. This information provides the foundation for river eutrophication, similar to lake eutrophication data linking phosphorus and chlorophyll. Dr. Nieuwenhuyse also focused specifically on the relationship between chlorophyll and BOD in the Minnesota River and found a strong correlation. This concept of nutrient load to chlorophyll to BOD is significant to all BOD-related loading studies. The nutrient loading from discharges and non-point sources convert to a BOD load as the biology takes in the nutrient, then grows and dies, extending the length downstream of a source's BOD impact.

This is important when considering BOD loading demands in a river. All sources of nutrients upstream are uptaken by algae and other plant growth, and then can exert a BOD demand in the lower reach as the algae dies and decays. Hence, nature is constantly converting nutrients into organic material and organic material back into available nutrients while exerting an oxygen demand.

The impact of the nutrient conversion to organic material and then algae to a BOD load is increased when the river slows down

Continued on page 12 →

MPCA Commissioner Applauds New Trading Technique

by Peder A. Larson, Commissioner,
Minnesota Pollution Control Agency

THE RAHR MALTING CO.'S TRADING PERMIT is a classic win/win situation: Rahr gets the regulatory flexibility it needed to be competitive and the state gets a cleaner Minnesota River. It is one of the best examples yet of a new regulatory mode toward which the Minnesota Pollution Control Agency has been evolving over the past few years – that of standing firm on environmental outcomes while striving for flexibility on how those outcomes are met. The desired outcome in this case was protection of the Minnesota River. That bottom line is not negotiable. The means of getting there, however, are.

Point/non-point source trading helps us achieve integrity on the outcome and flexibility on the means. We followed rigorous guidelines to ensure we weren't giving away the store in the interest of the latter, and all the interested parties seemed satisfied on that account. In fact, one of our most watchful critics, the Minnesota Center for Environmental Advocacy, helped craft the details, and they, too, are happy with the results.

The Rahr trade also helps us move further toward our goal of basin or watershed management. Instead of treating each point source as an isolated case and simply applying the standard NPDES permit program to it, we were able to view the Rahr discharge in the context of a watershed problem that has many sources, both point- and non-point. The situation is similar all across Minnesota. Tools like this one help us integrate water-quality solutions in a context of more "holistic" environmental management.

Finally, the Rahr trade is proving to be an excellent learning laboratory for the MPCA. We took a thorough look at the trading concept several years ago, which helped us go into this case with advance knowledge of what is and is not appropriate.

Nonetheless, we have had some pleasant surprises along the way. For example, we did not anticipate that the permittee would set up a program that would not only administer the trading details, but get the private sector more involved in cleaning up the Minnesota River as well. The Corporate Sponsorship Program has the potential to grow far beyond this particular permit.

Other businesses have expressed interest in working through the CSP to fund environmental improvement projects elsewhere in the Minnesota River basin. We are hearing that farmers like the idea of dealing with a private company to provide pollution reduction services. Local civic groups, even the city of New Ulm, are getting in on the action, too, in ways no one could have predicted.

We applaud Rahr Malting Co. for its willingness to break new ground with this permit. The promise of the trading concept seems well on its way to fulfillment in this case. By giving us a way to balance flexibility with the need for rigorous environmental protection, the Rahr case sheds light on new possibilities for outcome-based environmental management.

Water Pollutant Trading, *continued from page 9*

and deposits, or organic material are allowed to build up in one location, as is the case of the Minnesota River in the metropolitan area. If the river flows sufficiently to maintain a flushing process, the BOD load is minimized. However, during lower flows, the organic loading builds up in the lower section of the river and exceeds the assimilation capacity in that reach. It is this river process, combined with the persistence of phosphorus, that makes this trade possible.

Resulting Trade

A trade is a direct reduction in NPS load that is applied against Rahr's point source load. The "trading standard" for the Rahr trades is the presence of $CBOD_5$ load in the lower Minnesota River, where 1 pound per day (lb/day) of $CBOD_5$ in the TMDL zone equals 1 unit. Phosphorus, nitrogen, $CBOD_5$ and sediment from non-point sources all have varying degrees of persistence in the river system and mechanisms for exerting oxygen demand. The conversion of load reductions to trading units takes into account the relative persistence of the compound and the spatial variability of BMP sites.

The Rahr permit allows up to 150 lb/day of $CBOD_5$ to be discharged just upstream of the TMDL zone, requiring 54,750 units per year to be addressed through point/non-point source trading. As part of the NPDES permit, Rahr agreed to an effluent phosphorus limit of 2 mg/l and a year-round $CBOD_5$ limit of 12 mg/l.

While the TMDL on the Minnesota River is for $CBOD_5$ during the summer, establishing the relationship of phosphorus to $CBOD_5$ is the key to making trades farther upstream. The use of phosphorus also provides the basis for comparing storm event-driven loading to a daily effluent limit. The nutrients loaded upstream during storms travel downstream at varying rates and impact the river system during all periods of the year.

The phosphorus to chlorophyll-a relationship and then the chlorophyll-a to CBOD relationship create a trade standard for phosphorus such that one pound of phosphorus reduction yields an eight-pound reduction of CBOD just upstream. While this relationship can vary among river reaches, in more pristine water the ratio is higher, up to a 1:17 ratio in some reaches of the Minnesota River. As the river cleanup proceeds, the ratio itself should act as a safety factor to the pollutant reduction crediting process.

Other trading parameters exist such as sediment, nitrogen, and CBOD itself. While included in the "trading" permit, they are not expected to provide as significant an offset as phosphorus. Sediment and nitrogen lack a high trading ratio relative to $CBOD_5$. $CBOD_5$ has a more limited area near the permitted facilities where trades are allowed, because $CBOD_5$ is assimilated in the river environment.

Corporate Funding Program

Rahr still needed to overcome the high transaction costs of trading. Two potential high cost issues are searching for NPS sites to trade with, and monitoring and reporting requirements for accountability.

The company will achieve $CBOD_5$ non-point source load reduction by setting up a fund dedicated to projects that encourage adoption of non-point source reduction practices. The trust fund will be supervised by a board of citizens concerned with water quality conservation. These board members, who will oversee the selection of BMP sites for trading, represent grass roots organizations, state offices, and Rahr.

In addition, a safety factor was inserted into standardized estimation equations for the trading reduction crediting process. This was an acceptable alternative to higher cost monitoring for accountability. To meet all the aspects of the four elements in the policy document (cost-effective, equivalent, additionality, and accountability) the involved parties jointly narrowed down the list of possible BMPs to only include:

- soil erosion BMPs, including sheet, rill and ephemeral gully erosion, stream, river, and ditch bank erosion;
- livestock exclusion, separating livestock from waterways to protect against bank erosion and direct manure impacts;
- rotational grazing with livestock exclusion, to enhance forages for pollutant reductions from filtering processes and plant nutrient uptake;
- critical area set-aside of highly erodible land; and
- wetland treatment systems for nutrient removal.

MPCA approval is required for all selected sites and the use of the pollutant reduction estimates.

The Rahr trade is a pioneering agreement that provides a flexible means of compliance for the permittee, and allows industrial expansion to proceed while ensuring a degree of water quality protection that is equal to or better than what could have resulted from a more traditional approach.

About the Authors:

Wayne P. Anderson is a Principal and ***James Klang*** is a Senior Engineer, both with the Water Quality Division of the Minnesota Pollution Control Agency. ***Robert Peplin*** is a Project Manager for HDR Engineering Inc., Minneapolis.

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Reader Service Card No. 27

DATE: April 9, 1998

TO: Allan Oehlke

FROM: Al Kean

SUBJECT: Participation on Citizen's Committee for Animal Agriculture GEIS

Allan,
I've tried to call you a few times without success, so thought I'd try your new fax number and follow up with a hard copy via mail.

In a brief discussion with Ron H., the question of your membership on the BWSR board being problematic for membership on the subject committee was raised. I talked to EQB staff, who talked to EQB leadership -- the answer I received indicated that they did not think your membership on the BWSR board should preclude you from membership on the subject committee. The EQB already has your name as a potential (probable?) member of the committee. However, EQB staff would like more info about your interest and experience, and it's probably safest to submit a formal application to avoid any confusion.

Note the application information and deadline on the attached EQB News Release. The GEIS interagency staff committee met late last week and identified the following probable expectations regarding membership on the subject committee:

- term up to 3 years.
- monthly meetings, or possibly more frequent initially
- meetings could be day and/or evening
- would like about 12 - 15 members
- appointments to be confirmed at May EQB meeting

What I'm reading and hearing about the desired personal and professional qualifications of committee members include:

- statesmanship
- experience with different aspects of the pertinent issues
- ability to represent more than one interest group (presumably to help keep numbers of members at a reasonable level)

Related information:

- Agencies are encouraged to help identify interest groups that should be represented on the citizen committee. I suggested to EQB staff that the membership list of the FMMAC should include the vast majority of appropriate groups.
- EQB wants to hold public meetings for the GEIS early on, before any draft scoping document is developed.
- EQB is pursuing the hiring of a project manager for the GEIS.
- I presume you received the FMMAC mtg. notice for April 21. I'll plan to see you there.

If you have questions about any of this, please get in touch (612-297-2907 or al.kean@bwsr.state.mn.us). Do you have an e-mail address, Allan? If yes, please let me know.

cc: M-Team
Kathleen Roer

EQB

NEWS RELEASE

Contact: John Wachtler
612-296-4095

RECEIVED
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March 30, 1998

For immediate release

CITIZEN PARTICIPATION INVITED FOR STATEWIDE ANIMAL AGRICULTURE STUDY

Members of the public can apply to serve on a citizen's committee to help guide a major statewide study on the impact of animal agriculture in Minnesota.

On March 19, the Minnesota Environmental Quality Board ordered a generic environmental impact statement on animal agriculture. This statewide, comprehensive study will review the economic, environmental and social impacts of the changing livestock industry in Minnesota.

At the same meeting, the board authorized the creation of a public advisory committee to help plan and carry out the study.

"Public input is crucial to the success of this study," said Rod Sando, chair of the Environmental Quality Board and commissioner of the Department of Natural Resources.

The committee will advise the Environmental Quality Board on all phases of the generic environmental impact statement. One initial task of the committee will be to provide advice on which issues to include in the study and the extent to which each issue must be addressed.

To apply, send your name, address, telephone number, and relevant background and experience. Also list any organizations or interest groups you would represent. Applications must be received by April 24, 1998.

Send applications to:

GEIS Advisory Committee
Environmental Quality Board
658 Cedar Street
St. Paul, MN 55155
Fax: 612-296-3698
e-mail: eqb@mnplan.state.mn.us

-end-

Upon request, this information will be made available in an alternate format, such as Braille, large print or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Minnesota Planning.

- over -

EQB

Feedlot Study Aims to Bring Together Stakeholders

On March 19, with little fanfare, the Minnesota Environmental Quality Board ordered a public, comprehensive study of animal agriculture in Minnesota.

This statewide study, called a generic environmental impact statement (GEIS), will provide objective, scientific information allowing Minnesotans on all sides of the issue to learn the facts, express their opinions, and weigh future policy options. The broad scope of the GEIS process is uniquely suited to provide a full public examination of not only environmental issues, but the equally important social and economic factors as well.

Governor Arne H. Carlson, seeing the need to move toward a consensus on the facts surrounding the shift to larger feedlot operations, included funds for a GEIS on animal agriculture in this year's supplemental budget request to the Legislature. This GEIS would be only the second such study ordered by the Environmental Quality Board. The first, on timber harvesting, has provided valuable information to environmental interests and the forest products industry alike, and has facilitated continued dialog among interest groups.

While the GEIS is being prepared, the Minnesota Pollution Control Agency will continue to develop new feedlot rules, enforce existing rules, and review and permit new individual feedlot applications as usual. County and township oversight will also continue unaffected.

Support for the Governor's recommendation is strong. While controversy continues over other feedlot policies, Governor Carlson's funding request for the GEIS has moved through both the house and the senate with little opposition.

This important process will begin early this summer and will rely on a citizen's advisory group and other public input to define the scope of the study. Public comment will also be requested on the results of the study. Broad public participation is crucial if the GEIS is to help set a course for the future of animal agriculture in Minnesota. It is my personal hope that many Minnesotans will participate in this study in the spirit in which it was initiated: a positive, thoughtful start on the long process of trying to resolve this important issue of statewide interest.

Through this effort, Minnesota can chart a course which will provide for both a productive and profitable agricultural economy and a quality natural environment that all Minnesotans can enjoy.

Rod Sando
Chair-Minnesota Environmental Quality Board
Commissioner-Minnesota Department of Natural Resources

TDD 612 297-5353 OR 800 627-3529

ENVIRONMENTAL QUALITY BOARD, 658 CEDAR STREET, ST. PAUL, MN 55155 612 296-2603 FAX 612 296-3698 STAFF PROVIDED BY LCMR PLANNING

GEIS Animal Agriculture Mail list

If you would like to continue to receive GEIS Animal Agriculture information, please check the appropriate box/s for mailing material you would like to receive:

☐ Notice of Public Comment Meetings ☐ Public Advisory Committee Agenda

☐ General GEIS Animal Agriculture Information/Updates

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First Name_____ LastName_____

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Please return or call by April 30, 1998

Andrea Glass
612-297-1257
MN Planning-Environmental Quality Board
300 Centennial Office Building
658 Cedar Street
St. Paul Minnesota 55155

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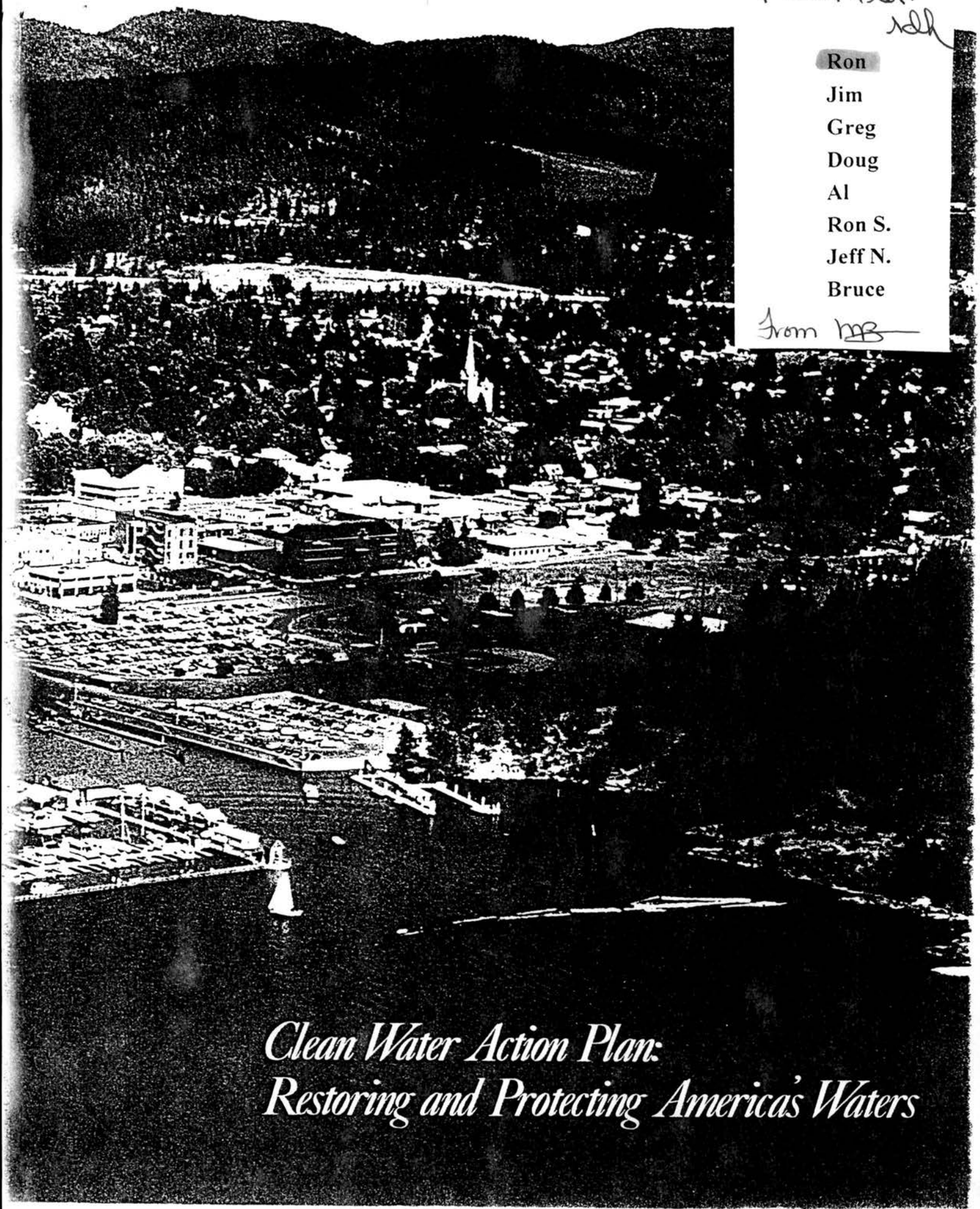
MINNESOTA PLANNING

ENVIRONMENTAL QUALITY BOARD
658 CEDAR ST
ST PAUL MN 55155-9902

Board member packet & let.

Ron
Jim
Greg
Doug
Al
Ron S.
Jeff N.
Bruce

From MB



Clean Water Action Plan: Restoring and Protecting America's Waters

A Review of the federal Clean Water Action Plan:

At RDH's request, I have pulled out some highlights from the federal Clean Water Action Plan. The plan is in the BWSR library and can be found on the What's New shelf above the scanner.

Four tools identified to clean up and protect water resources:

A watershed approach
Strong federal and state standards
Natural resource stewardship
Informed citizens and officials

The President's FY 1999 budget proposes a Clean Water and Watershed Restoration Budget Initiative that will [items listed are relevant to the BWSR]:

- increase direct support to states to carry out a watershed approach to clean water;
- fund watershed assistance programs and grants to engage local communities and citizens in leadership roles in restoring their watershed; and
- expand and coordinate water quality monitoring efforts.

See attached copy of the 1998 enacted and 1999 proposed budget.

FYI - Agriculture ranked as the number one human activity resulting in impairment to lakes and rivers.

Ten key principles will guide clean water efforts in the years to come:

4. Strong clean water standards.
5. Clean water: healthy people.
6. Watershed management: the key to the future.
7. Restore watersheds not meeting clean water goals.
8. Build bridges between water quality and natural resource programs.
9. Respond to growth pressures on sensitive costal waters.
10. Prevent polluted runoff.
11. Stewardship of federal lands and resources.
12. Improve water information and citizens' right to know.
13. Ensure compliance and protect all citizens fairly.

The following Key Actions from the plan may have some relevance to BWSR now in the future. I did include some because they were innovative and interesting (e.g., insurance for risky BMPs).

II STRENGTHEN CORE CLEAN WATER PROGRAMS

Enhance Natural Resources Stewardship

Restore and Protect America's Wetlands

KEY ACTION: The Administration will work with Congress to expand the WRP to allow up to 250,000 acres of wetlands each year.

KEY ACTION: By 2005 the Corps will increase by at least 50 percent the wetlands restored and enhanced through its programs. This includes wetlands restored as part of the President's "Riverine Ecosystem and Flood Hazard Mitigation" program in the FY 1999 budget.

KEY ACTION: The Corps, EPA, USDA and F&WS and NOAA will initiate a review of the effectiveness of wetlands mitigation banking by an independent body by the year 2000.

KEY ACTION: By May 1, 1998 the White House Wetlands Working Group will finalize a plan to use existing inventory and data collection systems to support a single status and trends report by the year 2000.

KEY ACTION: By October 1999, EPA, the Corps, NRCS and F&WS and the NOAA will issue technical guidance on the restoration, creation and enhancements of wetland functions.

KEY ACTION: The White House Wetlands Working Group will, by October 1999, establish and inter-agency tracking system that will more accurately account for wetland loss, restoration, creation and enhancement.

KEY ACTION: The F&WS, NOAA, Corps, NRCS and EPA, coordinating with states, will improve access to information on wetlands and other habitats and that information will be made available through toll free lines, the internet, one-stop information centers, etc. . .

KEY ACTION: Watershed Assistance Grants will be established to ensure that those whose wetland interests may be affected by planning have the means to participate in the process. Because active involvement requires financial investment that may exceed the capability of some interests, these grants would contribute on an as-needed basis to the cost of participation.

KEY ACTION: The Corps, NOAA , F&WS, NRCS, NPS and EPA will provide technical and/or financial assistance to states and tribes to integrate habitat considerations into geographic-based planning programs, and will offer incentives to programs that appropriately balance clean water and habitat factors.

Incentives for Private Land Stewardship (CREP is addressed in the plan under this heading)

Restore Riparian Areas and Establish Conservation Buffers.
KEY ACTION: USDA, working through a National Conservation Buffer Team and the National Buffer Council, will pursue partnerships with the private sector, farm and conservation organizations and states, tribes and federal agencies to develop a coordinated campaign to encourage landowners to put conservation buffers on their farms and ranches.

KEY ACTION: USDA will work with private insurance companies and foundations to review the feasibility of providing an insurance program that enables producers to offset risks of utilizing new technologies to manage fertilizers and pesticides to prevent pollution. USDA will assist in developing public-private partnerships that facilitate risk protection policies and programs for producers adopting pollution prevention systems.

KEY ACTION: USDA will lead a task force to work with agricultural producers, businesses and interested constituencies to explore the feasibility of establishing a "blue water" marketing recognition program to identify agricultural products produces under sound environmental management guidelines.

Strong Polluted Runoff Controls

Strengthen State Polluted Runoff Controls

KEY ACTION: EPA will award and section 319 monies exceeding the $100 million authorized level only to those states that have incorporated all nine key elements into an approved 319 Nonpoint Source Management Program.

KEY ACTION: EPA will work with states to increase the number and dollar amount of loans made through clean water revolving loan fund programs for priority projects to prevent polluted runoff, with the goal of increasing the annual percentage of funds loaned for this purpose to at least 10 percent (about $200 million) by the year 2001. The EPA will also work with states toward the goal of increasing to 25 the number of states using integrated priority-setting systems to make clean water funding decisions by the year 2000.

Reduce Nutrient Over-Enrichment

KEY ACTION: EPA will establish, by 2000, numeric criteria for nutrients that are tailored to reflect the different types of water bodies and different ecoregions of the country and the will assist states in adopting numeric water quality standards based on these criteria over the following three years. If a state does not adopt appropriate nutrient standards, EPA will begin the process of promulgating nutrient standards.

KEY ACTION: EPA and NOAA will work with other federal state, tribal and local government agencies and others to better quantify the risks associated with atmospheric deposition of nitrogen compounds and other pollutants to water bodies.

KEY ACTION: EPA will work through the TMDL program to evaluate the linkage of air emissions to the water quality impacts to help determine appropriate reduction actions.

KEY ACTION: EPA will publish final regulations in 1999 on Phase II of the storm water program, consider public comments on the proposal and work with states, tribes, municipalities and the regulated community to make sure that storm water control measures are implemented as required.

KEY ACTION: EPA will focus its compliance assistance and enforcement resources on addressing noncompliance with existing Phase 1 storm water requirements by targeting priority watersheds where storm water is of concern.

KEY ACTION: EPA will publish, and after public comments, implement an Animal Feeding Operations (AFO) strategy for important and necessary WPA actions on standards and permits by March 1998. (The plan lists some key elements and roles of agencies regarding the AFO strategy on pages 62-64.)

Develop Policies for Reducing Polluted Runoff

KEY ACTION: An interagency task force will, in consultation with the Department of the Treasury, identify and assess tax incentive proposals related to water pollution prevention and natural resource enhancement and identify potential changes, with any appropriate offsets, for proposal in future budgets.

Improve Information and Citizen's Right to Know

Improve Monitoring an Assessment
KEY ACTION: In 1999, EPA, in collaboration with other federal agencies and states, will initiate a tracking system to report key indicators of the success of programs to reduce nutrient runoff to waters.

III AMERICA'S WATERSHEDS: THE KEY TO CLEAN WATER

Restore Aquatic System Health on a Watershed Basis

Define Watershed Restoration Priorities
KEY ACTION: By October 1998, states and tribes should work with appropriate agencies, organizations and the public to define watershed restoration priorities with special attention to watershed most in need of restoration and protection. This schedule must be coordinated with section 303d of the CWA and provide an opportunity to bundle TDML on a watershed scale. The schedule should identify the highest priority watersheds to be addressed in the first two years (thru 2000).

Build Strong Partnerships

Watershed Restoration Action Strategies
KEY ACTION: States should work with public agencies and private-sector organizations and citizens to develop, based on the initial schedule for the first two years, Watershed Restoration Action Strategies, for watersheds most in need or restoration.

Watershed Assistance Grants
KEY ACTION: Beginning in FY 1999, federal agencies will coordinate with states to provide small grants to enable organizations to build watershed partnerships and advance watershed restoration efforts.

KEY ACTION: To support local organizations and citizens in locally based watershed protection efforts, and to encourage the organization of such groups nationwide, EPA, USDA, DOI, NOAA and other federal agencies will increase information and technical assistance available to these groups.
Expanding Watershed Training.

Clean Water and Watershed Restoration Budget Initiative

Budget Authority –$ in millions

Funding Summary

Total 1999 Increase	568
Percent Increase 1999 over 1998	35%
Total Increase 1999-2003	2,338
Total Spending 1999-2003	10,516

Funding by Agency	1998 Enacted	1999 Budget
Environmental Protection Agency:		
State Grant Assistance		
Polluted runoff control grants (Sec. 319)	105	200
State program management grants (Sec. 106)	96	116
Wetlands protection grants	15	15
Water quality cooperative agreements	20	19
Water quality program management	248	279
Total, EPA	484	629
Department of Agriculture:		
Natural Resources Conservation Service: Environmental Quality Incentives Program	200*	300*
Natural Resources Conservation Service: Locally led conservation	0	20
Natural Resources Conservation Service: Watershed health monitoring	0	3
Forest Service: Improve water quality on federal lands	239	308
Agriculture Research Service: Watershed health research	0	2
Total, USDA	439	633
Department of the Interior:		
Bureau of Land Management: Improve water quality on federal lands	133	157
Office of Surface Mining: Clean streams	5	7
US Geological Survey: Water monitoring and assessment	125	147
Fish and Wildlife Service: Wetlands restoration	36	42
Bureau of Indian Affairs: Improve water quality on tribal lands	0	5
Total, DOI	299	358
National Oceanographic and Atmospheric Administration:		
Polluted runoff and toxic contaminants	0	13
Harmful algal blooms	0	9
Total, NOAA	0	22
Army Corps of Engineers:		
Wetlands program	106	117
Challenge 21: Floodplain restoration initiative	0	25
Total, ACE	106	142
Interagency Projects:		
Florida Everglades	228	282
California Bay Delta	85	143
Elimination of overlap between Everglades and other water programs listed above	-5	-5
Total, Interagency Projects	308	420
Total Clean Water and Watershed Restoration Initiative (with Mandatory Spending)	1,636	2,204

*Indicates Mandatory Spending

Source: Office of Management and Budget

Bid Packet

Minnesota Board of Water & Soil Resources

One West Water Street
Suite 200
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(612) 296-3767
Fax (612) 297-5615

Field Offices

Northern Region:
394 S. Lake Avenue
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Fax (218) 723-4794

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Fax (218) 828-6036

Southern Region:
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Fax (507) 359-6018

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(507) 285-7458
Fax (507) 280-2875

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

Metro Region:
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Suite 250
St. Paul, MN 55107
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MEMO

March 30, 1998

To: Board Conservationists
Regional Supervisors

From: John Jaschke, WCA Program Manager JJ

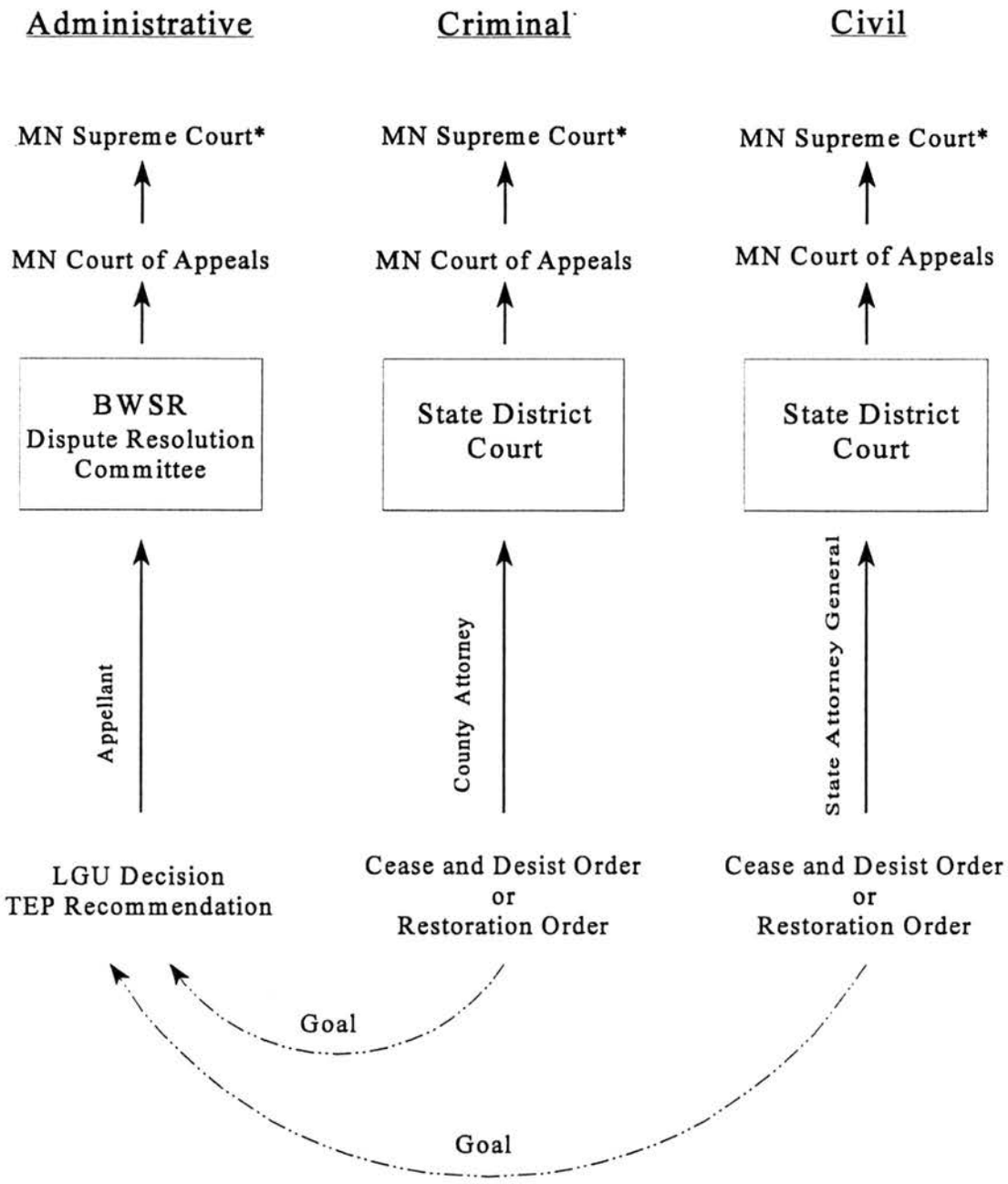
RE: WCA Dispute/Resolution Tracks

Attached is the diagram we developed at the last "WCA" field staff meeting. It will be included in the upcoming updates to the WCA Manual so all LGUs will get it.

c: Matt Seltzer
Greg Larson
Barbara Ohman
Dan Eklund
Jim Haretel
Jim Birkholz
Ron Harnack

Wetland Conservation Act

Three Tracks for Dispute/Violation Resolution



*The MN Supreme Court is not obligated to hear a case appealed from a lower court.

Ron H.
Board Packet
#55

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138

March 12, 1998

RECEIVED
MAR 13 1998

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

RE: In the Matter of the Proposed Rules of the Board of Soil and Water Resources Relating to Wetlands, Minnesota Rules, Chapter 8420; OAH Docket No. 6-3300-11446-1

Dear Director Harnack:

Enclosed and served upon you is the Report of the Administrative Law Judge in the above-entitled matter. Also enclosed is the official record. Our file in this matter is now being closed.

Sincerely,

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Telephone: 612/341-7609

AWK:lr
Enclosures
cc: John Jaschke, Wetland Conservation Act Program Manager

6-3300-11446-1

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF SOIL AND WATER RESOURCES

In the Matter of the Proposed Rules of the Board of Soil and Water Resources Relating to Wetlands, Minnesota Rules, Chapter 8420

REPORT OF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for hearing before Administrative Law Judge Allan W. Klein on February 25, 1998 in St. Cloud, Minnesota.

This Report is part of a rulemaking proceeding held pursuant to Minn. Stat. §§ 14.131 to 14.20 (1996) to hear public comment, to determine whether the Board of Water and Soil Resources (hereinafter Board) has fulfilled all relevant substantive and procedural requirements of law applicable to the adoption of the proposed rules, whether the proposed rules are needed and reasonable, and whether or not modifications to the rules proposed by the Board after initial publication are impermissible, substantial changes.

The Board's hearing panel consisted of John Jaschke, Wetland Conservation Act Program Manager.

Only one person attended the hearing. He stated informally that he favored the rules as proposed, and did not want to testify. The hearing continued until all interested person, groups or associations had an opportunity to be heard concerning the proposed amendments to these rules.

The record remained open for the submission of initial written comments for five working days following the hearing to March 4, 1998. Following a response period, the rulemaking record closed for all purposes on March 11, 1998. During the initial and responsive comment period, the ALJ did not receive any written comments from interested persons or the agency.

NOTICE

This Report must be available for review to all interested persons upon request for at least five working days before the Board takes any further action on the proposed amendments. The Board may then adopt a final rule, or modify

or withdraw its proposed amendments. If the Board makes changes in the rule other than those recommended in this report, it must submit the rule with the changes prior to final adoption. Upon adoption of a final rule, the Board must submit it to the Revisor of Statutes for a review of the form of the rule.

If the Board files the rule with the Secretary of State, it shall give notice on the day of filing to all persons who requested that they be informed of the filing.

Based upon all of the testimony, exhibits and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On December 12, 1997, the Board requested the scheduling of a hearing and filed the following documents with the Office of Administrative Hearings:

   A. a copy of the proposed rules certified by the Revisor of Statutes;
   B. the Dual Notice of Hearing proposed to be issued; and
   C. the final draft of Statement of Need and Reasonableness (SONAR).

2. On December 29, 1997, the Board mailed the Dual Notice of Hearing to all persons and associations who had registered their names with the Board for the purpose of receiving such notice. Additional Notice was given to a variety of individuals and organizations, such as all local governmental unit wetland contact people, all county highway engineers, all county planning and zoning administrators, all county board chairs, all SWCD offices, all watershed district offices, and others. Initially, the Board had not planned to do any Additional Notice, and the Board explained in the SONAR why additional notice was not being provided. However, the staff decided that it would be safer to give Additional Notice, and it did so on December 29. The ALJ finds that that the Board has met the requirement of Minn. Stat. § 14.131. The fact that the SONAR is incorrect, and the Board actually gave more notice than the SONAR indicates, is a harmless error under Minn. Stat. § 14.26(3)(d)(1).

3. On January 12, 1998, the Dual Notice of Hearing and a copy of the proposed rules were published at 22 State Register 1187.

4. On the day of the hearing, the Board placed the following documents into the record:

-- A copy of the Board's Request for Comments dated October 20, 1997 and a certificate of mailing the Request for Comments to the Board's rulemaking list on October 13, 1997.

-- A copy of 20 State Register 629, October 20, 1997, containing the publication of the Request for Comment.

-- The proposed rule, including the revisor's approval.

-- A memorandum to the Commissioner of Agriculture, dated December 10, 1997, stating that pursuant to Minn. Stat. § 14.111, the Board is forwarding a copy of the SONAR for his review.

-- A Memorandum dated December 24, 1997, to the Legislative Reference Library submitting the SONAR.

-- The Dual Notice as mailed and as published in the State Register at 22 State Register 1187.

-- The certificate of mailing the Dual Notice and certificate of mailing list.

-- Three written comments written in response to the Request for Comments. All supported the rule as proposed.

-- Twenty-eight comments including 27 requests for a public hearing twenty-six of which were identical form letters individually signed.

-- A letter, dated February 18, from John Jaschke, Wetland Conservation Act Program Manager for the Board, that was sent to the twenty-six individuals requesting a hearing requesting withdrawal of the hearing requests.

The SONAR was dated December 24, 1997 and the Notice of Intent to Adopt Rules was dated December 24, 1997. Pursuant to Minn. Stat. § 14.23, before the date of the notice, the agency shall prepare a SONAR, which must be available to the public. Therefore, the SONAR should have been dated or finalized before the date of the Notice of Intent to Adopt Rules, at the latest by December 23, 1997. In addition, the SONAR did not contain a citation to the agency's grant of statutory authority to adopt the rule as required by Minn. R. 1400.2070, subp. 1, item D.

The Administrative Law Judge has determined that these procedural errors did not deprive any person or entity of an opportunity to participate meaningfully

in the rulemaking process and thus constitute harmless errors under Minn. Stat. § 14.26(3)(d)(1).

All of the above-mentioned documents have been available for inspection at the Office of Administrative Hearings from the date of filing.

Overview of Judge's Analysis

5. Minn. Stat. § 14.50 requires the Administrative Law Judge to take notice of the degree to which the Board has demonstrated the need for and reasonableness of its proposed rules with an affirmative presentation of facts. Minn. Stat. § 14.14, subd. 2 requires the Board to make an affirmative presentation of facts establishing the need for and reasonableness of its proposed rules. That statute also allows the Board to rely upon facts presented by others on the record during the rule proceeding to support the proposal. In this case, the Board prepared a Statement of Need and Reasonableness ("SONAR") to support the adoption of each of the proposed amendments.

In addition to need and reasonableness, the Administrative Law Judge must assess whether the Legislature has granted statutory authority to the Board, whether rule adoption procedure was complied with, whether the rule grants undue discretion to Board personnel, whether the rule is unconstitutional or illegal, whether the rule constitutes an undue delegation of authority to another, or whether the proposed language is impermissibly vague.

6. Most of the amendments proposed by the Board drew no criticism. This Report is generally limited to reviewing those proposed amendments that received significant critical comment or otherwise need to be examined. Accordingly, this Report will not discuss each subpart of each rule. Moreover, because most of the proposed rules were not opposed, and were adequately supported by the SONAR, a detailed discussion of each section of the proposed rules is unnecessary. The Administrative Law Judge specifically finds that the Board has demonstrated the need for and reasonableness of provisions of the rule that are not discussed in this Report, that such provisions are within the Board's statutory authority noted above, and that there are no other problems that prevent their adoption.

Statutory Authority and Nature of the Proposed Rule Amendments

7. Generally, Minn. Stat. § 103B.101, subd. 7, grants the Board of Water and Soil Resources the power to: ". . . hold public hearings and adopt rules necessary to execute its duties." More specifically, Minn. Stat. § 103B.3355(b) requires the Board to adopt rules establishing: ". . . (1) scientific

methodologies for determining the functions of wetlands; and (2) criteria for determining the resulting public values of wetlands", and Minn. Stat. § 103G.2242, subd. 1, requires the Board adopt rules governing the approval of wetland value replacement plans under this section.

8. The Administrative Law Judge concludes that the Board does have statutory authority to adopt the proposed rule amendments.

Section-by-Section Analysis

9. All but one of the persons who requested a hearing submitted identical letters. They listed three rules which they opposed. Two of them are linked together. Those two are proposed Rules Parts 8420.0110, subp. 20a and subp. 29a. The first is a definition of the phrase "greater than 80% area", while the second is the definition of the phrase "less than 50% area". These are both part of an attempt to avoid a "one size fits all" approach in favor of classifying portions of the state, and treating the different classifications differently, depending upon how much of their presettlement wetland acreage is still intact. Objectors to the rule, which came primarily from Houston County, were concerned that these two definitions, working together, placed an undue burden on landowners and local officials because the rules assume there are plenty of areas within the county or watershed that are available for restoration, while in reality, in counties like Houston, there are not. They believe that this is but one example of the many impacts which have created seemingly insurmountable barriers for Houston County and similar areas of the state.

10. The Board staff's position on this objection is that the language at issue comes verbatim from statute, and the rule cannot change definitions contained in the statute.

11. The Administrative Law Judge agrees with the Board staff. The entire wetland regulation area is a very complex one, and one where the statute contains quite a bit of detail. It would create serious confusion and conflict for the rule to vary from the statute. These are situations where the statute must be amended, not just the rules.

12. The other rule of concern to the Houston County objectors is proposed Part 8420.0560, which is an entirely new rule dealing with local plans for comprehensive wetland protection and management. Essentially, these plans would allow a local unit of government, or a group of them operating together, to avoid a number of the rules which would otherwise apply to them if, as an alternative, they adopted a local plan. The rule specifies what must be in the plan, and how it must be adopted. The rule is based upon a statute adopted

in 1996, chapter 462. The rule is taken verbatim from the statute, with one editorial change which is of no substance.

13. The concern of the Houston County commentators is set forth as follows:

> There should be an addition [to the rule] which states counties which can document existing ordinances and regulations which have met the spirit of no net loss of wetlands are exempt from all administrative procedures provided they annually document that no wetlands have been impacted such that the WCA would have prevented such impact had it been applied in the county.

The Administrative Law Judge finds that this would be such a substantial addition to the regulatory scheme that it must be made by the Legislature, and not by the Board. It would be a major addition to the statutory scheme which can only be made by the Legislature.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. That the Board of Water and Soil Resources gave proper notice of the hearing in this matter.

2. That the Board has fulfilled the procedural requirements of Minn. Stat. §§ 14.14, subds. 1, 1a and 14.14, subd. 2, and all other procedural requirements of law or rule, except as noted at Findings 2 and 4, which both find only harmless errors.

3. That the Board has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3 and 14.50 (i)(ii).

4. That the Board has documented the need for and reasonableness of its proposed rules with an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii).

5. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

6. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Board from further modification of the proposed rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the proposed rules be adopted.

Dated this 12th day of March 1998.

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Reported: Tape Recorded;
No Transcript Prepared

Board Packet

Minnesota Board of Water & Soil Resources

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March 13, 1998

TO: List of Addressees

Jim Haertel

FROM: Jim Haertel, Water Management Specialist

RE: Capitol Region Watershed District Petition and Public Hearing

---

The Board of Water and Soil Resources has received a citizen petition to establish a watershed district or enlarge a watershed district and increase the number of managers. The area that is the subject of the petition is presently in the Central Ramsey Watershed Management Organization, the Southwest Ramsey Watershed Management Organization, and the Ramsey-Washington Metro Watershed District.

Please take notice: the Board will hold a public hearing on Monday, April 6, 1998, at 7:00 PM at the Como Lakeside Pavilion. (Legal notice enclosed)

At the hearing the Metro Water Planning Subcommittee of the Board will hear oral testimony on the establishment/enlargement/increase number of managers petition. However, oral testimony will be time limited. Written comments will also be accepted at any time prior to the hearing, at the hearing, and for a period of time after the hearing. Also, there is a slight possibility the public hearing would be continued at a later date.

After the record for the public hearing is closed, the subcommittee will consider the entire record and form a recommendation. The recommendation will be brought before the full board at a later date.

If the recommendation is to establish a watershed district or enlarge a watershed district with an increase in the number of managers, then we will contact the appropriate cities with information regarding board of manager nominees.

Please feel free to contact me at 297-2906 if you have any questions or wish to discuss this matter further.

Enclosures - List of Addressees
- Legal Notice

cc: Metro Subcommittee, Ron Harnack, Jim Birkholz, Doug Thomas, Matt Moore

List of Addressees

Susan Schmidt, Member
District 10, Environmental Committee

Mike Perniel, Members
District 10, Environmental Committee

Ken Haider, Public Works
City of Maplewood

Anne Weber, Public Works
City of St. Paul

Karl Keel, Public Works
City of Roseville

Susan Hoyt, Administrator
City of Falcon Heights

Ramsey County Board of
Commissioner's

Paul Kirkwold, Engineer
Ramsey County Public Works

Janice Rettman, Commissioner
Ramsey County

Sherri Knuth, Chair
District 10, Environmental Committee

Terry Schutten, Manager
Ramsey County

Tom Peterson, Manager
Ramsey Soil and Water Conservation
District

Sue Gehrz, Mayor
City of Falcon Heights

George Rossbach, Mayor
City of Maplewood

Michael McGuire, Manager
City of Maplewood

Daniel Wall, Mayor
City of Roseville

Steve Sarkozy, Manager
City of Roseville

Norman Coleman, Mayor
City of St. Paul

Fred Owusu, Clerk
City of St. Paul

Konrad Koosmann, District Manager
Washington SWCD

Jim Schug, Administrator
Washington County

R. H. Stafford, Auditor
Washington County

Washington County Brd Commissioners

Dorothy McClung,
Director of Property Records and
Revenue Ramsey County

St. Paul , Water Utility Board
Administration

The Audubon, Society

Lynne Kolze, President
Southwest Ramsey WMO

Joseph Fischler, Board Member
Southwest Ramsey WMO

Ray Jackson, Vice President
Southwest Ramsey WMO

William Sandberg, Mayor
City of North St. Paul

Wally Wysopal, Manager
City of North St. Paul

George Rossbach, Mayor
City of Maplewood

Scott Duddeck, Public Works
City of North St. Paul

Michael McGuire, Administrator
City of Maplewood

Bill Pulkrabek, Mayor
City of Oakdale

Craig Waldron, Administrator
City of Oakdale

Mike Fahey, Mayor
City of Little Canada

Joel Hanson, Administrator
City of Little Canada

John Blahna, Mayor
City of Landfall

Helen Hallis, Clerk
City of Landfall

Susan Banovetz, Mayor
City of Vadnais Heights

Gerald Urban, Clerk
City of Vadnais Heights

Paul Auger, Mayor
City of White Bear Lake

City Council of White Bear Lake

William Hargis, Mayor
City of Woodbury

Barry Johnson, Administrator
City of Woodbury

Roger Lake, President
Ramsey-Washington Metro WD

Kate Drewry, Administrator
Rice Creek Watershed District

Richard Hamero, President
South Washington Watershed District

Valley Branch Watershed District

Grass Lake Watershed Management
Organization

Lower Mississippi River Watershed
Management Organization

Stephanie McNamara , Administrator
Vadnais Lake Area WMO

St. Paul Neighborhood Energy
Consortium

Roland Harrington, Public Works
City of Oakdale

Public Works
City of Little Canada

St. Paul City Council

Stacy Becker, Director of Public Works
City of St. Paul

Bernie Bullert, General Manager
St. Paul Water Utility

Carl Peterson, Director
City of Landfall

Martin Walsh, Director
Vadnais Heights Public Works

Mark Burch, Director
White Bear Lake Public Works

David Jessup, Director
Woodbury Public Works

Cliff Aichinger, Administrator
Ramsey-Washington Metro Watershed
District

Steve Woods, Engineer
Montgomery Watson

Thomas Frame, Coordinator
Middle Mississippi River WMO

Jens Vange, Council Member
District 10 Community Council

BWSR Metro Subcommittee

Review agencies:
Met Council, DNR, PCA, MDHm
MDA

NOTICE OF PUBLIC HEARING
CAPITOL REGION WATERSHED DISTRICT ESTABLISHMENT
or
RAMSEY-WASHINGTON METRO WATERSHED DISTRICT ENLARGEMENT/INCREASE NUMBER OF MANAGERS

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

In the matter of the petition for the establishment of the Capitol Region Watershed District or the enlargement/increase number of managers of the Ramsey-Washington Metro Watershed District (RWMWD) pursuant to Minn. Statutes Sections 103D.205, 103D.221, 103D.261, and 103D.305.

Whereas, the subject petition dated January 20, 1998 has been filed with the Department of Property Records and Revenue (auditor) of Ramsey County, the Commissioner of the Department of Natural Resources (DNR), the Director of the DNR Division of Waters, and the RWMWD, pursuant to Minn. Statutes Sections 103D.205 and 103D.261.

Now therefore, the Board of Water and Soil Resources (Board) hereby issues the following:

NOTICE IS HEREBY GIVEN that a public hearing on the establishment/enlargement/increase number of managers of a watershed district will be held on Monday, April 6, 1998, beginning at 7:00 PM at the Como Lakeside Pavilion at Como Park, 1360 N. Lexington Pkwy, St. Paul, Minnesota.

The purpose of the hearing is to receive public comments on the establishment of a watershed district or the enlargement and increase in the number of managers of the RWMWD in the areas of the Central and Southwest Ramsey Watershed Management Organizations pursuant to the Metropolitan Surface Water Management Act, Minn. Statutes Sections 103B.205 to 103B.255. At the hearing, all interested persons will be given opportunity to submit pertinent information.

The proposed watershed district or enlargement encompasses approximately 37 square miles of land in Ramsey County. It includes land in the cities of St. Paul, Roseville, Maplewood, and Falcon Heights, the State Fairgrounds, and the University of Minnesota. The RWMWD includes land in the cities of Landfall, Little Canada, Maplewood, North St. Paul, Oakdale, St. Paul, Vadnais Heights, White Bear Lake and Woodbury.

The purpose for the establishment or enlargement of the watershed district and contemplated improvements is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.

For further information contact Jim Haertel of the Board at 297-2906.

Dated in St. Paul, Minnesota this 4th day of March, 1998.

s/Jim Haertel
Water Management Specialist

Minnesota Board of Water & Soil Resources

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DATE: March 18, 1998

TO: Attendees, Red River Water Management Board Annual Conference

FROM: Jim Birkholz, Assistant Director

SUBJECT: Summary of Board of Water and Soil Resources (BWSR) Activities in Cooperation with Watershed Districts (WD) in the Red River Valley (RRV)

Last year, immediately following your annual conference, a group of watershed district staff and managers and BWSR staff met to discuss BWSR assistance to watershed districts. There were thoughts expressed that BWSR could be doing more to assist watershed districts. At BWSR, we took these comments seriously--we had quite a bit of discussion as to how we could work more effectively with watershed districts and scrutinized how our staff time was being allocated. Our staff has worked on a lot of things with watershed districts over the past year. I wanted to report some of these activities to you and to keep the discussion going as to how we can continue to develop our working relationship with you. I'll group BWSR activities into three areas: Special Projects; Ongoing Assistance; and Statewide Activities.

Special Projects

1. Sought and received BWSR Board approval to spend up to $150,000 of water plan money for flood recovery grants. $120,000 was allocated to four watershed districts and one county in the valley.

2. Hired and provided a summer intern to watershed districts in the RRV to assist them with office and field work. We would like to continue this arrangement again this year if watershed districts want it.

3. The full BWSR Board toured a significant portion of the RRV in August of 1997 to learn firsthand about flood damages, ongoing issues and its role in helping to deal with them.

Ongoing Assistance

1. Worked with a number of watershed districts to provide information regarding stormwater utility fees as a way of financing watershed projects-Wild Rice, Bois de Sioux and Pelican River (Ottertail headwaters). Another meeting on this subject targeted for WD attorneys is scheduled for St. Cloud on March 26.

2. Provided staff assistance to a number of local flood control committees; helped them apply for challenge grants.

3. Attended watershed district board meetings. We have tried to have better attendance by our Board Conservationists at your local district meetings. We attend to learn more about your activities and needs, stay in touch and pass along information. Our Board Conservationists need your feedback as to how this is going.

4. Assisted with rules and regulations revisions for the Two Rivers Watershed District.

5. Assisted Bois de Sioux WD with the Traverse Lake Clean Water Partnership project.

6. Facilitated two meetings regarding wetland restorations and the RRWMB guidance.

7. Assistance with Overall Plan updates for Buffalo-Red WD and Bois de Sioux WD.

8. Assisted with Comprehensive Local Water Plan updates to help ensure that watershed district concerns regarding flooding and drainage were addressed.

9. Interviewed with the consultants hired to prepare for mediation between permitting agencies and watershed districts in the RRV.

Statewide Activities

1. Helped develop a Rulemaking Guidebook for use by watershed districts statewide.

2. Attendance at all MAWD Board of Director meetings and Watershed District Administrator meetings.

3. Our BWSR Executive Director, Ron Harnack, is a state representative on the Red River Basin Board and the Red River Watershed Council, keeping BWSR actively involved in RRV issues.

There are a lot of things we are working on together. Like all of our work in water and land management, we get frustrated with our limited resources but will continue to seek ways to work together with watershed districts in the Red River Valley to implement water management initiatives. We appreciate the opportunities you provide us to be of assistance and seek your continued feedback. Through our Board Conservationists, regional and state staff we look forward to working with you on the challenges the year ahead offers. Best wishes on a successful annual conference!

cc: RRV Watershed District Offices
BWSR Staff
BWSR Board
MAWD

Doug
Ron Shelito
Board
Packet

BOIS DE SIOUX WATERSHED DISTRICT

1002 Broadway
Wheaton, MN 56296-1304

Phone: 320-563-4185
Fax:: 320-563-4987
Cell: 800-630-0255

April 16, 1998

RECEIVED
APR 2 0 1998

Senator Doug Johnson
205 Capitol, 75 Constitution Avenue
St. Paul, MN 55155

Re: H.F. #418, S.F. #1589 - (amended to the Omnibus Tax Bill)

Dear Senator Johnson,

I felt it was important to write you this letter to explain how we intend to proceed with implementing the legislation regarding the Red River Watershed Management Board.

As you well know, the law now allows the Bois de Sioux Watershed District to levy additional funds for the purpose of project development to address the water problems (mainly flooding) in our area.

It is our intention as well as that of the Board of Water and Soil Resources to conduct a meeting as soon as possible with the county commissioners of the area affected to explain exactly what this means and answer any of their questions they may have. We will again communicate with them about the direction the BdSWD intends to take in the future and attempt to settle any fears they may have. BWSR will organize and moderate the meeting.

It is also our intention to respond to the concerns of the commissioners as they have requested. The BdSWD feels it is important to have an open dialogue with this group. For 8 years or more, the counties in question have not allowed such an exchange of dialogue to take place.

Thank you for your time on this issue and your consideration. Please feel free to contact our office if you have any further questions or comments.

Sincerely,

Jerome Deal
Chairman, Bois de Sioux Watershed District

cc: Ray Bohn, MAWD
Ron Harnack, BWSR
Don Ogaard, Executive Director, RRWMB
Senator Keith Langseth
Senator Roger Moe
Senator Leroy Stumpf
Representative Doug Peterson
Representative Edgar Olson
Representative Willard Munger

(c:\rrwmb\dpetersn.wpd)

May 1998

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MAY 27, 1998

AGENDA

9:00 a.m. **Call Meeting to Order**

Adopt Agenda

Approval of Minutes of April 22, 1998

Reports
- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Marv Tripp
- Education and Public Relations Committee - Barb Uppgaard
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports
- Jim Anderson, Minnesota Extension Service
- Sharon Clark, Department of Agriculture
- Kelli Johnson, Department of Health
- Peder Larson, Pollution Control Agency
- Rod Sando, Department of Natural Resources

New Business

1. Comprehensive Local Water Plan Program Plan - Marybeth Block - DECISION

2. Amendment to Order Establishing the Brown's Creek Watershed District - Jim Haertel - DECISION

3. BWSR Education Strategy - Susan Tsakakis - DECISION

4. Implementing LCMR Grants to Local Governments to Assist Natural Resources Decision Making - Jim Birkholz - INFORMATION

5. McLeod County Drainage Inventory Demonstration - Roger Berrgren and Dr. Linda Tomaselli - INFORMATION

6. Area II Work Plan - Tabor Hoek - DECISION

Advisory Comments
- Ray Bohn, MAWD
- Franklin Denn, MAT
- Bill Hunt, NRCS
- Rick Reimer, MACDE
- Vern Wilker, MASWCD

Upcoming Meetings
- BWSR Meeting and Tour, June 24-25, Snake River
- Water Planners Conference, July 21-23, Crookston

Other Board Issues

Adjourn

Minnesota Board of Water & Soil Resources

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DATE: May 18, 1998

TO: Board of Water and Soil Resources Members, Advisors, and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: May 27, 1998 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 27, 1998, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following is some background information regarding the agenda items:

New Business

1. Comprehensive Local Water Planning (CLWP) Program Plan: The draft program plan highlights the CWLP's strengths and challenges, and identifies strategies and initiatives for the BWSR to pursue. This draft was prepared by a focus group of water planners and BWSR field staff. Agency members of the 103B Technical Representatives Group have met and reviewed the draft. The next step involves seeking broader agency input from the field and regional level. We hope to conclude the process by bringing the focus group and agency representatives together. The intention is to bring the plan to board for final approval in July or August. Two local water planners will be on hand to discuss the process. INFORMATION.

2. Amendment to Order Establishing the Brown's Creek Watershed District: An Amendment to the Order that established the Brown's Creek Watershed District is necessary so the first board of managers that BWSR appointed will have one year terms of office. The Order appointed the managers for staggered terms of one, two and three years, however, the first board appointed by the County Board should have the staggered terms and the first board appointed by BWSR should have one year terms. DECISION

3. BWSR Education Strategy: BWSR's strategy for carrying out its education efforts. The Education Strategy defines our goals, objectives, and the role of the Education Committee. DECISION

4. Implementing LCMR Grants to Local Governments to Assist Natural Resources Decision Making: See attachment. INFORMATION

5. McLeod County Drainage Inventory Demonstration: Roger Berrgren, McLeod County; and Dr. Linda Tomaselli, OSM consultant, will provide a 30-minute demonstration of the McLeod County drainage inventory project. INFORMATION

6. Area II Work Plan: The annual work plan for the $189,000 budget including the LCMR funding from 1996 $250,000 and the new work plan for 1999 $500,000 just funded this spring will be presented. DECISION

If you require additional information, please feel free to give me a call. Travel safely, I look forward to seeing you on the 27th!

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MAY 27, 1998

PRELIMINARY AGENDA

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Advisory Comments
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- Bill Hunt, NRCS
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- Vern Wilker, MASWCD

Upcoming Meetings
- BWSR Meeting and Tour, June 24-25, Snake River

Other Board Issues

Adjourn

Comprehensive Local Water Planning (MS 103B.301)
BWSR Program Plan 1998-2003

draft

Minnesota Board of Water & Soil Resources

New Business #1

Program Purpose

The purpose of Comprehensive Local Water Planning is to develop and implement water management plans at the county level that protect and enhance surface water, groundwater and related land resources given the local conditions.

Program Authorities

The program was established in 1985 with the passage of Chapter 110B: The Comprehensive Local Water Management Act. The statutes have since been recodified to M.S. 103B.301- 103B.355. The act specifies that the plans include:

- a description of the existing and expected changes to the physical environment, land use and development in the county;
- information about the surface water, groundwater and related land resources of the county;
- objectives for future development, use and conservation of water and related land resources;
- a program for implementation of the plan along with plan objectives and a schedule for implementation; and
- a description of potential changes in state programs, policies and requirements considered important by the county to the management of its water resources;

Minnesota Rules Chapter 9300 contains the program's administrative procedures.

Program Funding

Companion legislation was adopted in 1989: Local Water Resources Protection and Management Program - 103B.3361-103B.3369. This program allows the BWSR to provide financial assistance to counties for activities that protect or manage water and related land quality. It also grants state agencies the authority to place priority on local requests for funding and technical assistance that are part of or responsive to a local water plan.

The program requires counties to levy a water implementation tax, based on tax capacity, to "match" the state base grant. The base grant plus the local levy must equal at least $37,500. This unique formula, which recognizes a county's relative ability to pay, has been a major strength in building base implementation capacity in every county. In addition to the base grant, the counties can apply for a portion of the $600,000 available biennially as competitive challenge grants.

Program Strengths

The natural and human resources of the state have benefited from over a decade of water planning. Comprehensive local water planning builds local capability to manage water resources. All Minnesota counties developed water management plans that were approved by the state between 1989-1992, and many have recently completed the first of the required updates.

Coordination among local units of government

Perhaps the most profound accomplishment of the program has been its ability to foster coordination among local units of government. Water issues are a concern to counties, cities, townships, watershed districts and soil and water conservation districts. The local water plans provide an opportunity for these jurisdictions, along with concerned citizens and private groups, to get involved in managing the natural resources of the entire county. In all 80 non-metro counties, local task forces formed to develop the plans and many continue to meet to aid in plan implementation. The task force representatives

bring diverse experience and perspectives to the table, helping them to constructively assess the county's water resources, identify problems and threats to those resources, and develop and carry out protection strategies. Task forces ensure that the plans consistently reflect local priorities. They convene for plan updates every five to ten years. Water planning provides a framework to coordinate the variety of resource-related activities various government entities and other groups are performing.

The planning process has augmented local education efforts. It has heightened the awareness of the value of water, the threats facing it and the value in planning and managing water resources at the watershed level.

State and local coordination

In addition to enhanced local coordination, the program has forged strong state-local partnerships. Many state and federal programs have used the local water planning process as a delivery system for their water related programs. Local delivery is effective. When local resource managers are recruited to deliver state and federal programs there is local buy-in - - a commitment to seeing that the programs are successful. Local government is the primary land use authority in the state and is closest to the private landowner. Local delivery is efficient because it combines human and financial resources of local, state and federal government and focuses them on implementing the local strategies. Local water planning also gives local government a mechanism to communicate its resource protection priorities to the state and federal agencies.

A local planning model

The accomplishments of local water planning have been widely recognized. In 1995 the Legislature requested a report assessing state environmental agencies and local government environmental special purpose districts' role in managing water resources. The resulting report, ***Crosscurrents: Managing Water Resources*** praises Comprehensive Local Water Planning as leading to great improves in coordination and cooperation among various levels of government and interested citizens and groups. The report goes on to say that the plans could form the basis for all environmental information in local sustainable development plans. Time and time again comprehensive local water planning is looked to as a model for locally managed programs .

Program Challenges

While comprehensive local water planning has many strengths, there are also challenges. The following challenges were singled out as the most important to acknowledge and address.

Maintain local flexibility. Local emphasis and flexibility has been the cornerstone of local water planning's success. To protect these valuable characteristics state and federal governments must: respect the locally-identified priorities; recognize the priorities and strategies identified in the *annual work plans* in addition to those identified in the comprehensive plan; and resist adding additional requirements to the planning process (i.e., fashioning it to meet the needs of the state/federal agency rather than the local conditions).

Public and local government participation in plan revisions

Public and local government representation on the water planning task forces is essential to lending credibility to the identified priorities. Involvement from agricultural producers, lakeshore owners, wildlife and conservation clubs, commerce organizations, municipalities and township government is vital to the process. Water planning addresses natural resource management county wide regardless of jurisdictional boundaries, and to truly integrate and coordinate resource management the water planning process must have the involvement of as many local resource managers and users as possible. Just as local buy-in is important to carrying out state and federal programs, public and local government participation is important when it comes to successfully carrying out the activities identified in the local plans.

Comprehensive Local Water Planning (MS 103B.301)
BWSR Program Plan 1998-2003

draft

Minnesota Board of Water & Soil Resources

Program funding and technical support

Local water planning is successful in part because funds were appropriated by the state creating a partnership with counties to develop the plans and carry out protection strategies. Nearly a decade has passed since the original appropriation and there is a need to increase the level of funding from both the state and the counties. Increased funding would ensure counties can make progress implementing the strategies identified in the plans and it would create new water resources management opportunities.

Local water planning funding, including the challenge grant and other grants awarded through BWSR's Natural Resource Block Grant, require local government in-kind match. Documenting in-kind contributions is cumbersome and time consuming, and it detracts from accomplishing the goals and strategies set forth in the plan. In addition to receiving financial support, local water planners need access to technical support to help them carry out implementation activities.

Communication

Communication and networking are essential to maintaining the long-term success of water planning. No official association of local water planners exists but an annual conference for the group has been well attended and respected. The challenge is to keep communication flowing throughout the year. Water planners would be well-served if they were kept apprised of pertinent things such as legislative issues, projects, grants, meetings, tools (e.g., GIS) etc. There is also a distinct need to communicate the success and challenges of the program to state, federal and other conservation partners.

PROGRAM STRATEGIES & INITIATIVES

1. Support legislation in the 1999 session to increase base level & challenge grant funding.

2. Enter into cooperative agreements at the commissioner level with the DNR, MPCA, MDA, MDH and the USDA-FSA and NRCS to: a) ensure that the strategies identified in the local annual work plans are accepted; b) attempt to discuss proposed mandates tied to local water plans with appropriate advisory committees whenever possible; c) encourage agencies to solicit and consider local recommendations when appointing a representative to the local task force; and d) to encourage local task force agency representatives compile all agency comments on the annual plan and the comprehensive plan updates.

3. Convene an ad hoc committee to review and draft options to the required in-kind matches of the Natural Resource Block Grant programs and the Local Water Planning Challenge Grant.

4. Work with MASWCD, AMC, MAWD and MAT to keep local water planners apprised of legislation that could provide opportunities or challenges for plan implementation at the local level.

5. Seek a legislative appropriation to establish a grant fund that would support the administrative activities of regional water planning groups or support water planning within the boundaries of the 81 major watersheds.

6. Establish a quarterly statewide newsletter and monthly e-mail updates.

7. Continue to hold an annual water planners conference.

8. Use the LGU Annual Reporting System (LARS) to track the progress in meeting resource management goals through the Comprehensive Local Water Planning Program.

9. Revise the Administrative Rules.

10. With guidance from the Local Water Planners Focus Group and the 103 Technical Representatives group, develop a process to review and evaluate the program administration and implementation at the local level.

Comprehensive Local Water Planning (MS 103B.301)
BWSR Program Plan 1998-2003

draft

Minnesota Board of Water & Soil Resources

Relationship to BWSR's Strategic Plan and Other Programs

Local water planning is very much in keeping with the basic tenets of the board as identified in the strategic plan: implementing natural resource management at the local level, voluntarily, comprehensively and collaboratively.

Comprehensive local water planning is singled out in BWSR's strategies as the vehicle the board will use to plan for and implement water and soil resource protection strategies. It also states that BWSR will continue to assist local units of government to plan and implement their water resource management responsibilities using a watershed-based management approach.

Many of BWSR's programs look to local water planning as the means by which priority water and soil protection measures are identified. The Erosion and Sediment Control State Cost-Share Program funds are targeted to high priority problems identified in the plan. This BWSR/SWCD program, and others such as the like the Reinvest in Minnesota Reserve can also be used to carry out the goals identified in the comprehensive local water plan.

Partnerships and Advisory Committees

The 103B Technical Representatives Group consists of agency representatives from the Departments of Natural Resources, Agriculture and Health; Pollution Control Agency, MN Geological Survey, MN Planning and the Land Management Information Center. Early on their main function was to coordinate the implementation of the Comprehensive Local Water Planning Act. The representatives serve as the point of contact among their respective agencies for water planning issues.

The Local Water Planners Focus Group includes water planners from across the state and several BWSR staff members. The purpose of this group is to promote communication between BWSR staff and local water planners. The representatives serve as a voice for planners across the state. They are also responsible for taking the information the focus group discusses back to water planners in their area.

1997-98 Local Water Planners Focus Group

Northwest:

Aaneson, Mark	Mahnomen Co
Grant, Brad	Becker SWCD
Parthun, Chris	Beltrami SWCD
Krystosek, Dale	BWSR - Bemidji

Northcental & Northeast

Montonye, Joe	Grant SWCD
Noyes, Dick	Pine SWCD
Peterson, Lynda	Kanabec SWCD
Wettlaufer, Mark	Morrison County
Steward, Dan	BWSR - Brainerd
Waller, Peter	BWSR - Brainerd

Southwest

Bos, Doug	Rock County
Lawrence, Steve	Chippewa Co
Sill, David	BWSR- Marshall

Southcentral

Bovee, Terry	Le Sueur County
Rivers, Pam	Nicollet County
Hughes, Chris	BWSR- New Ulm

Southeast

Bram, Todd	Winona County
Gamm, Mark	Dodge County
Kells, Mary	BWSR- Rochester

Advisory Members:

Allen, Scott	Rice Co.
Brigman, Kate	Le Sueur Co.
Block, Marybeth	BWSR-St Paul
Thomas, Doug	BWSR-St Paul

New Business #2

DRAFT

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

DRAFT

In the Matter of an Amendment to the Order Establishing the Brown's Creek Watershed District in Washington County pursuant to Minnesota Statutes Section 103D.225, Subdivision 4

AMENDMENT TO ORDER ESTABLISHING BROWN'S CREEK WATERSHED DISTRICT

Whereas, the Board of Water and Soil Resources issued an order on October 22, 1997, establishing the Brown's Creek Watershed District pursuant to Minn. Stat. § 103D.225, and;

Whereas, Minn. Stat. § 103D.225, Subd. 4 (a) requires the term for the first board of managers of the watershed district appointed by the Board of Water and Soil Resources to be one year and until their successors can be appointed and qualified, and;

Whereas, Minn. Stat. § 103D.225, Subds. 4 (c) and (e) requires staggered terms of office for the first board of managers of the watershed district appointed by the county board;

Now Therefore, the Board hereby makes the following Order.

ORDER

That item number six on pages 16 and 17 of the order dated October 22, 1997, establishing the Brown's Creek Watershed District is amended to specify the term for the first board of managers appointed by the Board of Water and Soil Resources is one year and until their successors can be appointed and qualified, and the terms of office for the first board of managers appointed by the Washington County Board is one for a term of one year, two for a term of two years, and two for a term of three years.

Dated this _____th day of May, 1998.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Kathleen M. Roer, Chair

New Business #3

BWSR EDUCATION STRATEGY

April 1998

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B. BWSR educational strategies 2

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Appendix C: Staff involvement 7

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I. Introduction

When the Legislature created the BWSR in 1987, it clearly believed that the board had an important educational role to play. BWSR's enabling statute contains three mandates directly related to education:

> l) the BWSR shall develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;
>
> 2) the BWSR shall provide a forum for the discussion of local issues and opportunities relating to water and soil resources management; and
>
> 3) the BWSR shall facilitate communication and coordination among state agencies in cooperation with the Environmental Quality Board, 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 local units of government to the greatest extent possible.

This document defines how BWSR will integrate these three mandates into its activities as it carries out its mission.

II. BWSR'S educational goal

The mission of the Minnesota Board of Water and Soil Resources is to assist local governments to manage and conserve their irreplaceable water and soil resources.

This mission statement indicates clearly that BWSR's mission is one of local government service and capacity building. Our ultimate educational goal is to **help local governments meet their education and outreach needs.**

A. BWSR's education objectives

Within the context of its mission and its educational goal, BWSR must define its objectives more specifically. The requests of local government units (LGUs) are many and varied. Our assistance must be focused on helping achieve objectives that will make the most effective use of our efforts and resources. These objectives include:

- Developing and maintaining a level of knowledge about existing educational resources and acting as a clearinghouse to refer LGUs to other agencies and resources;

•Building the capacity of LGUs to meet their educational needs;

•Serving as a link between LGUs and other state agencies by providing information about available state resources to local government units;

•Functioning as the LGU advocate at the state level in matters affecting local governments' ability to deliver education and training programs; keeping state agencies and the legislature aware of LGU education needs and how state programs can fit those needs; and

•Keeping soil and water resource issues included as a key component of discussions, policies and programs.

B. BWSR Educational Strategies

To accomplish its objectives, BWSR will use the following specific strategies:

•BWSR will identify specific educational goals--and how those goals will be achieved--in the regional, individual and program work plans and planning process;

•BWSR will identify opportunities for various staff to integrate their activities and priorities with the activities of the education staff, using the regional, individual and program work plans and the planning process;

•BWSR will use LGU input, both formal and informal, to define specific education needs;

•BWSR will coordinate its educational efforts on a statewide level;

•BWSR will develop and maintain appropriate partnerships to increase the impact of its education activities;

•BWSR will continue to serve on the Environmental Education Advisory Board (EEAB), the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Education Committee, and others; and

•BWSR will identify individual LGU needs that have broad application and adaptability; develop and provide training, programs, activities, and products that can be used by a number of LGUs with little or no adaptation.

C. Role of the Education Committee

The Education Committee consists of board and staff members and plays a key role in BWSR's education program. Specifically, the committee:

- defines the vision, overall direction and philosophy of BWSR's soil and water education effort;

- meets at least bi-annually to assess the activities and focus of the previous year and determine if changes need to be made;

- functions as a forum to which staff can bring soil- and water-related educational issues for discussion and direction;

- builds the foundation for partnerships that can benefit BWSR's soil and water education efforts; and

- gathers input from agency members on soil and water education issues.

III. Appendix

Appendix A: History

BWSR has had a number of interesting attempts at a formal education program. In 1989, a BWSR staff Education Team developed a position paper on its education efforts. The board responded by forming an ad hoc Education Committee, which then drafted a document with a number of recommendations, including:

- add three new staff members; and

- direct these staff to ensure that resource education efforts by local governments are optimized by: 1) developing a process to listen to ideas and needs of local governments about what they require to achieve their individual education and communication goals; 2) providing, through training and other means, the capability to local governments to carry out their own communications programs; 3) seeking, creating, fostering and augmenting the opportunities for local entities to share educational materials and programs; and 4) assisting the coordination of local education and communication efforts with other state agencies and environmental education efforts.

The board reviewed the document and essentially tabled it, citing lack of funds and staff time.

The next major attempt began in 1991, when a BWSR Education Committee composed of board members and staff, local government representatives, and a University of Minnesota Extension Service representative met monthly to develop a BWSR Education Strategy. The strategy heavily involved BWSR's board conservationists (BCs) and a new education coordinator position. Essentially, the strategy entailed the BCs working closely with BWSR clientele to determine the clienteles' needs and then working with the education coordinator to develop products to fill those needs.

Recommendations made by the committee to implement this strategy included:

- creation of an education coordinator position;

- creation of an education budget;

- development of a yearly education plan;

- each BWSR board conservationist and appropriate central office staff members should dedicate a specific portion of his time to education;

- each BC and appropriate central office staff member should develop an "education plan" that outlines his educational goals and activities for the year; and

•staff should seek out feedback from their clientele regarding what types of assistance they need.

Although the full board approved the plan in spring of 1992, it was only partially implemented. When discussing the hiring of an education coordinator, a unique opportunity to share a full-time position with the University of Minnesota Extension Service presented itself, and BWSR made the decision to fill the education coordinator position on a shared basis with Extension. To accommodate Extension's needs, the position was implemented differently than the committee originally envisioned. In addition, about the time the Education Strategy was approved, the legislature gave BWSR authority for the Wetland Conservation Act, a new program designed to combat wetland loss. The program unexpectedly commanded huge amounts of time from all BWSR staff, but most particularly from the BCs, who were not able to take on any new education responsibilities.

BWSR did, however, learn a number of valuable lessons from the implementation attempt:

•Staff specifically devoted to education is necessary for success. While staff skills, knowledge and ability is an integral part of a successful educational program, and the connection that BCs have with their clientele is key, expecting non-education staff to take a lead role in education is not realistic.

•One oversight position, responsible for coordinating the efforts of the education coordinators, is necessary.

Appendix B: Planning Strategy

As staff members develop program, individual and regional work plans, they will look at incorporating educational objectives and activities. Staff may want to look at incorporating the following steps during development of the education coordinators' work plans and the educational components of other work plans:

- Needs assessment: What is needed? More conservation tillage? Improved septics?

- Outcomes: What outcomes are desirable? An increase in conservation tillage? Improved septics? Better shoreline landscaping?

- Audiences: What audiences will need to be reached? What are their characteristics? What are the best ways to reach those audiences?

- Action: What types of activities would be most effective?

- Evaluation: Has this done what it was supposed to do? Why or why not?

Existing LGU plans could also be helpful during this process.

Appendix C: Staff involvement

BWSR's strength has always been in providing personal support tailored to the needs of our clientele. To provide this level of service in the educational arena, many staff members, including program managers and specialists, will need to be involved; however, because of their first-hand awareness of the needs and opportunities of our clientele, our board conservationists (BCs) have a particularly important role to play. More than any other position, BCs can provide the link we need between our education staff and the LGUs.

As they do with the other BWSR specialists, BCs will play a key collaborative role between the LGUs and education specialists. This role includes:

- **advising** education staff people about needs they see and the most effective ways to fulfill those needs;
- **ensuring** that LGUs know about the education staff people and the assistance they provide;
- **planning** appropriate education activities as part of their regional workplans and program plans;
- **participating** in various educational programs, activities and projects; and
- **promoting** key natural resource issues to LGUs.

Appendix D: BWSR needs

As needs change, so too will BWSR's programs, abilities, focus and needs; however, some things must remain constant. The following have been identified as key components to the success of BWSR's education program (and, for that matter, any other BWSR program):

Flexibility:

- Different regions of the state have different resource needs and concerns. Educational efforts that make sense in one area of the state may not be useful in another area. For example, one area may be interested in water quality issues; another may be concerned about feedlot management or other agricultural issues.

- In addition to regional differences, BWSR also works with a wide variety of local units of government. An educational effort appropriate for a city may not work for a soil and water conservation district, and watershed districts have different needs than counties.

- One characteristic that BWSR believes separates it from other agencies is its ability to quickly adapt its programs to answer specific unexpected needs (such as erosion due to flooding).

- Resource management is constantly changing. As people become more aware of environmental concerns, various topics that were previously of little interest can attract the public's attention. It is important for BWSR to be able to respond to such shifts, since they also present opportunities for learning.

Personal service: BWSR's strongest quality is the personal, individualized service it provides to the local government units that are our clientele. Our education effort needs to build upon this strength, giving LGUs the focused attention their educational needs require.

Skilled, competent staff devoted to education: Staff trained in and specifically dedicated to education is key to our effort. While other BWSR staff, especially the board conservationists, have an important role to play in linking the education positions to LGUs, we need specific education staff that can provide quality LGU assistance as a primary focus.

Appendix E: BWSR's partnership with the University of Minnesota Extension Service

I. Purpose

Since 1992, the BWSR and the University of Minnesota Extension Service (Extension) have jointly funded a shared education position housed in the Duluth BWSR office and serving northern Minnesota. This partnership has provided a number of benefits to BWSR, including:

- increased local government awareness and use of Extension publications and services;
- increased coordination between local governments and Extension;
- increased respect in the educational arena, since Extension is viewed in Minnesota as the education expert;
- increased BWSR access to Extension resources; and
- increased coordination of BWSR, Extension and local government educational efforts.

Because of these benefits, the BWSR Education Committee has determined that it is in BWSR's best interest to generally consider filling any educational positions, even those solely funded by BWSR, through contracts with Extension. This provides BWSR with access to a well-qualified pool of candidates and the flexibility to hire people with specific expertise in various identified areas.

II. Education Coordinating Committee

Because of the mutual benefits gained through the BWSR/Extension partnership, an Education Coordinating Committee composed of the BWSR executive director; the BWSR assistant director; the Extension BWSR board member; the director of the Extension Service; and the director of the Extension Water Resources Center, will meet at least annually to discuss and evaluate the BWSR/Extension partnership.

New Business #4

OFFICE MEMORANDUM

May 14, 1998

TO: Ron Harnack, Executive Director

FROM: Jim Birkholz, Assistant Director

SUBJECT: May 27, 1998, Board Agenda Item--Implementing LCMR Grants to Local Governments to Assist Natural Resource Decision Making

One of the LCMR projects BWSR is managing is a $150,000 appropriation to make grants to selected local governments to help enhance the natural resource Decision making capacity of their governing boards. Oftentimes local governments lack the budget to obtain the staff and/or obtain and use information or technologies which keep them abreast of their significant land use responsibilities. As you know, making good land use decisions is an essential part of maintaining a quality environment in our state.

Attached is a copy of the request for proposal for this grant initiative. It was piggybacked on our Natural Resource Block Grant mailing to our local government clientele. The deadline for applications is June 12. We will utilize the interagency review team used in the Challenge Grant process to rank the proposals. It is anticipated that a prioritized list of proposals can be prepared for final Decision making at the July, 1998, BWSR meeting.

A briefing for board members at our May meeting would provide the opportunity for Board members to get up to speed on this project and prepare for making the grant decisions in July.

cc: Mary Jo Anderson

SPECIAL GRANT ANNOUNCEMENT

GRANTS TO LOCAL GOVERNMENTS TO ASSIST NATURAL RESOURCE DECISION MAKING

Background

The Minnesota Board of Water and Soil Resources has received $150,000 from the Legislative Commission on Minnesota Resources for matching grants to assist local governments which are experiencing development and land use changes which are impacting natural resources. The funds are intended for projects which utilize emerging technologies and information to make land use, zoning, and permitting decisions which are appropriate to land and water resources and contribute to sustainable development. Augmenting local government staff resources and the input they provide to local governing boards for natural resource decisions is a focus of this grant. Successful projects will result in enhanced capability of local governing boards to effectively deal with development pressures which are affecting land and water resources. This is an opportunity to jump start efforts which help put your local government in a better position to deal with development pressures. This is a limited source of funds available for a limited time; the application process has been streamlined accordingly by using a pre-proposal format--selected grantees will establish final details with a BWSR staff person.

Highlights

- Eligibility. Applications must come from Counties, Soil and Water Conservation Districts, Watershed Districts or Metropolitan Watershed Management Organizations. Other local units of government must apply through one of the above local units. This announcement is being distributed to the BWSR Challenge grant mailing list.

- Pre-proposals will be requested and ranked by an inter-agency team. The pre-proposals will be ranked according the criteria used for the BWSR Challenge Grant Program which is in this same mailing plus the additional points covered in this announcement. The BWSR will contact selected recipients to prepare a final work plan, budget, and other details.

- There is no upper or lower dollar limit on applications, however, the BWSR expects to fund at least three projects.

- Projects require a 50:50 match, cash or in-kind.

- Priority will be given to proposals which contain a cash match, indicate a cooperative effort between two or more local units of government, and show good faith commitment to continue the effort beyond the grant period.

- Grants will be available through June 30, 1999, with a possible 6 month extension if approved by BWSR and the LCMR.

To Apply

Applicants should use the following outline. Applications should be kept to two pages or less.

1. Local Unit of Government name and contact person (project manager). Include address and phone number, e-mail, etc....

2. Amount of funds requested. Amount to be committed as match--list as cash or in-kind.

3. Narrative. Describe what is proposed. Please be brief and specific. Use of bullets or outline format to clearly show the nature of the project is helpful to evaluators. Include at least the following information:

- The nature of the development pressure which is affecting land and water resources;
- The staffing expertise to be acquired or the technology to be used to help the governing board(s) make better natural resource decisions;
- Any new development controls which would be implemented;
- Participating/benefiting local units of government; and,
- How this project would show results and how can results be measured or quantified.

4. Other information (optional).

Deadline for applications

The deadline for submitting pre-proposals for this special grant is June 12, 1998. Please note that this date is earlier than the Challenge Grant application deadline!

Submit pre-proposals to:

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

cc: BWSR staff

s:lcmrgnt.lgu

New Business #5

McLeod County Drainage Inventory Demonstration

Counties have various stages of incomplete inventories of their public drainage systems. In late 1996, BWSR announced applications from LGUs would be accepted for the "Drainage Inventory Pilot" program in order to determine what it would take to do a drainage inventory in various parts of the state. BWSR accepted applications totaling $286,760 from eleven LGUs. In March of 1997, McLeod County's grant application to conduct a pilot drainage inventory was one of seven proposals approved for funding. The seven proposals received a total of $176,099. Being approved for $40,000, McLeod County contracted with OSM to conduct the inventory. Representatives from OSM and McLeod County will be on hand at the May 27 BWSR Board meeting to provide a thirty-minute demonstration of the final inventory product.

Board of Water and Soil Resources

Financial Audit
For the Two Fiscal Years Ended June 30, 1997

ADVANCE COPY
Not for
Public Release
UNTIL MAY 14 1998 -10 00 AM

May 1998

This document can be made available in alternative formats, such as large print, Braille, or audio tape, by calling 296-1727.

Financial Audit Division
Office of the Legislative Auditor
State of Minnesota

98-32

Centennial Office Building, Saint Paul, MN 55155 • 612/296-1727

STATE OF MINNESOTA

OFFICE OF THE LEGISLATIVE AUDITOR

JAMES R. NOBLES, LEGISLATIVE AUDITOR

Senator Deanna Wiener, Chair
Legislative Audit Commission

Members of the Legislative Audit Commission

Ms. Kathleen Roer, Chair
Board of Water and Soil Resources

Mr. Ronald Harnack, Executive Director
Board of Water and Soil Resources

We have audited the Board of Water and Soil Resources for the period July 1, 1995, through June 30, 1997. As explained in Chapter 1, our audit scope included the following areas: easements, grants, payroll, travel, and per diem expenditures. The following Summary highlights the audit objectives and conclusions. We discuss these issues more fully in the individual chapters of this report.

We conducted our audit in accordance with generally accepted auditing standards and *Government Auditing Standards,* as issued by the Comptroller General of the United States. Those standards require that we obtain an understanding of management controls relevant to the audit. The standards require that we design the audit to provide reasonable assurance that the Board of Water and Soil Resources complied with the provisions of laws, regulations, contracts, and grants that are significant to the audit. The management of the Board of Water and Soil Resources is responsible for establishing and maintaining the internal control structure and complying with applicable laws, regulations, contracts, and grants.

This report is intended for the information of the Legislative Audit Commission and the management of the Board of Water and Soil Resources. This restriction is not intended to limit the distribution of this report, which was released as a public document on May 14, 1998.

James R. Nobles
Legislative Auditor

Claudia J. Gudvangen, CPA
Deputy Legislative Auditor

End of Fieldwork: April 15, 1998

Report Signed On: May 8, 1998

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SUMMARY

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Board of Water and Soil Resources

Financial Audit
For the Two Fiscal Years Ended June 30, 1997

Public Release Date: May 14, 1998 No. 98-32

Department Background

The Board of Water and Soil Resources (BWSR) was created by the Legislature in 1987. The board consists of 17 voting members who are appointed by the Governor. The agency's mission is to provide leadership enabling local governments to properly manage water and soil resources and to help citizens be stewards of natural resources. BWSR administers a number of grant programs that provide funding to local governments for resource management and provides technical assistance to local governments. BWSR also promotes communications and partnerships between the various levels of government and private organizations. The executive director is Mr. Ronald Harnack.

Scope and Conclusions

Our audit scope included a review of the following areas: grants, easements, payroll, travel, and per diem expenditures for the years ended June 30, 1996 and 1997.

We concluded that the Board of Water and Soil Resources designed internal controls to provide reasonable assurance that easement and grant payments were properly authorized and calculated and accurately recorded in the state's accounting records. Payroll, travel and per diem expenditures were properly authorized, accurately supported, and in accordance with applicable employee bargaining unit agreements.

Board of Water and Soil Resources

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Audit Participation

The following members of the Office of the Legislative Auditor prepared this report:

Claudia Gudvangen, CPA	Deputy Legislative Auditor
Renee Redmer, LPA	Audit Manager
Sonya Hill, CPA	Auditor-in-Charge
Brad Falteysek	Staff Auditor

Exit Conference

We discussed the results of the audit at an exit conference with the following Board of Water and Soil Resources staff on May 8, 1998:

Ronald Harnack	Executive Director
Jim Birkholz	Assistant Director
Kathleen Roer	Chair
Thomas Schwanke	Business Manager
Wayne Zellmer	Grants Coordinator
Keith Bogut	Executive Budget Officer
Helen Bohrer	Accounting Clerk Senior
Mary Miller	Accounting Technician

Chapter 1. Introduction

The Board of Water and Soil Resources (BWSR) was created by the Legislature in 1987 when the following entities merged: Water Resources Board, Soil and Water Conservation Board, and Southern Minnesota River Basins Council. BWSR has a central office in St. Paul and seven regional offices located in Brainerd, Duluth, Bemidji, New Ulm, Rochester, Marshall, and St. Paul. BWSR employs about 65 staff. The governing board consists of 17 voting members who are appointed by the Governor. Five board members include the commissioners of the Departments of Agriculture, Health, Natural Resources, the Pollution Control Agency, and the director of the University of Minnesota extension service. The current executive director, Mr. Ronald Harnack, was appointed by the board.

The mission of the Board of Water and Soil Resources is to provide leadership enabling local units of government to properly manage water and soil resources and to help citizens become stewards of the state's natural resources. BWSR administers several grants and technical assistance programs for soil and water conservation districts, watershed management organizations, watershed districts, and counties. The board also administers conservation easement programs and pays landowners to take environmentally sensitive, marginal, and fragile land out of agricultural production.

The Board of Water and Soil Resources activities were mainly funded by appropriations from the General, Building, Environment and Natural Resources Trust, and Minnesota Future Resources Funds. BWSR received General Fund appropriations of $14,974,000 and $14,802,000 for fiscal years 1996 and 1997, respectively. General Fund appropriations were mainly for payroll and other administrative costs of the central and regional offices. BWSR used General Fund resources for grants and technical support for local agencies. Fiscal year 1997 appropriations from the Building Fund of $14,750,000 were used to purchase easements. The easement appropriations are available until projects are finalized which may take several years. Fiscal year 1997 appropriations of $990,000 from the Environment and Natural Resources Trust and Minnesota Future Resources Funds were designated for specific projects. These funds are available for expenditures through fiscal year 1998.

Chapter 2. Easements

Chapter Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that easement payments were properly authorized, calculated, and recorded in the accounting records for the Reinvest in Minnesota, Wetland Restoration, and Permanent Wetlands Preserve programs. For items tested, easement expenditures were made in accordance with material finance-related legal provisions.

The Board of Water and Soil Resources (BWSR) administers several easement programs. Easement expenditures totaled $2,504,000 in fiscal year 1996 and $4,277,907 in fiscal year 1997. The Legislature periodically appropriates Building Fund monies to BWSR to purchase conservation easements. The appropriations are available until expended since easement transactions take several years to complete. The two largest easement programs are Reinvest in Minnesota (RIM) Reserve and the Permanent Wetlands Preserve. These programs are administered by BWSR and are implemented at the local level of government through the Soil and Water Conservation Districts. These programs comprise about 90 percent of easement expenditures.

Both programs protect and restore the health of the state's natural resources by improving water quality, controlling soil erosion, and increasing and enhancing fish and wildlife habitats. The purpose of the Reinvest in Minnesota (RIM) Program is to retire marginal, environmentally sensitive lands from crop production. The program also helps landowners establish certain conservation practices on the land. The Permanent Wetlands Preserve Program protects existing wetlands.

The state enters into easement agreements with eligible landowners that give the state rights to the land. The easement is the formal agreement between the state and the landowner. The landowner receives payment for the land and payment for specific conservation practices that are outlined in an approved conservation plan.

Audit Objectives and Methodology

Our review focused on the following objectives:

- Did BWSR design internal controls to provide reasonable assurance that easement expenditures were properly authorized, calculated, and accurately reported in the accounting records?

Board of Water and Soil Resources

- Did BWSR comply with material finance-related legal provisions related to easements?

To answer these questions, we interviewed department personnel to gain an understanding of the procedures in place. We performed detailed testing of specific transactions and performed analytical reviews.

Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that easement expenditures were properly authorized, calculated, and accurately reported in the accounting records. In addition, for the transactions tested, BWSR complied with material finance-related legal provisions.

Chapter 3. Grants

Chapter Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that grant expenditures for the Natural Resource Block Grant, General Services Grants, Cost Share Work Grants, and State Revolving Fund Implementation Grants were properly authorized and accurately recorded in the accounting records. For the items tested, the board complied with material finance-related legal provisions relating to these grants.

The Board of Water and Soil Resources operated a number of grant programs that were awarded to soil and water conservation districts and other local governments. As shown in Table 3-1, grant expenditures totaled $9,712,410 in fiscal year 1996 and $14,159,682 in fiscal year 1997. General Fund appropriations for grants are available for expenditure within the biennium. The purpose of these grants was to provide financial and technical assistance relating to the implementation of various conservation, erosion control, and water quality management practices and programs.

Table 3-1
Summary of Grant Expenditures
Fiscal Years Ended June 30, 1996, and June 30, 1997

	1996	1997
Natural Resources Block Grant	$4,091,175	$ 7,502,296
Cost Share Work Grant	2,379,148	2,536,831
General Services Grant	1,823,158	2,056,740
State Revolving Fund Grant	1,039,995	1,040,005
Other Grants	378,934	1,023,990
Total	$9,712,410	$14,159,862

Source: Minnesota Accounting and Procurement System (MAPS) budgetary basis expenditures for fiscal years ended June 30, 1996, and June 30, 1997.

Natural Resources Block Grants

The Natural Resources Block Grant, which began in fiscal year 1994, provides assistance to counties to implement four natural resource programs. These include local water planning, wetland conservation, shoreland management, and feedlot permits. Counties can apply for funding from one or all of these programs. The awards for the local water planning and wetland conservation act portions of the program are determined by BWSR based upon an outlined formula. The Department of Natural Resources (DNR) and Minnesota Pollution Control Agency

(MPCA) management determine the awards for the shoreland and feedlot permit portions of the block grant. Counties submit a grant application and workplan to request funds under the block grant. The grant funds are available for a two-year period. Counties are required to match the grants from local funds.

Cost Share Work Grants

The Cost Share Work Grant provides funds to 91 soil and water conservation districts to share costs on priority projects. The program provides technical and financial assistance to landowners who install permanent, nonproduction-oriented practices designed to protect and improve soil and water resources. BWSR funds several projects in a district including strip cropping, terraces, storm water control systems, field windbreaks, and critical area stabilization. BWSR administers this program at the state level, and the districts administer the activities at the local level. The local districts work in cooperation with landowners to treat resource problems that are having a negative impact on society.

General Service Grants

BWSR provides General Service Grants to the Soil and Water Conservation Districts (SWCD). The grants are to provide the local districts with general administrative resources. The districts are required to submit a comprehensive plan and other annual reports to qualify for General Services Grants.

State Revolving Fund Implementation Grant

The purpose of the State Revolving Fund Implementation Grant (Nonpoint Engineering Assistance Grants) is to provide technical assistance for pollution control. Eleven joint powers groups of Soil and Water Conservation Districts (SWCDs) act as fiscal agents for the local districts. The funds are used to pay for the salaries of engineers and technicians for technical assistance related to pollution abatement and to help landowners establish various conservation practices. The program first received an appropriation in fiscal year 1995.

Audit Objectives and Methodology

We focused our audit work on these grants on the following objectives:

- Did BWSR design internal controls to provide reasonable assurance that grant expenditures were properly authorized, calculated, and accurately reported in the accounting records?

- Did the BWSR comply with material finance-related legal provisions related to grants?

To answer these questions, we completed interviews with department personnel to gain an understanding of the procedures in place for handling grants. We performed detailed testing of specific transactions and performed analytical reviews.

Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that grant expenditures were properly authorized and calculated and accurately reported in the accounting records. In addition, for the items tested, BWSR complied with applicable finance-related legal provisions.

Chapter 4. Payroll

Chapter Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that payroll expenditures were properly authorized, adequately supported, and accurately recorded in the accounting records. For the items tested, transactions were processed in accordance with employee bargaining unit agreements and applicable state policies and procedures.

The Board of Water and Soil Resources personnel and payroll data is processed through the state's personnel/payroll system. The department began using the state's new system, the State Employee Management (SEMA4) system, in December 1995. The department uses a software package called Timecard Accounting for entering time on electronic timesheets. BWSR staff enter the timesheet hours in SEMA4. The payroll system interfaces with the state's accounting system, the Minnesota Accounting and Procurement System (MAPS). The department's payroll expenditures on MAPS were $2,410,938 in fiscal year 1996 and $2,831,818 in fiscal year 1997.

Audit Objectives and Methodology

We focused our audit of payroll expenditures on the following objectives:

- Did the department design internal controls to provide reasonable assurance that payroll and personnel transactions were processed in accordance with bargaining unit agreements and applicable state policies and procedures?

- Were payroll expenditures properly authorized, adequately supported, and accurately recorded in the state's payroll and accounting systems?

We interviewed department personnel, performed analytical reviews, and tested a random sample of timesheets to determine the accuracy of hours worked and leave taken.

Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that its payroll and personnel transactions were processed in accordance with state policies and procedures and employee bargaining unit agreements. The Board of Water and Soil Resources' payroll was adequately supported and accurately recorded in the state's payroll and accounting systems.

Chapter 5. Travel and Per Diem

Chapter Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that travel and per diem expenditures were properly authorized, adequately supported, and accurately recorded in the accounting records. For the items tested, BWSR processed these expenses in accordance with employee bargaining unit agreements and applicable state policies and procedures.

The Board of Water and Soil Resources reimburses both its board members and employees for expenses incurred in carrying out agency business. The reimbursement policies for the board members are outlined in Minn. Stat. Section 15.0575 and further outlined in board policy. The individual employee bargaining unit agreements outline the reimbursement policies for state employees. Board member per diems totaled $24,750 in fiscal year 1996 and $15,950 in fiscal year 1997. Travel expense reimbursements to employees and board members totaled $108,318 in fiscal year 1996 and $115,249 in fiscal year 1997.

Audit Objectives and Methodology

We focused our audit of per diem and travel expenditures on the following objectives:

- Did the department design internal controls to provide reasonable assurance that per diem and expense reimbursements were processed in accordance with employee bargaining unit agreements and applicable state policies and procedures?

- Were per diem and travel expenditures properly authorized, adequately supported, and accurately recorded in the accounting systems?

We interviewed department personnel and reviewed expense reimbursements for propriety.

Conclusions

The Board of Water and Soil Resources designed internal controls to provide reasonable assurance that its per diem and expense reimbursements were processed in accordance with state policies and procedures and employee bargaining unit agreements. The Board of Water and Soil Resources' expenditures were properly authorized, adequately supported, and accurately recorded in the state's payroll and accounting systems.

Status of Prior Audit Issues
As of April 24, 1998

Most Recent Audit

November 1994 Legislative Audit Report 94-56 covered the three years ended June 30, 1993. The audit scope included the agency's internal control structure policies and procedures as follows:

- Personnel Services
- Grants:
  - General Services
  - Cost Share Program
  - Local Water Resources Protection and Management
  - Wellner-Hageman Dam
  - Conservation Reserve
  - Flood Plain Management
- Real Property (Easements):
  - Reinvest in Minnesota

The audit cited six audit recommendations, three relating to payroll and one each relating to grants, records retention, and a potential conflict of interest. All of the issues have been resolved.

State of Minnesota Audit Follow-Up Process

The Department of Finance, on behalf of the Governor, maintains a quarterly process for following up on issues cited in financial audit reports issued by the Legislative Auditor. The process consists of an exchange of written correspondence that documents the status of audit findings. The follow-up process continues until Finance is satisfied that the issues have been resolved. It covers entities headed by gubernatorial appointees, including most state agencies, boards, commissions, and Minnesota state colleges and universities. It is not applied to audits of the University of Minnesota, any quasi-state organizations, such as the metropolitan agencies or the State Agricultural Society, the state constitutional officers, or the judicial branch.

STATE OF MINNESOTA

Department of Administration

MANAGEMENT ANALYSIS DIVISION

BOARD of WATER and SOIL RESOURCES

■

STRATEGIC PLANNING

APRIL 1998

BOARD of WATER and SOIL RESOURCES

STRATEGIC PLANNING

APRIL 1998

Facilitated by the
Minnesota Department of Administration
Management Analysis Division

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St. Paul, MN 55155

(For more information or copies of this report, contact the Board of Water and Soil Resources)

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INTRODUCTION

The Board of Water and Soil Resources (BWSR) conducted a strategic planning exercise April 22 and 23, 1998, developed and facilitated by a management consultant from the Management Analysis Division. The event began with an assessment of the present organization by its board members.

This assessment – or situation analysis – was followed by a discussion about the board's vision and barriers to achieving that vision. Board members devised strategies to overcome those barriers, and created implementation briefs to plan activities to achieve BWSR's goals. A planning calendar at the end of this report demonstrates at a glance what will be done, when, and by whom.

Most of the planning process involved the discussion and organization of comments made by board members. The comments as a whole formed the basis for consensus-building. Titles of vision elements, obstacles, and strategies indicate the consensus reached by the group, which is summarized in charts throughout the document.

VISION

A vision states the outcomes an organization hopes to gain in a set amount of time. It is the picture of its preferred future. The BWSR's vision encompasses two to three years. As a first step, the group answered the questions, *What is your practical vision for BWSR in the next two to three years? What would you like to see?*

The group organized the responses to the questions into major themes. The major themes' titles were created by the group and represent the group consensus. The initial responses are published in the vision list and the themes are outlined on the vision chart.

A. ENHANCED LOCAL CAPABILITY

- Remain strong allies of LGUs
- BWSR implements its programs through regional structures with local representation
- Stronger and financially stable soil and water conservation districts
- Viable structure established in metropolitan area
- Have a state-supported pilot LGU specialist program
- Increased emphasis on watershed management
- Compliance standards are in place and enforced
- Polluter pays
- Support more educational workshops

B. DEFINED PRIORITIES

- Drainage law is used to achieve environment goals
- Lakes initiative is a reality
- Living snow fences along Minnesota highways
- CREP is fully utilized
- Help make CREP successful
- Be able to see a dollar bill one inch under Minnesota River surface

C. LEADERSHIP ROLE in STATE and LOCAL GOVERNMENT UNIT (LGU) COORDINATION

- Better state and LGU coordination: mutual trust, consistency, flexibility, simplification for clientele (co-location)
- The glue that holds all agencies and LGUs together — soil and water opportunity
- BWSR implements its programs through LGUs that get the job done and are passionate
- Set attainable goals for soil and water conservation
- BWSR is the leader of interagency collaboration for soil and water conservation
- Strong agency and BWSR relationship

D. LEADERSHIP ROLE in SOIL CONSERVATION

- Redeveloped leadership role for soil conservation
- Viewed as leader in soil conservation matters
- Focus on conservation of soil as resource (move down from second place)

E. POSITIVE BWSR IDENTITY

- Image that means trust, integrity, and a friend
- Positive public perception of BWSR
- Strong BWSR identity

F. ENHANCED BWSR (INTERNAL) CAPABILITY

- Internal restructuring emphasis on planning and communication(s)
- Keeping responsibilities, budget, and staffing in balance

Board of Water and Soil Resources

TWO to THREE YEAR VISION

April 1998

A. ENHANCED LOCAL CAPABILITY	B. DEFINED PRIORITIES	C. LEADERSHIP ROLE in STATE and LGU COORDINATION	D. LEADERSHIP ROLE in SOIL CONSERVATION	E. POSITIVE BWSR IDENTITY	F. ENHANCED BWSR (INTERNAL) CAPABILITY
Remain strong allies of LGUs	Drainage law is used to achieve environment goals	Better state and LGU coordination: mutual trust, consistency, flexibility, simplification for clientele (co-location)	Redeveloped leadership role for soil conservation	Image that means trust, integrity, and a friend	Internal restructuring — emphasis on planning and communication(s)
BWSR implements its programs thru regional structures with local representation	Lakes initiative is a reality	The glue that holds all agencies and LGUs together — soil and water opportunity	Viewed as leader in soil conservation matters	Positive public perception of BWSR	Keeping responsibilities, budget, and staffing in balance
Stronger and financially stable soil and water conservation districts	Living snow fences along Minnesota highways	BWSR implements its programs thru LGUs that get the job done and are passionate	Focus on conservation of soil as resource (move down from second place)	Strong BWSR identity	
Viable structure established in metro area	CREP is fully utilized	Set attainable goals for soil and water conservation			
Have a state-supported pilot LGU specialist program	Help make CREP successful	BWSR is the leader of interagency collaboration for soil and water conservation			
Increased emphasis on watershed management	Be able to see a dollar bill one inch under Minnesota River surface	Strong agency and BWSR relationship			
Compliance standards are in place and enforced					
Polluter pays					
Support more educational workshops					

BARRIERS

Obstacles, or barriers, to accomplishing the vision must be named by the entire group in order to get them all out on the table, where they can be systematically addressed. The management consultant generated a list of barriers by asking the group such questions as, *What is preventing BWSR from realizing its vision? What are the forces that work against BWSRs vision? What longstanding issues in the external environment or internal structures, situations, procedures, routines, attitudes, and policies could substantially block progress in the direction of the vision?*

The barriers were organized into categories, each category being a set of symptoms. The group was asked to identify the major barrier or problem the symptoms reveal. In this way, major barriers to the vision were pinpointed. The initial replies are published in the barriers list, with the major barriers shown on the barriers chart.

A. LACK of BWSR PRIORITIES

- Diversity of residents' and land and water needs (uses) leads to priority problems
- How we allocate resources to state and LGU coordination — federal coordination needed
- Differing philosophies within and outside the agency; then saying *no*, artfully
- Discipline to focus on the new . . . slough off the old
- BWSR is a small fish in a big sea (state agencies)
- It's not politically correct in this state to go after staff
- BWSR size too small
- Trying to take on too much
- Lack of defined "ends" "outcomes"
- Time, priorities and funding
- Money for staff and training
- BWSR lacks willpower
- Lack of BWSR priorities
- Cannot be all things to all groups

B. UNREALIZED or UNINSPIRED LOCAL LEADERSHIP

- History and tradition of local government (slow to adopt modern management concepts)
- Lack of ability of local government to control own destiny
- LGUs get by with minimal or base-level effort
- Negative local attitude toward BWSR
- Local leadership incapability

- Those doing a good job are not rewarded
- Past farming practices
- Local resistance to change
- Lack of local support for BWSR
- Equal, equal, equal

C. TURF and TRUST ISSUES

- Agencies' unwillingness to give up control
- Mistrust of (or lack of) government
- Lack of trust (up, down and across)
- Delineation of roles??
- Egos and turf
- Turf
- Mistrust
- Us vs. Them

D. OUT of OUR CONTROL

- Turnover of elected and appointed officials and staff
- Legislative micromanagement
- Lack of clear legislative authority
- Bad acronym — BOWSR vs. BWSR
- Red tape
- In lieu of taxes

E. LITTLE EMPHASIS on SOIL CONSERVATION

- Society is "crisis driven," that is, need empty grocery shelves before acting
- Disagreement on extent of "loss of leadership" in soil conservation
- Lack of emphasis on soil conservation
- Lack of soil programs or giving priority to them
- Water is the current focus

F. UNCLEAR MARKETING STRATEGY

- BWSR does not spend enough money on marketing its purpose
- Too much attention is given to the wrong audience or we are using the wrong message or they are not listening

Board of Water and Soil Resources

BARRIERS

April 1998

A. LACK of BWSR PRIORITIES	B. UNREALIZED or UNINSPIRED LOCAL LEADERSHIP	C. TURF and TRUST ISSUES	D. OUT of OUR CONTROL	E. LITTLE EMPHASIS on SOIL CONSERVATION	F. UNCLEAR MARKETING STRATEGY
Diversity of residents' and land and water (uses) leads to priority problems	History and tradition of local government (slow to adopt modern management concepts)	Agencies' unwillingness to give up control	Turnover of elected and appointed officials and staff	Society is "crisis driven," i.e., need empty grocery shelves before acting	BWSR does not spend enough money on marketing its purpose
How we allocate resources to state and LGU coordination — P.S. federal coordination needed	Lack of ability of local government to control own destiny	Mistrust of (or lack of) government	Legislative micro-management	Disagreement on extent of "loss of leadership" in soil conservation	Too much attention is given to the wrong audience or we are using the wrong message or they are not listening
Differing philosophies within and outside the agency; then saying no, artfully	LGUs get by with minimal or base-level effort	Lack of trust (up, down and across)	Lack of clear legislative authority	Lack of emphasis on soil conservation	
Discipline to focus on the new . . . slough off the old	Negative local attitude toward BWSR	Delineation of roles??	Bad acronym — BOWSR vs. BWSR	Lack of soil programs or giving priority to them	
BWSR is a small fish in a big sea (state agencies)	Local leadership incapability	Egos and turf	Red tape	Water is the current focus	
It's not politically correct in this state to go after staff	Those doing a good job are not rewarded	Turf	In lieu of taxes		
BWSR size too small	Past farming practices	Mistrust			
Trying to take on too much	Local resistance to change	Us vs. Them			
Lack of defined "outcomes"	Lack of local support for BWSR				
Time, priorities, and funding	Equal, equal, equal				
Money for staff and training					
BWSR lacks willpower					
Lack of BWSR priorities					
Cannot be all things to all groups					

STRATEGIES

Once the group had identified its vision and the obstacles to accomplishing that vision, it was ready to create strategies to remove those obstacles. The facilitator asked such questions as, *How could this obstacle be eliminated or neutralized? What does BWSR need to do to achieve and maintain its vision? What priority projects and organization changes are required to implement the new strategies?*

The group brainstormed realistic, innovative ideas that directly or indirectly would eliminate, deal with, or resolve the obstacles and move the group toward its vision. Those ideas with similar intent were grouped into strategies seen as essential. The detailed brainstormed ideas are published in the strategies list, with the essential strategies shown on the strategies chart.

A. CREATE an ADAPTIVE ORGANIZATION

- Investigate whether items are really out of your control
- Address other barriers and this will take care of itself
- Determine what can be controlled and focus on that
- Live with it
- Adapt to barriers

B. WORKING PARTNERSHIPS

- Encourage continuous education and build working relationships
- Identify collaborative opportunities and follow through
- Establish partnerships; be inclusive
- Work together to solve problems
- Just do it

C. CHALLENGE the STATUS QUO — REWARD the INSPIRED — ENCOURAGE the UNINFORMED

- Challenge member organizations (SWCD, WD, counties) to set priorities and aggregate back to BWSR — board and staff
- Rock the boat: help them that help themselves — target 20 percent in leadership training
- Actively seek out and encourage "inspired" locals to get involved
- An advocate on every local government board
- Recognize and reward change and risk taking
- Active citizenship leadership training
- Increase leadership training
- Educate, train, and challenge
- Training

D. DEFINE INTERNAL OUTCOMES — PRIORITIZE

- Establish specific outcomes for BWSR's role in each program — "outcome achieved"
- Board, management, and staff prioritize activities
- Document priorities, share, and periodically review
- Establish annual work plan — stick to it
- Establish annual and long-term budget plans
- BWSR gets budget as block grant
- Define what we cannot do

E. DEFINE OUR ROLE with SOIL CONSERVATION

- Re-define BWSR's role in soil conservation
- Define why soil conservation is an issue
- Define objectives for soil conservation
- Redirect emphasis on soil conservation
- Define soil conservation
- Gather facts on soils

F. MARKETING PLAN to SUPPORT BWSR'S MISSION

- Give public relations staffing priority
- Define specific marketing objectives
- Get some marketing advice

Board of Water and Soil Resources

STRATEGIES

April 1998

A. CREATE an ADAPTIVE ORGANIZATION	B. WORKING PARTNERSHIPS	C. CHALLENGE the STATUS QUO — REWARD the INSPIRED — ENCOURAGE the UNINFORMED	D. DEFINE INTERNAL OUTCOMES — PRIORITIZE	E. DEFINE OUR ROLE with SOIL CONSERVATION	F. MARKETING PLAN to SUPPORT BWSR'S MISSION
Investigate whether items are really out of your control	Encourage continuous education and build working relationships	Challenge member organizations (SWCD, WD, counties) to set priorities and aggregate back to BWSR — board and staff	Establish specific outcomes for BWSR's role in each program — "outcome achieved"	Re-define BWSR's role in soil conservation	Give public relations staffing priority
Address other barriers and this will take care of itself	Identify collaborative opportunities and follow through	Rock the boat: help them that help themselves — target 20% in leadership training	Board, management, and staff prioritize activities	Define why soil conservation is an issue	Define specific marketing objectives
Determine what can be controlled and focus on that	Establish partnerships; be inclusive	Actively seek out and encourage "inspired" locals to get involved	Document priorities, share, and periodically review	Define objectives for soil conservation	Get some marketing advice
Live with it	Work together to solve problems	An advocate on every local government board	Establish annual work plan — stick to it	Redirect emphasis on soil conservation	
Adapt to barriers	Just do it	Recognize and reward change and risk taking	Establish annual and long-term budget plans	Define soil conservation	
		Active citizenship leadership training	BWSR gets budget as block grant	Gather facts on soils	
		Increase leadership training	Define what we cannot do		
		Educate, train, and challenge			
		Training			

IMPLEMENTATION PLANS

Implementation plans are created to designate time frames, responsible persons, and specific activities necessary to accomplish the strategies that will overcome the obstacles to accomplishing the BWSR vision. The group identified those strategies that have the most potential for advancing the strategic plan. Implementation plans, also known as action plans or work plans, were then drafted for each priority project.

The implementation plan identifies the strategy, provides a summary of what the BWSR will do, and states the expected results. After these overall statements were created, itemized activities were listed, along with who will be responsible for performing each activity and deadlines or other important dates.

The plans will be monitored through regular board meetings and quarterly reviews of progress.

The implementation plans are followed by a calendar offering a big-picture plan that highlights the priority projects and their activities.

IMPLEMENTATION PLAN

Strategy A: Create an adaptive organization

Results expected: An organizational culture where people are prepared to react positively to challenges big and small — first focus is BWSR staff and board — second focus is to be role models for all partners and organziations

Specific actions	WHEN	WHO
1. Organize a seminar on creating an adaptive organization	Winter is a good time	BWSR staff work with DNR
2. Do an exercise of mapping out the existing barriers to accomplishing mission	Prior to biennial budget process	Staff prepare, then staff and board discussion
3. Develop an action plan for dealing with the barriers and taking advantage of opportunities	June	During biennial budget preparation process

Who worked on this statement? Jim Birkholz, Kelli Johnson

IMPLEMENTATION PLAN

Strategy B: Working partnerships

Results expected: Develop common goals for natural resource management with state agency and local government participation

Specific Actions	WHEN	WHO
1. Identify specific natural resource management issue(s) that must be addressed (for example, drainage)		State agency and local officials
2. Achieve trust through internal organizational development work		BWSR, SWCDs, WDs, counties

Who worked on this statement?

IMPLEMENTATION PLAN

Strategy C: Challenge the status quo — reward the inspired — encourage the uninformed

Results expected: Achieve goals in our mission statement

Specific actions	WHEN	WHO
1. Ad hoc committees and other board members meet in various areas and reach out to LGUs with an opportunity to hear general concerns	Now	Board members and staff
2. Encourage the use of citizen advisory boards and WDs to do tasks (give them something to do); invite additional LGUs	Now	BCs and board members
3. Create training programs that are helpful to all people who attend, such as ditch training — topic-specific and/or leadership	ASAP — will take some time	Educational specialists working with a training committee

Who worked on this statement?

IMPLEMENTATION PLAN

Strategy D: Define internal outcomes — prioritize

Results expected: BWSR sets priorities, measures success, and knows when to move on to other priorities

Specific actions	WHEN	WHO
1. Measure and track the success of state programs to protect soil and water by making LARS a workable program	June 2000	IT staff, LARS team
2. Revise and simplify SWCD annual plan so it is a "to do" list based on the priorities in local water plans	March 15, 1999	Work team and special projects coordinator
3. Assess the state agency and local governments' expectations of BWSR programs; determine whether the program reached its objective	2001	Staff, board, and association representatives, LGUs, agencies

Who worked on this statement? Al Kean, Ron Shelito, Ron Harnack

IMPLEMENTATION PLAN

Strategy E: Define our role with soil conservation

Results expected: (Re)definition of the BWSR role in soil conservation

Specific actions	WHEN	WHO
1. Define "soil conservation" (provide a state-of-the-state of soil conservation to BWSR members)	4 to 6 months	BWSR staff in cooperation with U of M, et al.
2. Once defined, describe why soil conservation is an issue	5 to 8 months	BWSR and clientele
3. After identification of issue(s), define BWSR's role in dealing with the issues	9 to 12 months	BWSR

Notes to above:

1. Historical perspective complete with academic insight
2. For example, soil quality, water quality, food production, local and regional economics, structural issues (farm size)
3. BWSR: lead agency overall, or responsible for an issue or two? Who coordinates state and federal policy?

Who worked on this statement? M. Dittrich, G. Larson, and J. Nielsen

IMPLEMENTATION PLAN

Strategy F: Marketing plan to support BWSR's mission

Results expected: First of all, define marketing as a priority of the board and define "what to" and "how to" market

Specific actions	WHEN	WHO
1. Refocus "Conservation Mentor" to include marketing of BWSR activities to LGUs	Immediately	Susan T.
2. Board members become more visible and attend area, regional, county meetings (cross clientele lines — don't just go to own group)	Immediately	Board members
3. More staff, more funding: create and support budget initiative	'99 Legislative session	Board and staff
4. A BWSR BC and/or regional supervisor should attend at least one local meeting in each of their assigned areas per year: county, watershed, SWCD	Immediately	BCs and/or regional supervisor
5. Enhance shared resources through joint powers associations and promote as a BWSR initiative	Immediately	BWSR board members and staff

Who worked on this statement? Susan T., Tom S., Jim D., Paul

Board of Water and Soil Resources

IMPLEMENTATION CALENDAR

April 1998

STRATEGIES	NOW	SOON	LATER	RESULTS
A. Create an adaptive organization	• Organize a seminar on creating an adaptive organization (take DNR up on offer)	• Map out existing barriers (and perceived barriers) to accomplishing mission	• Develop action plan for dealing with barriers and taking advantage of opportunities	Organize culture where people are prepared to react productively to challenges and opportunities
B. Working partnerships	• Identify specific natural resource management issue(s) that must be addressed (e.g., drainage)	• Achieve trust through internal organizational development work		Develop common goals for natural resource management with state agency and LGU participation
C. Challenge the status quo — reward the inspired — encourage the uninformed	• Ad hoc committees and others meet and reach out to LGUs to hear general concerns	• Encourage citizen advisory boards: assign tasks and responsibilities, invite other LGUs, WD, and others	• Offer: - topic-specific training - leadership training - incentives	Achieve goals in mission statement
D. Define internal outcomes — prioritize	• Assess LGUs and state agencies' expectations of BWSRs programs — when has the program achieved its purpose?	• Revise and simplify SWCD annual planning so it is a "to do" list based on the priorities in the local water plan	• Measure and track the success of state programs to protect soil and water by making LARS a workable program statewide	BWSR sets priorities, measures success and knows when to move on to other priorities
E. Define our role with soil conservation	• State-of-the-state Minnesota soil conservation — define soil conservation	• Describe why soil conservation is an issue	• After identifying issues, define BWSR role in dealing with issues	Redefined the BWSR role in soil conservation
F. Marketing plan to support BWSR's mission	• Define marketing as priority • Define what to and how to market • Board members attend area, regional, county meetings (cross-clientele)	• Refocus *Mentor* to include marketing BWSR to LGUs • BWSR BC or regional supervisor attend one local meeting in each county, WD, SWCD annually	• Enhance shared resources thru joint powers associations and promote as BWSR initiative • More staff, funding: create and support budget initiative	Marketing plan to support BWSR's mission

The Management Analysis Division is a management consulting organization serving state governments, regional, and local governments. This report documents the consulting work performed by the division for a client. Comments made during the data collection process and printed in this document express perceptions and feelings of the people involved, as well as facts. These comments are part of the documentation because it is important for people undergoing change to know what their stakeholders

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STATE OF MINNESOTA

Department of Administration

MANAGEMENT ANALYSIS DIVISION

BOARD of WATER and SOIL RESOURCES

■

STRATEGIC PLANNING

APRIL 1998

BOARD of WATER and SOIL RESOURCES

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STRATEGIC PLANNING

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APRIL 1998

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INTRODUCTION

The Board of Water and Soil Resources (BWSR) conducted a strategic planning exercise April 22 and 23, 1998, developed and facilitated by a management consultant from the Management Analysis Division. The event began with an assessment of the present organization by its board members.

This assessment – or situation analysis – was followed by a discussion about the board's vision and barriers to achieving that vision. Board members devised strategies to overcome those barriers, and created implementation briefs to plan activities to achieve BWSR's goals. A planning calendar at the end of this report demonstrates at a glance what will be done, when, and by whom.

Most of the planning process involved the discussion and organization of comments made by board members. The comments as a whole formed the basis for consensus-building. Titles of vision elements, obstacles, and strategies indicate the consensus reached by the group, which is summarized in charts throughout the document.

VISION

A vision states the outcomes an organization hopes to gain in a set amount of time. It is the picture of its preferred future. The BWSR's vision encompasses two to three years. As a first step, the group answered the questions, *What is your practical vision for BWSR in the next two to three years? What would you like to see?*

The group organized the responses to the questions into major themes. The major themes' titles were created by the group and represent the group consensus. The initial responses are published in the vision list and the themes are outlined on the vision chart.

A. ENHANCED LOCAL CAPABILITY

- Remain strong allies of LGUs
- BWSR implements its programs through regional structures with local representation
- Stronger and financially stable soil and water conservation districts
- Viable structure established in metropolitan area
- Have a state-supported pilot LGU specialist program
- Increased emphasis on watershed management
- Compliance standards are in place and enforced
- Polluter pays
- Support more educational workshops

B. DEFINED PRIORITIES

- Drainage law is used to achieve environment goals
- Lakes initiative is a reality
- Living snow fences along Minnesota highways
- CREP is fully utilized
- Help make CREP successful
- Be able to see a dollar bill one inch under Minnesota River surface

C. LEADERSHIP ROLE in STATE and LOCAL GOVERNMENT UNIT (LGU) COORDINATION

- Better state and LGU coordination: mutual trust, consistency, flexibility, simplification for clientele (co-location)
- The glue that holds all agencies and LGUs together — soil and water opportunity
- BWSR implements its programs through LGUs that get the job done and are passionate
- Set attainable goals for soil and water conservation
- BWSR is the leader of interagency collaboration for soil and water conservation
- Strong agency and BWSR relationship

D. LEADERSHIP ROLE in SOIL CONSERVATION

- Redeveloped leadership role for soil conservation
- Viewed as leader in soil conservation matters
- Focus on conservation of soil as resource (move down from second place)

E. POSITIVE BWSR IDENTITY

- Image that means trust, integrity, and a friend
- Positive public perception of BWSR
- Strong BWSR identity

F. ENHANCED BWSR (INTERNAL) CAPABILITY

- Internal restructuring emphasis on planning and communication(s)
- Keeping responsibilities, budget, and staffing in balance

Board of Water and Soil Resources

TWO to THREE YEAR VISION

April 1998

A. ENHANCED LOCAL CAPABILITY	B. DEFINED PRIORITIES	C. LEADERSHIP ROLE in STATE and LGU COORDINATION	D. LEADERSHIP ROLE in SOIL CONSERVATION	E. POSITIVE BWSR IDENTITY	F. ENHANCED BWSR (INTERNAL) CAPABILITY
Remain strong allies of LGUs	Drainage law is used to achieve environment goals	Better state and LGU coordination: mutual trust, consistency, flexibility, simplification for clientele (co-location)	Redeveloped leadership role for soil conservation	Image that means trust, integrity, and a friend	Internal restructuring — emphasis on planning and communication(s)
BWSR implements its programs thru regional structures with local representation	Lakes initiative is a reality	The glue that holds all agencies and LGUs together — soil and water opportunity	Viewed as leader in soil conservation matters	Positive public perception of BWSR	Keeping responsibilities, budget, and staffing in balance
Stronger and financially stable soil and water conservation districts	Living snow fences along Minnesota highways	BWSR implements its programs thru LGUs that get the job done and are passionate	Focus on conservation of soil as resource (move down from second place)	Strong BWSR identity	
Viable structure established in metro area	CREP is fully utilized	Set attainable goals for soil and water conservation			
Have a state-supported pilot LGU specialist program	Help make CREP successful	BWSR is the leader of interagency collaboration for soil and water conservation			
Increased emphasis on watershed management	Be able to see a dollar bill one inch under Minnesota River surface	Strong agency and BWSR relationship			
Compliance standards are in place and enforced					
Polluter pays					
Support more educational workshops					

BARRIERS

Obstacles, or barriers, to accomplishing the vision must be named by the entire group in order to get them all out on the table, where they can be systematically addressed. The management consultant generated a list of barriers by asking the group such questions as, *What is preventing BWSR from realizing its vision? What are the forces that work against BWSRs vision? What longstanding issues in the external environment or internal structures, situations, procedures, routines, attitudes, and policies could substantially block progress in the direction of the vision?*

The barriers were organized into categories, each category being a set of symptoms. The group was asked to identify the major barrier or problem the symptoms reveal. In this way, major barriers to the vision were pinpointed. The initial replies are published in the barriers list, with the major barriers shown on the barriers chart.

A. LACK of BWSR PRIORITIES

- Diversity of residents' and land and water needs (uses) leads to priority problems
- How we allocate resources to state and LGU coordination — federal coordination needed
- Differing philosophies within and outside the agency; then saying *no*, artfully
- Discipline to focus on the new . . . slough off the old
- BWSR is a small fish in a big sea (state agencies)
- It's not politically correct in this state to go after staff
- BWSR size too small
- Trying to take on too much
- Lack of defined "ends" "outcomes"
- Time, priorities and funding
- Money for staff and training
- BWSR lacks willpower
- Lack of BWSR priorities
- Cannot be all things to all groups

B. UNREALIZED or UNINSPIRED LOCAL LEADERSHIP

- History and tradition of local government (slow to adopt modern management concepts)
- Lack of ability of local government to control own destiny
- LGUs get by with minimal or base-level effort
- Negative local attitude toward BWSR
- Local leadership incapability

- Those doing a good job are not rewarded
- Past farming practices
- Local resistance to change
- Lack of local support for BWSR
- Equal, equal, equal

C. TURF and TRUST ISSUES

- Agencies' unwillingness to give up control
- Mistrust of (or lack of) government
- Lack of trust (up, down and across)
- Delineation of roles??
- Egos and turf
- Turf
- Mistrust
- Us vs. Them

D. OUT of OUR CONTROL

- Turnover of elected and appointed officials and staff
- Legislative micromanagement
- Lack of clear legislative authority
- Bad acronym — BOWSR vs. BWSR
- Red tape
- In lieu of taxes

E. LITTLE EMPHASIS on SOIL CONSERVATION

- Society is "crisis driven," that is, need empty grocery shelves before acting
- Disagreement on extent of "loss of leadership" in soil conservation
- Lack of emphasis on soil conservation
- Lack of soil programs or giving priority to them
- Water is the current focus

F. UNCLEAR MARKETING STRATEGY

- BWSR does not spend enough money on marketing its purpose
- Too much attention is given to the wrong audience or we are using the wrong message or they are not listening

BARRIERS

April 1998

Board of Water and Soil Resources

A. LACK of BWSR PRIORITIES	B. UNREALIZED or UNINSPIRED LOCAL LEADERSHIP	C. TURF and TRUST ISSUES	D. OUT of OUR CONTROL	E. LITTLE EMPHASIS on SOIL CONSERVATION	F. UNCLEAR MARKETING STRATEGY
Diversity of residents' and land and water (uses) leads to priority problems	History and tradition of local government (slow to adopt modern management concepts)	Agencies' unwillingness to give up control	Turnover of elected and appointed officials and staff	Society is "crisis driven," i.e., need empty grocery shelves before acting	BWSR does not spend enough money on marketing its purpose
How we allocate resources to state and LGU coordination — P.S. federal coordination needed	Lack of ability of local government to control own destiny	Mistrust of (or lack of) government	Legislative micro-management	Disagreement on extent of "loss of leadership" in soil conservation	Too much attention is given to the wrong audience or we are using the wrong message or they are not listening
Differing philosophies within and outside the agency; then saying no, artfully	LGUs get by with minimal or base-level effort	Lack of trust (up, down and across)	Lack of clear legislative authority	Lack of emphasis on soil conservation	
Discipline to focus on the new . . . slough off the old	Negative local attitude toward BWSR	Delineation of roles??	Bad acronym — BOWSR vs. BWSR	Lack of soil programs or giving priority to them	
BWSR is a small fish in a big sea (state agencies)	Local leadership incapability	Egos and turf	Red tape	Water is the current focus	
It's not politically correct in this state to go after staff	Those doing a good job are not rewarded	Turf	In lieu of taxes		
BWSR size too small	Past farming practices	Mistrust			
Trying to take on too much	Local resistance to change	Us vs. Them			
Lack of defined "outcomes"	Lack of local support for BWSR				
Time, priorities, and funding	Equal, equal, equal				
Money for staff and training					
BWSR lacks willpower					
Lack of BWSR priorities					
Cannot be all things to all groups					

STRATEGIES

Once the group had identified its vision and the obstacles to accomplishing that vision, it was ready to create strategies to remove those obstacles. The facilitator asked such questions as, *How could this obstacle be eliminated or neutralized? What does BWSR need to do to achieve and maintain its vision? What priority projects and organization changes are required to implement the new strategies?*

The group brainstormed realistic, innovative ideas that directly or indirectly would eliminate, deal with, or resolve the obstacles and move the group toward its vision. Those ideas with similar intent were grouped into strategies seen as essential. The detailed brainstormed ideas are published in the strategies list, with the essential strategies shown on the strategies chart.

A. CREATE an ADAPTIVE ORGANIZATION

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- Address other barriers and this will take care of itself
- Determine what can be controlled and focus on that
- Live with it
- Adapt to barriers

B. WORKING PARTNERSHIPS

- Encourage continuous education and build working relationships
- Identify collaborative opportunities and follow through
- Establish partnerships; be inclusive
- Work together to solve problems
- Just do it

C. CHALLENGE the STATUS QUO — REWARD the INSPIRED — ENCOURAGE the UNINFORMED

- Challenge member organizations (SWCD, WD, counties) to set priorities and aggregate back to BWSR — board and staff
- Rock the boat: help them that help themselves — target 20 percent in leadership training
- Actively seek out and encourage "inspired" locals to get involved
- An advocate on every local government board
- Recognize and reward change and risk taking
- Active citizenship leadership training
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- Educate, train, and challenge
- Training

D. DEFINE INTERNAL OUTCOMES — PRIORITIZE

- Establish specific outcomes for BWSR's role in each program — "outcome achieved"
- Board, management, and staff prioritize activities
- Document priorities, share, and periodically review
- Establish annual work plan — stick to it
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- Define why soil conservation is an issue
- Define objectives for soil conservation
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- Define soil conservation
- Gather facts on soils

F. MARKETING PLAN to SUPPORT BWSR'S MISSION

- Give public relations staffing priority
- Define specific marketing objectives
- Get some marketing advice

Board of Water and Soil Resources

STRATEGIES

April 1998

A. CREATE an ADAPTIVE ORGANIZATION	B. WORKING PARTNERSHIPS	C. CHALLENGE the STATUS QUO — REWARD the INSPIRED — ENCOURAGE the UNINFORMED	D. DEFINE INTERNAL OUTCOMES — PRIORITIZE	E. DEFINE OUR ROLE with SOIL CONSERVATION	F. MARKETING PLAN to SUPPORT BWSR'S MISSION
Investigate whether items are really out of your control	Encourage continuous education and build working relationships	Challenge member organizations (SWCD, WD, counties) to set priorities and aggregate back to BWSR — board and staff	Establish specific outcomes for BWSR's role in each program — "outcome achieved"	Re-define BWSR's role in soil conservation	Give public relations staffing priority
Address other barriers and this will take care of itself	Identify collaborative opportunities and follow through	Rock the boat: help them that help themselves — target 20% in leadership training	Board, management, and staff prioritize activities	Define why soil conservation is an issue	Define specific marketing objectives
Determine what can be controlled and focus on that	Establish partnerships; be inclusive	Actively seek out and encourage "inspired" locals to get involved	Document priorities, share, and periodically review	Define objectives for soil conservation	Get some marketing advice
Live with it	Work together to solve problems	An advocate on every local government board	Establish annual work plan — stick to it	Redirect emphasis on soil conservation	
Adapt to barriers	Just do it	Recognize and reward change and risk taking	Establish annual and long-term budget plans	Define soil conservation	
		Active citizenship leadership training	BWSR gets budget as block grant	Gather facts on soils	
		Increase leadership training	Define what we cannot do		
		Educate, train, and challenge			
		Training			

IMPLEMENTATION PLANS

Implementation plans are created to designate time frames, responsible persons, and specific activities necessary to accomplish the strategies that will overcome the obstacles to accomplishing the BWSR vision. The group identified those strategies that have the most potential for advancing the strategic plan. Implementation plans, also known as action plans or work plans, were then drafted for each priority project.

The implementation plan identifies the strategy, provides a summary of what the BWSR will do, and states the expected results. After these overall statements were created, itemized activities were listed, along with who will be responsible for performing each activity and deadlines or other important dates.

The plans will be monitored through regular board meetings and quarterly reviews of progress.

The implementation plans are followed by a calendar offering a big-picture plan that highlights the priority projects and their activities.

IMPLEMENTATION PLAN

Strategy A: Create an adaptive organization

Results expected: An organizational culture where people are prepared to react positively to challenges big and small — first focus is BWSR staff and board — second focus is to be role models for all partners and organziations

Specific actions	WHEN	WHO
1. Organize a seminar on creating an adaptive organization	Winter is a good time	BWSR staff work with DNR
2. Do an exercise of mapping out the existing barriers to accomplishing mission	Prior to biennial budget process	Staff prepare, then staff and board discussion
3. Develop an action plan for dealing with the barriers and taking advantage of opportunities	June	During biennial budget preparation process

Who worked on this statement? Jim Birkholz, Kelli Johnson

IMPLEMENTATION PLAN

Strategy B: Working partnerships

Results expected: Develop common goals for natural resource management with state agency and local government participation

Specific Actions	WHEN	WHO
1. Identify specific natural resource management issue(s) that must be addressed (for example, drainage)		State agency and local officials
2. Achieve trust through internal organizational development work		BWSR, SWCDs, WDs, counties

Who worked on this statement?

IMPLEMENTATION PLAN

Strategy C: Challenge the status quo — reward the inspired — encourage the uninformed

Results expected: Achieve goals in our mission statement

Specific actions	WHEN	WHO
1. Ad hoc committees and other board members meet in various areas and reach out to LGUs with an opportunity to hear general concerns	Now	Board members and staff
2. Encourage the use of citizen advisory boards and WDs to do tasks (give them something to do); invite additional LGUs	Now	BCs and board members
3. Create training programs that are helpful to all people who attend, such as ditch training — topic-specific and/or leadership	ASAP — will take some time	Educational specialists working with a training committee

Who worked on this statement?

IMPLEMENTATION PLAN

Strategy D: Define internal outcomes — prioritize

Results expected: BWSR sets priorities, measures success, and knows when to move on to other priorities

Specific actions	WHEN	WHO
1. Measure and track the success of state programs to protect soil and water by making LARS a workable program	June 2000	IT staff, LARS team
2. Revise and simplify SWCD annual plan so it is a "to do" list based on the priorities in local water plans	March 15, 1999	Work team and special projects coordinator
3. Assess the state agency and local governments' expectations of BWSR programs; determine whether the program reached its objective	2001	Staff, board, and association representatives, LGUs, agencies

Who worked on this statement? Al Kean, Ron Shelito, Ron Harnack

IMPLEMENTATION PLAN

Strategy E: Define our role with soil conservation

Results expected: (Re)definition of the BWSR role in soil conservation

Specific actions	WHEN	WHO
1. Define "soil conservation" (provide a state-of-the-state of soil conservation to BWSR members)	4 to 6 months	BWSR staff in cooperation with U of M, et al.
2. Once defined, describe why soil conservation is an issue	5 to 8 months	BWSR and clientele
3. After identification of issue(s), define BWSR's role in dealing with the issues	9 to 12 months	BWSR

Notes to above:

1. Historical perspective complete with academic insight
2. For example, soil quality, water quality, food production, local and regional economics, structural issues (farm size)
3. BWSR: lead agency overall, or responsible for an issue or two? Who coordinates state and federal policy?

Who worked on this statement? M. Dittrich, G. Larson, and J. Nielsen

IMPLEMENTATION PLAN

Strategy F: Marketing plan to support BWSR's mission

Results expected: First of all, define marketing as a priority of the board and define "what to" and "how to" market

Specific actions	WHEN	WHO
1. Refocus "Conservation Mentor" to include marketing of BWSR activities to LGUs	Immediately	Susan T.
2. Board members become more visible and attend area, regional, county meetings (cross clientele lines — don't just go to own group)	Immediately	Board members
3. More staff, more funding: create and support budget initiative	'99 Legislative session	Board and staff
4. A BWSR BC and/or regional supervisor should attend at least one local meeting in each of their assigned areas per year: county, watershed, SWCD	Immediately	BCs and/or regional supervisor
5. Enhance shared resources through joint powers associations and promote as a BWSR initiative	Immediately	BWSR board members and staff

Who worked on this statement? Susan T., Tom S., Jim D., Paul

Board of Water and Soil Resources

IMPLEMENTATION CALENDAR

April 1998

STRATEGIES	NOW	SOON	LATER	RESULTS
A. Create an adaptive organization	• Organize a seminar on creating an adaptive organization (take DNR up on offer)	• Map out existing barriers (and perceived barriers) to accomplishing mission	• Develop action plan for dealing with barriers and taking advantage of opportunities	Organize culture where people are prepared to react productively to challenges and opportunities
B. Working partnerships	• Identify specific natural resource management issue(s) that must be addressed (e.g., drainage)	• Achieve trust through internal organizational development work		Develop common goals for natural resource management with state agency and LGU participation
C. Challenge the status quo — reward the inspired — encourage the uninformed	• Ad hoc committees and others meet and reach out to LGUs to hear general concerns	• Encourage citizen advisory boards: assign tasks and responsibilities, invite other LGUs, WD, and others	• Offer: - topic-specific training - leadership training - incentives	Achieve goals in mission statement
D. Define internal outcomes — prioritize	• Assess LGUs and state agencies' expectations of BWSRs programs — when has the program achieved its purpose?	• Revise and simplify SWCD annual planning so it is a "to do" list based on the priorities in the local water plan	• Measure and track the success of state programs to protect soil and water by making LARS a workable program statewide	BWSR sets priorities, measures success and knows when to move on to other priorities
E. Define our role with soil conservation	• State-of-the-state Minnesota soil conservation — define soil conservation	• Describe why soil conservation is an issue	• After identifying issues, define BWSR role in dealing with issues	Redefined the BWSR role in soil conservation
F. Marketing plan to support BWSR's mission	• Define marketing as priority • Define what to and how to market • Board members attend area, regional, county meetings (cross-clientele)	• Refocus *Mentor* to include marketing BWSR to LGUs • BWSR BC or regional supervisor attend one local meeting in each county, WD, SWCD annually	• Enhance shared resources thru joint powers associations and promote as BWSR initiative • More staff, funding: create and support budget initiative	Marketing plan to support BWSR's mission

MANAGEMENT ANALYSIS TEAM

PROJECT TEAM LEADER
Susan Senko

REPORT EDITOR
Mary Williams

Report Word Processing Team Member
Beth Gross, key word processor

The Management Analysis Division is a management consulting organization serving state governments, regional, and local governments. This report documents the consulting work performed by the division for a client. Comments made during the data collection process and printed in this document express perceptions and feelings of the people involved, as well as facts. These comments are part of the documentation because it is important for people undergoing change to know what their stakeholders

ANNUAL PLAN – FISCAL 1999

JULY 1, 1998 – JUNE 30, 1999

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



1998 Board of Directors

Brown County
Charles Guggisberg, Commissioner
Andrew Lochner, Commissioner

Cottonwood County
Kenneth Elg, Commissioner
Marlowe Nelsen, Commissioner

Lac Qui Parle County
Willard Pearson, LQP-YB Watershed District
Arvid Gollnick, Commissioner

Lincoln County
Carl Hauschild, Former Commissioner
Duane Schalek, Commissioner

Lyon County
Clarence Buysse, Commissioner
Jasper Vandelanotte, Commissioner

Murray County
Duane Carlson, Commissioner
Steve Cohrs, Commissioner

Pipestone County
Eric Petersen, Commissioner
Marvin Tinklenberg, Commissioner

Redwood County
Darold Neperman, Commissioner
Joseph Schouvieller, Commissioner

Yellow Medicine County
Louis Sherlin, Commissioner
JoAnn Coover, Commissioner

Area II Minnesota River Basin Projects, Inc.

AREA II ANNUAL REPORT
FISCAL 1998

PROJECTS FUNDED	STATE	Area II
Traen Small Dam Repair - Lincoln County	$ 1,500.00	$ 0.00
Snortum Small Dam Repair - Yellow Medicine County	$ 0.00	$ 1,500.00
LQP-25 [Lazarus Creek] Floodwater Control Project	$ 37,500.00	$ 12,500.00
Ann 6 Road Retention Project - Cottonwood County	$ 22,500.00	$ 8,750.00
Fortier 15 Road Retention Project - Yellow Medicine Co.	$ 0.00	$ 30,000.00

PROJECTS COMPLETED

- ***Traen Small Dam Repair - Lincoln County***
  This former ACP dam was reconstructed with funding stemming from the State of Minnesota ($1,500), Yellow Medicine River Watershed District ($1,500), Lincoln County Water Task Force ($2,000), and the landowner, Richard Traen (2,115.11). Besides serving as a sediment basin, the dam will impound 4 acre-feet of floodwater storage and will reduce 50-year storm inflows by 76%.
- ***Snortum Small Dam Repair - Yellow Medicine County***
  Located a few miles downstream of Lake Cochrane on the SD/MN border, this former ACP small dam has washed out three times due to the new outlet at Lake Cochrane. Yellow Medicine SWCD requested assistance with this $2,266.00 repair. Since this project was completed before the funding request was made, state funds could not be used.
- ***Ann 6 Road Retention Project - Cottonwood County***
  The project was modified by adding a 8' x 6' box culvert riser onto the existing 8' x 6' box culvert through the roadway. A 36" reinforced concrete pipe (RCP) would also be added to serve as the low flow inlet. This configuration provides a 31% (221 cfs) reduction of the 100-year storm and will impound 333 acre-feet of floodwater upon 35.8 acres of land.
- ***Fortier 15 Road Retention Project - Yellow Medicine County***
  This project was done in conjunction with a scheduled road improvement. The wooden plank bridge was replaced with a 24" RCP and the road elevation was raised 8'. The 100-year storm inflows will be reduced 68% (109 cfs) and 25.6 acre-feet of floodwater will be impounded upon 4.25 acres of land.

TECHNICAL OFFICE HIGHLIGHTS

- Board Policy to annually fund up to $1,500 for each of the nine member counties to repair/replace ACP small dam structures. This policy was spurred by the financial need to assist in these projects as other funding sources, other than cost share, do not exist.
- Our part-time technician, who has been with Area II since Fall 1993, graduated from the Canby VoTech Soil & Water Conservation Program and accepted a full-time position with the organization.
- Despite many projects not being constructed as planned due to the harsh winter of 1997 and spring flooding, the requests for technical assistance have been overwhelming as the nine member counties continue to seek alleviation of their floodwater problems.

AREA II ANNUAL PLAN
FISCAL 1999

➢**FUNDING**

		Local Match	
Annual Allocation from the State of Minnesota	$189,000.00		
Technical Services Agreement (details on Attachment I)	(131,250.00)	$ 43,750.00 (25%)	
Available Project Funds	(57,750.00)	19,250.00 (25%)	
1996 Bonding Allocation for Road Retentions Balance	188,375.00	83,333.33 (25%)	
1998 Bonding Allocation for Floodwater Retention Systems	500,000.00	333,000.00 (40%)	
FUNDING AVAILABLE FOR FISCAL 1999	**$877,375.00**	**$479,333.33** =	**$1,356,708.33**

➢**1999 WORK PLAN**

Office staff: Kerry Netzke, full-time Coordinator
Roxie Serreyn, part-time Administrative Secretary
Billy Thomas, full-time Professional Engineer
Joe DeSchepper, full-time Engineering Technician

Focus: Administratively, the staff and Board members of Area II have been diligently working on drafting language for the upcoming renewal of the joint powers agreement (JPA). The most significant revisions to the document include: reducing the term of agreement from 10 years to 4½ years, and the requirement that all Board delegates and alternates shall be county commissioners instead of county-appointed representatives. These changes are necessary so that future changes to the JPA can be dealt with sooner than the 10-year expiration, and that elected officials are carrying the financial responsibility of their counties when serving upon the Board. Signature of the JPA is tentatively planned for July 2, 1998 and all nine (9) counties have expressed their intent to stay united in this organization. Area II's By-Laws have been updated to coincide with the new JPA language.

Technically, Area II will continue to provide a service to the membering counties that most counties do not provide for themselves - hydrologic and hydraulic analyses for bridge and culvert replacements. Strong, working relationships with the county engineers have been built by incorporating road retentions into their scheduled road improvement and bridge replacement plans. Cost-savings and ease of construction are proven benefits to this technology, also promoting flood damage reduction and holistic watershed management. Considerable funding is available due to the new bonding allocation for floodwater retention.

The allocation of funding to projects within Area II has received some attention in the past year. The Area II Board of Directors authorizes grants to projects paying particular attention to maintaining the near 50/50 cost-share standard similar to DNR programs, yet having the flexibility of 75/25 cost-share. (*Refer to Attachment II for the updated listing of past cost-share funding scenarios.*) More specifically, the determination of eligible, reimbursable expenses is more strictly controlled by considering only those costs that are above and beyond the costs related to installing the culvert/bridge structure without the retention capability. This is most critical when other State funding is involved, such as Township Bridge funds through MNDOT or Minnesota River Basin Joint Powers Board special allocations.

All work is done in accordance with the established Area II MN River Basin Strategic Plan, Operating Policies, By-Laws, and Articles of Incorporation. Project efforts follow the goals and objectives set by the individual counties as reflected in their respective Comprehensive Local Water Plans. Due to the 5-year revisions to the local water plans, the Area II Strategic Plan will also undergo revision in Fiscal 1999.

Scheduled Projects: The primary efforts of the office staff will be on the feasibility, design, and installation of road retention structures within the nine county area. Project prioritization includes: feasibility, cost, local support, emergency situations (such as bridge failures) and timing with scheduled construction plans. The following list depicts the projects which are currently scheduled for technical assistance.

PRIORITIZED LIST OF ROAD RETENTION PROJECTS

➢***HIGH PRIORITY***	***Project Status***	***Funding Status***
☆ Hansonville Township Section 23 - Lincoln County	Awaiting Finalization of Easements	Expected FY 1999
Gales Township Section 23 - Redwood County	Awaiting Finalization of Easements	Funded FY 1995
★☆ Gales Township Section 35 - Redwood County	Preliminary Design, Summer 1998 Construction	Expected FY 1999
☆ Yellow Bank Township Section 11 - LQP County	Preliminary Design Complete	Expected FY 1998
★☆ North Hero Township Section 10 - Redwood County	Summer 1998 Construction, Easements Obtained	Funded FY 1998
★☆ Monroe Township Section 24 - Lyon/Redwood Counties	Awaiting Easement, Summer/Fall1998 Construction	Expected FY 1998-1999
★☆ Hendricks Township Section 8 - Lincoln County	Preliminary Design Complete, Negotiating Easements	Expected FY 1998
★☆ Island Lake Township Section 22 - Lyon County	Summer 1998 Construction	Funded FY 1998
★ Rock Lake Township Section 21 - Lyon County	Summer 1998 Construction	Funded FY 1997
★ Fish Lake Outlet Repair - South Dakota	Awaiting Cooperation with State of SD	
Norman Township Section 35N - Yellow Medicine County	Bridge Replacement in 1998, Design Complete	

➢***MEDIUM PRIORITY***	***Project Status***
Fier Project - Lincoln County	3 Sites in Preliminary Design, Awaiting Easements
Five Year Highway Improvement Plans	Ongoing Consultations with County Engineers
☆ Amiret Township Section 34 - Lyon County	Being Designed by Lyon County
☆ Lake Marshall Township Section 19 - Lyon County	Being Designed by Lyon County
Gales Township Section 21 - Redwood County	Data Collection Phase
Fortier Township Section 1 - Yellow Medicine County	Data Collection Phase
Florida Township Sections 19,20,29,30 - Yellow Medicine	Data Collection Phase
Springdale Township Section 21 - Redwood County	Data Collection Phase
Springdale Township Section 31 - Redwood County	Data Collection Phase
Holly Township Section 17 - Murray County	Regrading Project in 1999
Limestone Township Section 4 - Lincoln County	Preliminary Design Complete
Norman Township Section 35S - Yellow Medicine County	System of 4 Retentions Designed
Hendricks Township Section 25 - Lincoln County	Preliminary Design in Progress
Hammer Township Section 32 - Yellow Medicine County	Preliminary Design in Progress

★ ***Signifies project is to be completed in 1998.***

☆ ***Signifies project is most likely to receive Bonding funds*** *(1st Allocation)*

PRIORITIZED LIST OF LARGE PROJECTS

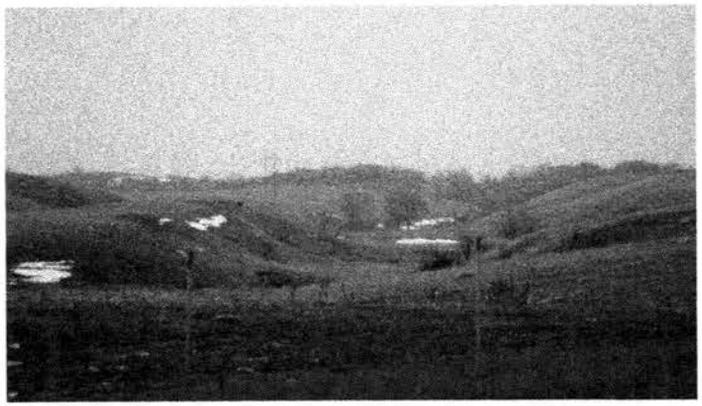
➢*LQP-25 {LAZARUS CREEK}*

Project CoSponsors - Lac qui Parle-Yellow Bank Watershed District and Yellow Medicine County.

Project Status - Design is being finalized by Houston Engineering, the consultant engineering firm, pending additional soil borings at the dam site to satisfy dam safety requirements. Engineering fees in excess of $138,000 are being funded through the Area II's project funds.

Funding Status - $ 0.00 Despite a strong attempt to secure funding through the 1998 legislature, the Capital Budget Conference Committee elected to award $500,000 (1/2 the requested amount) to nonspecific floodwater retention projects within Area II. This bonding allocation will not be applicable to LQP-25, except for a small portion which may be used for land acquisition once permits are acquired. Another attempt to secure construction funding will be made upon completion of design and permitting.





Upstream View of the Project Site
Downstream View of the Project Site

➢*PETERSON DAM*

Project Sponsor - Murray County

Project Status - Preliminary design is underway while investigating the optimum location for the dam embankment. The contributing watershed is being investigated for potential road retentions as many of the bridges are approaching replacement. There is also a possibility of turning this project into a larger road retention as the downstream roadway is scheduled for regrading and asphalt surfacing in 1999.

Funding Status - $350,000.00 Cost estimate. If not funded through the Floodwater Retention Bonding, funding may be sought from the 2000 Legislature.

ROAD RETENTION BONDING FUNDS STATUS

➢ **APPROPRIATED AMOUNT:** $ 250,000.00 **($ 188,375.00 Balance)**

➢ **STATUS OF 25% LOCAL MATCH:** $83,333.33 remains committed. Local match spent to date has surpassed the $83,333.33 by $24,958.45. The original commitment of $83,333.33 remains for the other projects.

➢ **APPROPRIATION LANGUAGE:** For grant-in-aid on roadside storm water retention projects initiated by local governments in Area II in the Minnesota River Basin.

➢ **PROJECT STATUS:** The shaded rows indicate the projects reaching completion. Due to the snow and flood disasters of 1997, contractors and county governments found themselves overwhelmed with work, which delayed the completion progress for several projects. LCMR has allowed alternate sites to be added to this list due to the disaster consequences. Next LCMR Update: August 1998.

PROJECT	*STATE SHARE*	*LOCAL SHARE*	*TOTAL*	*COMPLETION DATE*
Hendricks 8 Road Retention - Lincoln County	$ 30,000.00	$10,000.00	$ 40,000.00	*Summer 1998*
Lyons 3 Road Retention - Lyon County	**$ 53,125.00**	**$ 96,186.78**	**$149,311.78**	**November 1996**
Monroe 24 Road Retention - Lyon County	$ 30,000.00	$10,000.00	$ 40,000.00	*Summer 1998*
Amboy 8 Road Retention - Cottonwood	$ 27,500.00	$ 9,166.67	$ 36,666.67	*Summer 1998*
Ann 6 Retention Modification - Cottonwood	**~~$ 11,250.00~~ $2,750 remaining**	**$12,105.00**	**$ 23,355.00**	**November 1997 *Seeding remains to be done**
North Hero 10 Road Retention - Redwood	$ 54,750.00	$18,250.00	$ 73,000.00	*Summer 1998*
Island Lake 22 Road Retention - Lyon	$ 26,875.00	$ 8,958.33	$ 35,833.33	*Summer 1998*
Gales 31 Road Retention - Redwood County	$16,500.00	$ 5,500.00	$ 22,000.00	*Summer 1998*
Gales 35 Road Retention - Redwood County				*Pending*
Hansonville 23 Road Retention - Lincoln				*Pending*
Amiret 34 Road Retention - Lyon County				*Pending*
Lake Marshall 19 Road Retention - Lyon				***Pending***
TOTALS Initial Updated	$ 250,000.00	~~$ 83,333.33~~ $173,916.78	~~$333,333.33~~ $423,916.78	
REMAINING BALANCE	**$ 188,375.00**	**$ 83,333.33**	**$ 271,708.33**	

FLOODWATER RETENTION BONDING FUNDS STATUS

➢ **APPROPRIATED AMOUNT:** $ 500,000.00 **($ 500,000.00 Balance)**

➢ **STATUS OF LOCAL MATCH:** $ 333,000.00 of local match has been collected by the member counties of Area II. The intent for this bonding appropriation is for the project sponsor to provide the required match which will leave the $333,000 in the account to secure future funding for the Lazarus Creek project.

➢ **APPROPRIATION LANGUAGE:** For grants to assist local governments in acquiring and constructing floodwater retention systems in Area II of the Minnesota River Basin.

➢ **PROJECT STATUS:** With this new appropriation from the 1998 legislature, this list of tentative projects is to be submitted to LCMR for advisory approval, minus the individual project specifics as requested with the first appropriation. (List is subject to change pending project feasibilities.) And in similar fashion to the first bonding appropriation, the intent will be to distribute the funding to as many projects/counties as possible and utilizing a wide range of funding sources.

PROJECT	***PROJECT***
1) Holly 17 Road Retention - Murray County	16) Sodus 14 Road Retention - Lyon County
2) Black Rush Lake Wetland Restoration - Lyon County	17) Amiret 24 Dry Dam - Lyon County
3) LQP-25 (Lazarus Creek) Dry Dam - Yellow Medicine County	18) Amiret 19 Road Retention - Lyon County
4) Norman 35N/35S Road Retentions - Yellow Medicine County	19) Amiret 33 Road Retention - Lyon County
5) Hammer 32 Road Retention - Yellow Medicine County	20) Coon Creek 33 Road Retention - Lyon County
6) Florida 19/20/29/30 Retention - Yellow Medicine County	21) Nordland 23 Road Retention - Lyon County
7) Delton 19 Road Retention - Cottonwood County	22) Nordland 35 Road Retention - Lyon County
8) Ann 3 Road Retention - Cottonwood County	23) Lake Marshall 19 Road Retention - Lyon County
9) Amboy 24 Dry Dam - Cottonwood County	24) Lynd 15 Road Retention - Lyon County
10) North Hero 35 Road Retention - Redwood County	25) Lynd 21 Road Retention - Lyon County
11) North Hero 26 Road Retention - Redwood County	26) Shelburne 10 Road Retention - Lyon County
12) Lamberton 25 Road Retention - Redwood County	27) Fier Project - Lincoln County (3 road retentions)
13) Springdale 31 Road Retention - Redwood County	28) Limestone 4 Road Retention - Lincoln County
14) Springdale 21 Road Retention - Redwood County	29) Yellow Bank 11 Road Retention - Lac qui Parle County
15) Sodus 5 Road Retention - Lyon County	30) Fish Lake Outlet Repair - Deuel County, SD

ATTACHMENTS

ANNUAL PLAN – FISCAL 1999

ATTACHMENT I –
FISCAL 1999 TECHNICAL OFFICE BUDGET

ATTACHMENT II –
PAST FUNDING SCENARIOS FOR COST SHARED ROAD RETENTION PROJECTS

AREA II MINNESOTA RIVER
BASIN PROJECTS, INC.

ATTACHMENT I
FISCAL 1999 TECHNICAL OFFICE BUDGET

OFFICE OPERATIONS

Personal Services:

*Directors' Compensation	$ *11,000.00**
*Directors' FICA	*1,000.00**
Employees' Salaries	112,650.00
Employees' FICA	8,600.00
Employees' Medical Insurance	2,600.00
Employees' Retirement	5,500.00
Employee' FlexPlan	1,500.00
Total Personal Services	**$ 142,850.00**

Supplies:

Office	$ 2,000.00
Field	1,000.00
Capital Outlay	1,000.00
Total Supplies	**$ 4,000.00**

Other Services and Costs:

*Directors' Expenses	$ *5,500.00**
Employees' Expenses	2,000.00
Continuing Education	1,000.00
Professional Services	2,000.00
Maintenance & Repairs	1,500.00
Telephone	1,000.00
Postage	1,500.00
Vehicle Expense	2,500.00
*Director's Insurance	*2,000.00**
Other Insurance	7,650.00
Rent	6,500.00
Miscellaneous & Other Expenses	4,000.00
*Miscellaneous Expenses - Directors	*100.00**
Total Other Services and Costs	**$ 37,250.00**

TOTAL OFFICE OPERATIONS	**$ 184,100.00**
INVESTIGATION & TESTING EXPENSES	
Subsurface Investigations	$ 0.00
Other Technical Services and Testing	10,500.00
TOTAL INVESTIGATION & TESTING	**$ 10,500.00**
TOTAL AMOUNT BUDGETED	**$ 194,600.00**
Total Ineligible for Cost-Share by the State	*19,600.00**
Total Eligible for Cost-Share by the State	$ 175,000.00
STATE SHARE OF ELIGIBLE COSTS	**$ 131,250.00 (75%)**
Local Share of Eligible Costs	43,750.00 (25%)
Costs Ineligible for Cost-Share	*19,600.00**
NET BUDGETED LOCAL COSTS	$ 63,350.00

**** These items not cost-shared by the State***

ATTACHMENT II
PAST FUNDING SCENARIOS FOR COST SHARED ROAD RETENTION PROJECTS

PROJECT	COMPLETION DATE & LOCATION	TOTAL ELIGIBLE FOR COST SHARE	BWSR AMOUNT (% of Total)	OTHER STATE FUNDING	AREA II AMOUNT (% of Total)	LOCAL AMOUNT (% of Total)
Fortier 15 Road Retention	Summer 1997 Yellow Med. Co.	$41,138.10	0.00	0.00	$30,000.00 (73.0%)	$11,138.10 (27.0%)
Ann 6 Modification	Fall 1997 Cottonwood Co.	$30,235.00	0.00	$22,500.00[5] (74.4%)	$5,000.00 (16.6%)	$2,375.00 (9.0%)
Lyons 3 Road Retention	Fall 1996 Lyon County	$202,408.30	$11,232.52 $41,864.00[4] (26.2%)	$53,125.00[5] (26.2%)	$10,444.17 (5.2%)	$85,742.61 (42.4%)
North Hero 31 Road Retention	Fall 1996 Redwood County	$103,820.59	$21,242.48 (20.4%)	$53,445.00[2] $17,651.11[1] (68.5%)	$7,080.83 (6.9%)	$4,401.17 (4.2%)
Nordland 30/29 Road Retention	Summer 1996 Lyon County	$30,172.15	$21,000.00 $4,500.00[4] (84.5%)	0.00	0.00	$4,672.15 (15.5%)
Nordland 7 Road Retention	Summer 1996 Lyon County	$82,487.65	$30,000.00 (36.4%)	26,000.00[4] (31.5%)	0.00	$26,487.65 (32.1%)
Lake Stay 9 Road Retention	Summer 1996 Lincoln County	$142,030.00	$18,750.00 (13.2%)	$95,330.00[2] $6,500.00[1] (71.7%)	$6,250.00 (4.4%)	$15,200.00 (10.7%)
Gorecki-Jeremiason Road Retention	Fall 1995 Lincoln County	$113,970.25	$20,625.00[4] (18.1%)	$3,000.00[1] (2.6%)	$6,875.00 (6.0%)	$83,470.25 (73.3%)
Hendricks 35 Road Retention	Fall 1995 Lincoln County	$94,594.43	$11,945.00 $9,283.93[4] (22.4%)	59,608.57[2] (63.0%)	$4,473.00 (4.7%)	$9,283.93 (9.8%)
Storden 2 Road Retention	Summer 1995 Cottonwood Co.	$16,570.00	$5,800.00 (35.0%)	0.00	$1,926.00 (9.7%)	$8,844.00 (53.3%)
Germantown 6 Road Retention	Fall 1994 Cottonwood Co.	$43,797.95	12,736.50 (29.1%)	$21,240.002 (48.5%)	$4,245.50 (9.7%)	$5,575.95 (12.7%)
CSAH 16 Road Retention	Fall 1994 Yel. Med. Co.	$15,846.91	$10,522.00 (66.4%)	0.00	0.00	$5,324.91 (33.6%)
County Road 57 Road Retention	Fall 1994 Lyon County	$268,375.00	$75,245.00 (28.0%)	$10,000.00[1] $34,042.82[3] (16.4%)	$19,087.18 (7.1%)	$130,000.00 (48.5%)
CSAH 19 Road Retention	Fall 1994 Lincoln County	$140,000.00	$22,500.00 (16.1%)	$34,042.82[3] $10,000.00[2] (31.4%)	$18,457.18 (13.2%)	$55,000.00 (39.3%)
TOTALS		$1,325,446.33	$763,731.75 (57.6%)		$561,714.58 (42.4%)	

NOTE: [1] Water Plan Base Grant funds; [2] MNDOT funds; [3] DNR FDR Grants funds; [4] BWSR Challenge Grant Funds; [5] Road Retention Bonding Funds

As of December 1997

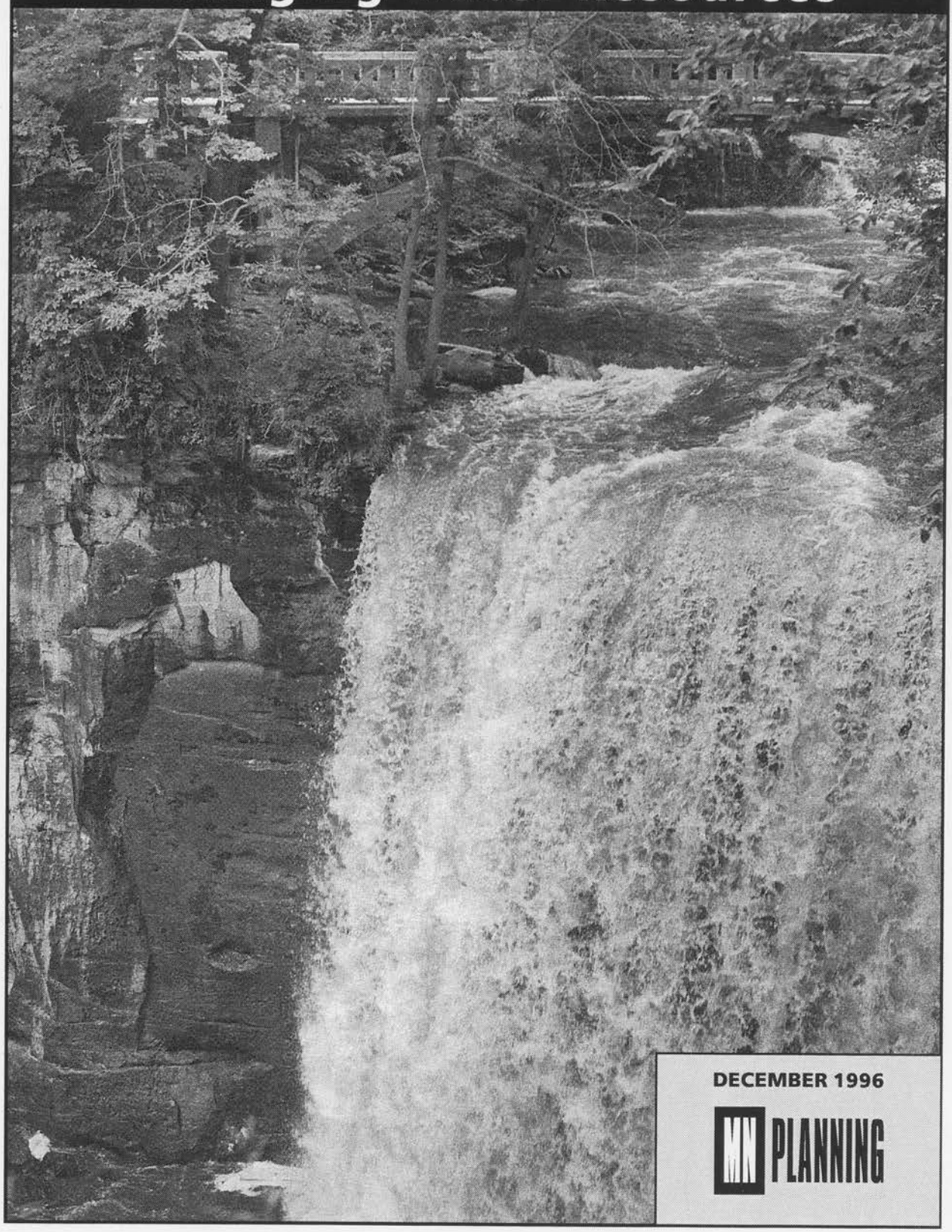
FOR YOUR INFORMATION

(does not pertain to BWSR meeting today)

- **"Crosscurrents"** to be included in your "Board Member Administrative Handbook"
- "Board Member Update"
- Feedlots: Summary of 1998 Legislation
- Memo to agencies regarding state review of Freeborn County and Lake County Comprehensive Local Water Plans
- Letter of April 20, 1998 to Steve Reckers, from Jim Birkholz, regarding community-based planning pilot projects
- Memo to SWCDs from Wayne Zellmer regarding Feedlot Water Quality Management Grants Announcement
- Grass Lake Wetland Restoration Project
- Memo regarding 1999 Challenge Grant Programs Announcement
- Clean Water Action Plan

Crosscurrents

Managing Water Resources



DECEMBER 1996

MN PLANNING

MINNESOTA PLANNING is charged with developing a long-range plan for the state, stimulating public participation in Minnesota's future and coordinating activities with state agencies, the legislature and other units of government.

This report was prepared by Deborah Pile, with assistance from Russell Kava. Additional assistance was provided by an interagency work group with representatives from the Environmental Quality Board, the Pollution Control Agency, the Board of Water and Soil Resources, and departments of Agriculture, Health and Natural Resources.

Crosscurrents was prepared for the Environmental Quality Board in partial fulfillment of 1995 Minnesota Laws, Chapter 248, Article 5 using funding provided through 1996 Minnesota Laws, chapter 407. The cost to prepare and publish this report was about $20,000, not counting assistance provided by the interagency work group.

Upon request, *Crosscurrents* will be made available in alternate format, such as Braille, large print or audio tape. For TTY, contact Minnesota Relay Service at (800) 627-3529 and ask for Minnesota Planning.

December 1996

For more information, paper or electronic copies of *Crosscurrents*, contact Minnesota Planning or its World Wide Web site:

MN PLANNING

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St. Paul, MN 55155
(612) 296-3985

http://www.mnplan.state.mn.us

Cover photo by Deborah Pile: Minneopa Falls
(west of Mankato, Minnesota)

Crosscurrents

Managing Water Resources

1 Summary
2 Crosscurrents
3 Minnesota's System
9 Improvements
15 Barriers
22 Options
27 State Structures
30 Inventory of Improvements

Summary

Minnesota's environment and natural resource management system is complex. Nearly a dozen state agencies and special purpose districts, as well as counties, cities and townships play a role in management. Recognizing the complexity of the state's system, the Minnesota Legislature presented five goals and 11 outcomes and authorized a study of how services could be better delivered by reorganizing related functions.

Crosscurrents focuses on how the state's water management system can be changed to meet the Legislature's goals and outcomes. It reports recent improvements by agencies and special purpose districts, barriers to achieving further improvements and options for change. *Crosscurrents* draws on past studies, comments provided by citizens and local government personnel, and input from state agency representatives. It notes that the current system of advocacy agencies gives all interest groups a voice in decision-making and is generally preferred by citizens.

Agencies and local governments have made significant strides toward improving service delivery by working within existing systems. Agencies work cooperatively on planning, enforcement and assistance efforts and have struck partnerships with local governments and citizens. Partnerships among local governments also are common. Agencies have simplified permitting by using general permits, delegation and other approaches. All parties are continually developing better ways to get pertinent, understandable information to citizens.

Still, barriers to improvements exist. Cooperation, coordination and integration of efforts among agencies are complicated by inflexible funding, overlapping authorities and different data management and communications systems. Agencies have different regional structures, further hindering integrated service delivery. Lack of resources can hamper local efforts and special purpose districts are hard to modify, inhibiting local governments' ability to react to changing needs.

Crosscurrents' options for change build on Minnesota's current management structure, recognizing its important checks and balances and opportunities for citizen involvement. For state agencies, options include developing a multi-year plan to merge regional offices, integrating financial assistance programs and identifying additional permitting decisions that can be handled through simplified means. The Legislature could simplify procedures for modifying special purpose districts and county comprehensive local water plans could be used by local governments and state agencies for broader environmental purposes. Investments in technology could yield major improvements throughout the management system, as could a more full integration of sustainable development principles into the state's efforts.

Crosscurrents

Crosscurrents provides a snapshot of Minnesota's environment and natural resource management systems, focusing on how water-related functions can be changed and improved. The report highlights past reorganization efforts and the evolution of the current system. While individual agencies have made significant strides toward improving internal efficiencies and program effectiveness — and protecting the state's air, water and land — the main focus here is on issues within and among agencies and how services ultimately can be better delivered.

Crosscurrents draws on comments provided by citizens attending a series of eight regional public meetings sponsored by the Environmental Quality Board in 1995, as well as telephone interviews conducted with local government personnel in 1996. Input also was solicited from state agency representatives.

Recognizing the complexity and confusion of the state's system for citizens and decision-makers, the Legislature presented five goals and 11 outcomes and authorized a study of how services could be better delivered by reorganizing related functions. It also called for an examination of special purpose districts to identify ways to eliminate overlapping jurisdictions and duplicative efforts. The 11 outcomes fall into four broader areas that can be used to evaluate current efforts and develop options.

LEGISLATURE'S FIVE GOALS

- *Sustainable development*
- *Improved service delivery*
- *Prevention*
- *Citizen participation*
- *Reduced pollution*

Streamline and Integrate Appropriate Elements of the State's Efforts

Since water resource management efforts evolve within programs and agencies as new needs are identified, the state must routinely review if they are efficiently organized and interrelated. Programs and activities should be well coordinated and appropriate ones consolidated within and among agencies, capitalizing on the expertise of specific agencies. Flexibility should be enhanced to encourage cooperation between state and local governments to meet water resource needs. Efforts that can be better handled by local governments or the private sector should be modified and programs should be evaluated to see if they are still needed.

Tailor Efforts to Better Serve Customer's Needs

Customers' needs for information and technical assistance are increasing. These include local governments involved with local water planning and wellhead protection, citizens groups working to protect a lake or stream and people seeking permits. Pertinent information should be understandable and easily accessible. Service delivery systems should be decentralized so that customers can get permit requirements, resource quality and other information at various sites throughout the state.

Simplify Permitting and Other Decision-Making

Permitting can be complex, with several different permits and agency approvals required for what the public perceives as one activity. The state should simplify permitting through joint permit applications, better coordination among agencies and eliminating unnecessary reviews and paper work. Appropriate decisions should be delegated to regional offices and local governments.

Orient Efforts Toward Sustainable Development

Solving problems is much more difficult and expensive than planning ahead. To ensure that overall environment, natural resource and human needs will be sustained by today's actions and development decisions, the state should establish a policy-planning framework for sustainable development. It should encourage customers to adopt sustainable practices through polluter-pays principles that balance regulatory controls and financial incentives. Resource management should be based on appropriate natural resource characteristics, rather than political boundaries.

Minnesota's System

Minnesota's current system of water resource management is the result of more than 50 years of advances in the understanding of environmental problems, coupled with the public's desire for high quality resources and federal calls for action. The system is built upon existing institutions and reflects the state's strong political and cultural tradition of direct citizen participation in government and involving constituent groups in policy formation. Hazardous waste, wetland destruction, nonpoint source pollution, acid rain and other threats led to new authorities, programs and agencies. Actions of individuals became as much a focus as those of industries and municipalities. Local governments became important actors.

Evolving understanding of the complexity of issues led to needed ties within and among agencies and between state agencies and local governments. Input from specialists was needed to solve problems, making it necessary for groups or teams of people to be involved in some decisions.

Agency Missions, Activities Demonstrate Diversity and Advocacy

Pollution Control Agency
Mission: Protect and improve Minnesota's air, water and land to secure the quality of life of its citizens.
Major water management activities: Dominates the water quality management arena and is responsible for implementing the federal Clean Water Act in Minnesota. Portions of the federal Resource Conservation and Recovery, the Comprehensive Environmental Response and Liability and Clean Air Acts, all administered in Minnesota by the PCA, also deal with water quality.

Department of Health
Mission: Protect, maintain and improve the health of Minnesota citizens.
Water activities: Deals with health risk, wells, wellhead protection and drinking water and has responsibilities through the federal Safe Drinking Water Act.

Department of Natural Resources
Mission: Serve present and future generations of Minnesotans by professionally managing our rich heritage of fish, wildlife, waters, wetlands, forests, prairies, minerals, public lands and other natural resources to preserve and enhance our environment.
Water activities: Administers water quantity and other water-related resource management efforts, including programs affecting fish and wildlife habitat, recreation and shore-land management.

Department of Agriculture
Mission: Foster and maintain a diverse agricultural industry that is economically profitable and environmentally sustainable, to protect public health and safety, to provide consumer protection and to assure orderly commerce in agriculture and food.
Water activities: Regulates pesticides and fertilizers and administers sustainable agriculture and integrated pest management programs. The MDA is responsible for implementing the federal Insecticide, Fungicide and Rodenticide Act in Minnesota.

Board of Water and Soil Resources
Mission: Provide leadership enabling local governments to properly manage water and soil resources and to help all citizens be stewards of our irreplaceable natural resources.
Water activities: Provides financial, technical and administrative assistance to counties, soil and water conservation districts, watershed districts, watershed management organizations and other local governments and coordinates activities among local, state and federal governments.

Environmental Quality Board
Mission: Lead Minnesota environmental policy by anticipating and responding to key issues, by providing appropriate review and coordination, by serving as a public forum, and by developing long-range strategies to sustain and enhance Minnesota's environmental quality.
Water activities: Responsible for coordination and water policy integration among state agencies and local, regional and federal bodies. Water duties are assigned to its Water Resources Committee.

Minnesota Analyzes its Structures

Reorganization of water management efforts has been considered many times. A 1986 Minnesota House Research Information Brief, *State Water Management: Reorganization and Consolidation*, documented more than 12 laws changing water management and 14 studies of water management reorganization. Major actions since then include creation of the Board of Water and Soil Resources in 1987, which consolidated three existing boards, and the Commission on Reform and Efficiency 1993 recommendations on environmental reorganization. Much emphasis throughout these efforts centered on water planning and local or substate activities.

Coordination generally has gotten more emphasis in evaluations of Minnesota's water managements structures then consolidation or reorganization. In 1970, the State Planning Agency's Water Resources Coordinating Committee issued a report identifying three major goals for water management: prepare sound water resource plans, coordinate state programs and policies, and present a united position in water management involving state and federal government. That same year, the Minnesota House of Representatives Land and Water Resource Committee issued an interim report recommending legislation to create a 12-member water resources coordinating committee chaired by the Commissioner of Conservation to plan, develop and manage water resources in the state.

The University of Minnesota Center for Studies of the Physical Environment recommended three possible courses of action for water management in the state in a 1973 report: consolidating the number of water agencies, clearly defining the responsibilities of each agency, or establishing a policy coordinating committee. The idea of a permanent water resources coordinating body was suggested again in 1979, this time in a study by the Water Planning Board. By 1984, a State Planning Agency report recommended that the Environmental Quality Board establish a permanent water and related land resources subcommittee to coordinate water policy and discussion. A year later, a report from the same agency argued that a consolidated "superagency" was not necessary for various agency groundwater responsibilities but continues the theme that a coordinating body was needed to address certain issues.

Occasionally, some reports argued for greater consolidation rather than coordination in water management. In 1993, a report by the Commission on Reform and Efficiency noted the fragmented, unresponsive, overly prescriptive, time-consuming and costly nature of the environmental services delivery system. It argued that most state environmental functions should be consolidated into two agencies, a Department of Resource Management and a Department of Environmental Protection. It recommended that a secretary of the environment oversee both agencies and report to the governor.

Several studies also have looked at more specific issues of merging particular agencies. A 1971 study from the office of Governor Levander recommended placing the Water Resources Board within the Department of Natural Resources, which was echoed two years later in Governor Anderson's environmental message to the Legislature. In 1981, the Southern Minnesota Rivers Basin Board recommended that it merge with the Water Resources Board and the Soil and Water Conservation Board. This same merger was advocated in two studies in 1985, one from the State Planning Agency and one from the Department of Agriculture.

General and Special Purpose Districts Have Major Roles

Counties, cities and towns are responsible for zoning, land use decisions, local ordinances and permit actions that can affect water resources. Counties outside the Twin Cities area have authority to develop and implement county comprehensive water plans.

Soil and Water Conservation Districts are responsible for conservation projects dealing with land, surface water and ground water.

Watershed Districts have broad authority to address a wide variety of water-related issues, including flood control and water quality.

Lake Improvement Districts are generally established to preserve the natural character of a particular lake and its shoreland environment.

Watershed Management Organizations develop watershed management plans for the minor watershed units wholly located in the seven-county metropolitan area.

Lake Conservation Districts have a variety of regulatory powers over a lake, including power to regulate the types of boats and motors used, times and places of use and speeds.

Need Emphasized for Overall Planning

Many past water management reorganization efforts centered on how the state could best accomplish water resource planning. In 1967, the State Planning Agency formed a Water Resources Coordinating Committee to carry out the coordination required by the federal Water Resources Planning act of 1965. The federal act provided the impetus for a state framework water and related land use plan, federally funded river basin studies and river basin commissions. The state water framework plan was supposed to provide the guidance for federal projects as well as for local efforts. However, while water assessments were prepared, the framework plan was not.

In 1973, the Minnesota Water Resources Council was created by Executive Order to coordinate programs and activities necessary for proper land and water planning. It met the coordination requirements of the federal Water Resources Planning Act and was chaired by the Department of Natural Resources. However, with no funding, progress was limited. The legislation gave the DNR the responsibility to develop a statewide framework water plan by 1975, but it was not prepared. A 1976 Executive Order assigned responsibilities for preparing the framework water plan to the Minnesota Water Resources Council.

In 1977, prompted by a severe drought, the Legislature created

A 23-Year History of Water Management Reorganization Studies

Year	Title
1970	*Minnesota Water and Related Land Resources: First Assessment*, State Planning Agency, Water Resources Coordinating Committee
1970	*Minnesota House of Representatives Land and Water Resources Committee Interim Report, 1969-1970*
1971	*Natural Resources Organization for Minnesota,* Office of Governor Levander, Laurence Koll and David Durenberger
1972	*Recommendations,* House\Senate Joint Subcommittee on Water Resources.
1973	*Governor Anderson's Special Environmental Message to the 68th Session*
1973	*Environmental Decision-Making in Minnesota: Summary and Alternatives,* University of Minnesota Center for Studies of the Physical Environment
1979	*A Framework for a Water and Related Land Resources Strategy for Minnesota,* Water Planning Board
1981	Southern Minnesota River Basin Board Proposal
1981	*Special Study on Local Water Management,* Water Planning Board
1984	*State and Local Water Planning,* Issue Team Report, State Planning Agency
1985	*Ground Water Management Strategy,* Issue Team Report, State Planning Agency
1985	*Water Agency Merger Study,* State Planning Agency
1985	*Metropolitan Development Guide Chapter: Water Resources Management, Part 3,* Metropolitan Council
1985	*Report of the 1985 Interim Study Group,* Department of Agriculture
1993	*Reforming Minnesota's Environmental Services System,* Commission on Reform and Efficiency

and funded the Water Planning Board whose responsibilities included creating a framework water and related land resources plan, coordinating water activities and involving citizens. *A Framework for a Water and Related Land Resources Strategy for Minnesota* was published in 1979. It recommended a permanent water coordinating body with adequate authority. But President Reagan terminated the federal Water Resources Council and the federal-state river basin commissions in 1981, lessening federal and state emphasis on river basin approaches.

The functions of the Water Planning Board were merged into the Environmental Quality Board in 1983, making it the state water coordinating body. As noted in *State Water Management: Reorganization and Consolidation,* "it is interesting to note that the role of coordinating water planning, which started in the State Planning Agency through the Water Resources Coordinating Committee in 1967, was back in the SPA by 1983 through the auspice of the EQB."

The EQB developed biennial water resources priority recommendations for state and legislative actions, facilitated interagency efforts on the 1989 Ground Water Protection Act and prepared the Minnesota Water Plan to guide state efforts in 1991.

The need for overall planning was again emphasized when the Legislative Water Commission called for greater coordination in its 1992 report focusing on the state's water management needs for the year 2000. Noting the complex system of water management at both the state and local levels of government, the commission stated that the overall water management system must be better focused and coordinated so that it is accountable and understandable and that people know who is responsible for each facet of water management. They recommended that the EQB oversee the development of a coordination strategy for water management in the state, involving the various interested parties. Yet by 1995, the Legislature had changed the water plan requirement from five years to ten, with the next plan due in 2000, transferred several water-related assessment authorities to other agencies, and allowed the Legislative Water Commission to sunset.

Management Evolves at Local Level

Over the years, the state recognized that water resource management and protection require active involvement of local units of government and individuals. Early emphasis centered on county and watershed-level efforts, but later broader scale efforts were emphasized as well. Significant attention in reorganization studies and legislative action has centered on local governance and planning.

In 1937, Minnesota passed the enabling legislation for soil conservation districts and a Minnesota oversight board to control soil erosion based on a federal model. The model suggested local districts have authority for land use regulations and use watershed-based planning, but the legislation did not include land use authorities. The state's districts generally pursue voluntary compliance and county-based plans.

Water Management History

This timeline covers major changes in Minnesota's management structures.

pre-1930

1919: Department of Agriculture created; merged in 1923 with Dairy and Food Department, created in the late 1800s

1930

1931: Department of Conservation created

1937: Soil and Water Conservation Board created and soil and water conservation district law enacted

1940

1945: Water Pollution Control Commission established

The Water Resources Board was created in 1955, along with enabling legislation for watershed districts. These districts had the necessary taxing and other authorities that soil conservation districts lacked to qualify for technical and financial assistance under federal public law 566, which provided funding for projects such as drainage and flood control.

During the 1970s, there was much interest in land and water issues. In 1971, the Southern Minnesota Rivers Basin Board was established to develop a comprehensive plan for the Minnesota River Basin and the tributaries to the Mississippi River in southeastern Minnesota. At the same time, a joint Minnesota legislative subcommittee reported that the system for land and water in Minnesota had become so complicated that few had a clear understanding of the entire system. They recommended creating a citizen board charged with reviewing the multiplicity and fragmentation of special purpose districts and abolishing the Water Resources Board and State Soil and Water Commission.

Another study in 1971, *Natural Resource Organization for Minnesota,* discussed the need for coordination and state oversight of land and water activities. It recommended forming a Natural Resources Council and including the Water Resources Board and State Soil and Water Commission in the Department of Natural Resources. The Legislature brought the State Soil and Water Commission into the DNR in 1971, but left the Water Resources Board independent.

Three additional studies — by the Southern Minnesota Rivers Basin Board in 1981 and the State Planning Agency and Department of Agriculture in 1985 — recommended combining the Water Resources Board, the State Soil and Water Commission, then known as the Soil and Water Conservation Board, and the Southern Minnesota Rivers Basin Board. While the Soil and Water Conservation Board was transfered to the Department of Agricultural in 1983, it was 1987 before the Board of Water and Soil Resources was created from the authorities of the three boards.

Several studies and legislative initiatives recognized the need to plan and manage water resources locally. The Water Planning Board recommended in a 1981 study, *Special Study on Local Water Management,* that counties take a leadership role in local water management. The Comprehensive Local Water Management Act was enacted in 1985, providing for county-led, voluntary local water planning. Fifty-two counties formed six groups for local water planning purposes and received state assistance to begin plans. Today all counties outside the Twin Cities metropolitan area have local water plans.

The Metropolitan Water Management Act, passed in 1982, required watershed-based planning in the Twin Cities Metropolitan Area by watershed districts or watershed management organizations. In 1987, amendments to the act gave counties in the Twin Cities voluntary ground water planning authorities.

1950

1955: Water Resources Board created and watershed district law enacted

1960

1967: Minnesota Pollution Control Agency created, replacing the Water Pollution Control Commission established in 1945

1967: State Planning Agency forms Water Resources Coordinating Committee

1970

1971: Name changed to Department of Natural Resources from Department of Conservation

1971: Southern Minnesota Rivers Basin Board established

1973: Minnesota Water Resources Council created

1973: Environmental Quality Council created

1977: Water Planning Board created

1977: Initiated in 1926, name change creating the Department of Health from State Board of Health and Vital Statistics, created in the late 1800s

1980

1983: Water Planning Board merged into the Environmental Quality Board

1985: EQB forms Water Resources Committee

1987: Board of Water and Soil Resources created from Water Resource Board, Soil and Water Conservation Board, and Southern Minnesota Rivers Basin Board

1990

A System Designed Purposefully — or Haphazardly

Minnesota's environmental system can be categorized as a collection of advocacy agencies, concluded the Commission on Reform and Efficiency in 1993 when they recommended combining agencies. They found that each agency presents one or more differing perspectives that can lead to gridlock and untimely decisions.

Each water resource management agency has a distinct perspective. The Department of Natural Resources' conservationist bent favors controlled use and systematic protection of resources. The Pollution Control Agency leans more toward the environmentalists perspective of protecting resources from destruction. The Department of Health is an advocate and protector of public health, while the Department of Agriculture emphasizes a strong agricultural economy, including support of farmers and agribusiness. The Board of Water and Soil Resources provides resources to local units of government and advocates on their behalf. The state level coordinating role goes to the Environmental Quality Board, which serves broad public interests and as a forum for discussions of conflicting issues by the environmental agencies.

Yet this might be just the system that the state intended. The system meets the needs of various interest groups and gives them a voice in state government decision-making that they might not have with only one agency. Major decisions are made with full public scrutiny. Water resource issues are complex and far-reaching, and agencies dealing with agriculture, health, public safety, natural resource management and pollution control all have legitimate interests in them. The Office of the Legislative Auditor noted in its 1987 report, *Water Quality Monitoring*, that the major rationale for this system is that separate agencies can better advocate for their specific areas of responsibility. In addition, the external checks and balances of the system can foster creative tension and diversity in dealing with issues.

As noted in *State Water Management: Reorganization and Consolidation*, "Despite administrative complexity and the fragmentation and overlap that may occur among state water management agencies, Minnesota traditionally has supported a system of strong, competing agencies, each concerned with its own duties and specific goals. In political terms, an advocacy system promotes competition and increases the public representation of each goal or interest and highlights political choices. Conflicts and tradeoffs in such a system are meant to be solved through the political rather than the administrative process."

The state's system of allowing for multiple types of special purpose districts gives many choices to local governments and citizens in getting things done. They can form a lake improvement district to focus attention on a problem or a watershed district if a county or other unit is not taking necessary actions.

Improvements

Many actions already have been taken or are underway that directly relate to the legislative outcomes. Interagency and intergovernmental cooperation on planning, enforcement and technical assistance has been increasing. Changes in permitting are yielding more simplified processes. More decisions are taking place outside St. Paul. Examples of these and numerous other improvements are discussed here and detailed in the inventory of improvements section of *Crosscurrents*. These improvements offer ideas for possible continued courses of action.

State agencies have worked together to manage water resources for many years — from nonpoint source pollution efforts in the 1970s to current efforts focusing on water and wastewater infrastructure needs. Cooperation has increased in recent years as the interrelationship of issues and programs became more apparent. The Environmental Quality Board established its Water Resources Committee in 1985 to highlight the need for interagency approaches to water resource management.

Cooperative Planning Efforts Underway

Comprehensive local water plans are encouraging cooperation among local governments. Counties are responsible for preparing local water plans, but soil and water conservation district staff often play a key role and other units, including neighboring jurisdictions, have opportunity for input. Some counties are including overall water resource needs and responsibilities for all units of government in their updated plans, eliminating duplication, overlap and competition for funding. Many parts of the state report great strides in coordination and cooperation since beginning local water planning.

In other areas, however, additional improvements are needed. Some counties report almost no coordination with cities. Isolated incidence of insufficient cooperation between counties, soil and water conservation districts and watershed districts also are noted, as was the need for better coordination with the Minnesota Extension Service on education. Independent taxing or funding authority appears to work against coordination. The comprehensive local water plan should provide the vehicle for local units to work out these differences.

State-level cooperative planning often stems from federal mandates. These mandates frequently call for state rather than agency plans. The federal Insecticide, Fungicide and Rodenticide Act, and subsequently state law, required the Department of Agriculture to prepare a pesticide management plan with input from many interests. The Pollution Control Agency was charged with preparing the state ground water protection strategy, the comprehensive ground water protection program, framework and state assessment and the nonpoint source management plan, all through requirements of the federal Clean Water Act. The Department of Health is charged with the state's wellhead protection program, which depends on elements of the pesticide management plan and comprehensive ground water protection program for success. Sometimes agencies worked through the Water Resources Committee on these efforts.

Other state-level efforts come from legislation and agencies. Cooperative planning efforts assigned by the Legislature to the Environmental Quality Board and other agencies include the state water resource monitoring plan, water quantity and quality assessment reports and identification of water resource research needs. Local water plan review also calls for involvement of multiple agencies.

Some efforts come from needs identified by agencies and the Water Resource Committee. These include the evaluation of water and wastewater infrastructure needs and current efforts to develop unified water resource monitoring needs. The Water Resource Committee showed its potential as a forum for pulling agencies together for the state ground water protection strategy and Ground Water Protection Act of 1989. Many other legislative issues are routinely discussed and worked on each year by the agencies, including integrated capitol budget requests and consolidated requests to the Legislative Commission on Minnesota Resources.

Compliance, Enforcement and Assistance Offered Cooperatively

Agencies have instituted several efforts to pool resources to address water resource management. These recognize and draw on the technical and human resources each agency has to offer in meeting state needs. Joint efforts between the Pollution Control Agency and the Department of Natural Resources capitalize on the large number of DNR field staff to extend the PCA's abilities. Efforts include joint issuance of field citations for illegal disposal of wastes and joint involvement in

investigating and enforcing feedlot-related environmental violations. The Pollution Control Agency and the Department of Health coordinate their inspection of wastewater treatment facilities serving mobile home parks, resorts and campgrounds.

Efforts also have progressed to integrate financial assistance. The Board of Water and Soil Resources, the Pollution Control Agency and the Department of Natural Resources, for example, have consolidated some grants to local governments and grant administration into a block grant managed by the board. In addition, all water resource agencies are involved in reviewing requests for funding through the PCA's Clean Water Partnership and many review the board's challenge grant applications.

The Department of Agriculture delegates regulation of water applied pesticides to the Department of Natural Resources. The DNR issues permits and the departments coordinate compliance and enforcement efforts.

Interagency cooperation on the wellhead protection program covers data, technical assistance and guidance documents for managing contaminant sources. It includes the Pollution Control Agency and departments of Health, Agriculture and Natural Resources.

Partnerships Struck with Local Governments and Citizens

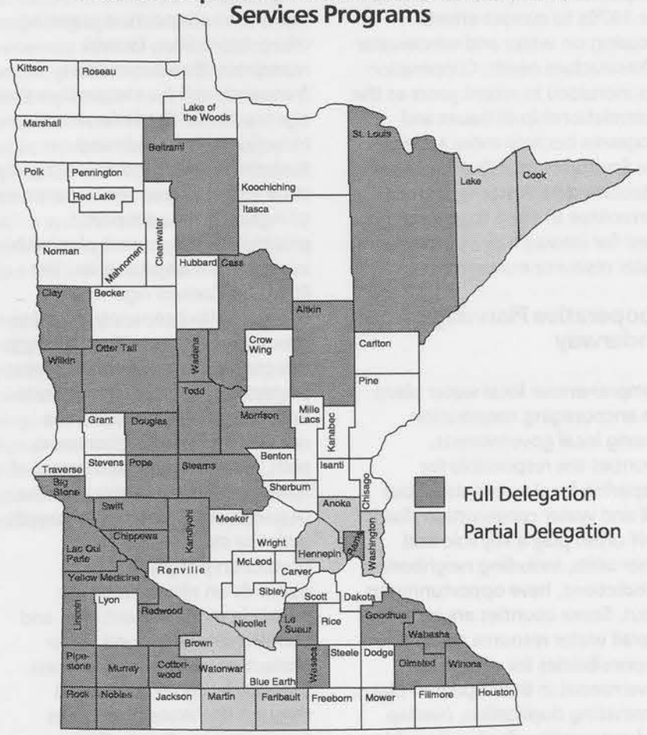
Agencies work closely with local units of government and citizens to accomplish goals. These efforts can streamline and integrate activities, decentralize programs and increase citizen's understanding of environmental issues.

The Department of Health forms partnerships with counties in running environmental health services and state well programs. The food, beverage and lodging program and manufactured home park and recreational camping area program are handled by 33 county health departments through delegation agreements. Another 10 handle just the food, beverage and lodging program. Nine counties in southeastern Minnesota handle portions of the state well program and an addition three counties are working with the department on agreements.

The Pollution Control Agency's partnership with the state's soil and water conservation districts calls for district assistance in inspecting construction sites for compliance with the agency's storm water permit program for construction activities. Another PCA effort delegates feedlot program authorities to counties. Other permitting efforts involving partnerships with local governments include the Department of Natural Resources' general permits for county bridge and culvert projects.

Several efforts unite agencies, local units of government and citizens in monitoring. Both the PCA and the DNR use citizen volunteers to help monitor lakes. The DNR has formed

Counties Operate State Environmental Health Services Programs



Source: Minnesota Department of Health

partnerships with local governments, such as the Heron Lake Watershed District, for stream gaging services and hydrologic modeling. The department's observation wells are measured by soil and water conservation districts under a cost-sharing arrangement. Districts also help manage the state's high density precipitation monitoring network, which involves a network of more than 1,600 volunteers. Ground water quality monitoring cooperatives have been developed between several state agencies and Minnesota counties, including Wadena and Stearns counties and nine counties in the southeastern part of the state. The Department of Agriculture cooperates with several counties on ground and surface water monitoring projects.

Agencies and local units also cooperate to solve problems. The Minnesota River Action Plan and Minnesota River Implementation Plan, spearheaded by the PCA, pulled together state and federal agencies, local governments and citizens to address water quality problems on the river. In turn, local governments developed the Minnesota River Joint Powers Board to protect and rehabilitate the river, recognizing that actions would be needed by all governments in the river basin.

The Department of Agriculture forms partnerships with local units of government to deal with waste pesticides and empty pesticide containers. Waste pesticides are collected annually in at least half of Minnesota's counties and empty container collection sites are available in all counties.

Partnerships Among Local Units Abound

Cooperative efforts are common among local units of government throughout the state. Units draw on each others strengths and roles vary greatly. Strong, multipurpose watershed districts in northern Minnesota often take the lead on projects, providing engineering and administrative services. In southern Minnesota, where watershed districts are smaller, soil and water conservation districts might supply contracting and administrative services for watershed districts. The state's multidistrict approach allows each area to devise arrangements that fit local needs.

Watershed districts, soil and water conservation districts, counties and cities work jointly on projects to solve water quality problems. Heron Lake in the southwest, the Wild Rice River in the northwest, Knife River in the northeast, Zumbro River in the southeast and North St. Paul in the Twin Cities area are but a few of the examples of local units working together to identify problems, develop funding proposals and define responsibilities. Team efforts for pesticide container collection also are common, with each area working out the unique structure that suits it best.

Local units also consult with neighboring jurisdictions through formal and informal groups. Examples include the Lake Superior Association of Soil and Water Conservation Districts and the Southeast Minnesota Water Resources Board.

Local units share staff and provide technical assistance to each other. Many counties arrange for soil and water conservation district preparation of local water plans and assistance in wetland, feedlot and other programs through formal and informal arrangements. Sometimes staff have duel appointments with a county and district. Other times district staff act as agents of a county. Some counties rely on soil and water conservation districts for agriculture-related and water quality expertise and some watershed districts rely on them to review erosion and sedimentation aspects of permits. Local units often share technical staff. For example, in northeastern Minnesota, a group of districts share an engineer hired with state funds. Other examples of shared technical staff among districts and counties include foresters and computer and wetland specialists.

Information Packaged for Customers

Agencies and local units of government are continually developing better ways to get pertinent, understandable information to citizens. Methods include reports, one-on-one contact and use of new information technology. In addition, many soil and water conservation districts serve as contact points for the public, directing them to the services and agencies they need.

The Department of Health develops manuals to help citizens interpret their regulations and sends newsletters to regulated parties. It also provides information on water quality in private wells to consumers at fairs throughout the state and at Department of Agriculture sponsored nitrate testing clinics. These clinics are coordinated with local governments and provide opportunities for agencies to deliver information

to the public and answer questions on a variety of ground water issues.

The Pollution Control Agency's *Ground Water: A Directory of Minnesota's Programs and Resources*, prepared jointly with the other water resource-related agencies, offers a good example of how programs of multiple agencies can be presented in a unified manner. The PCA's electronic bulletin board service provides public access to agency fact sheets, program guidance and lake information.

The Department of Natural Resources' *Water Talk* keeps local governments and the public informed about water programs and issues. The department also publishes data summaries and posts information on the University of Minnesota Soils Department's World Wide Web site.

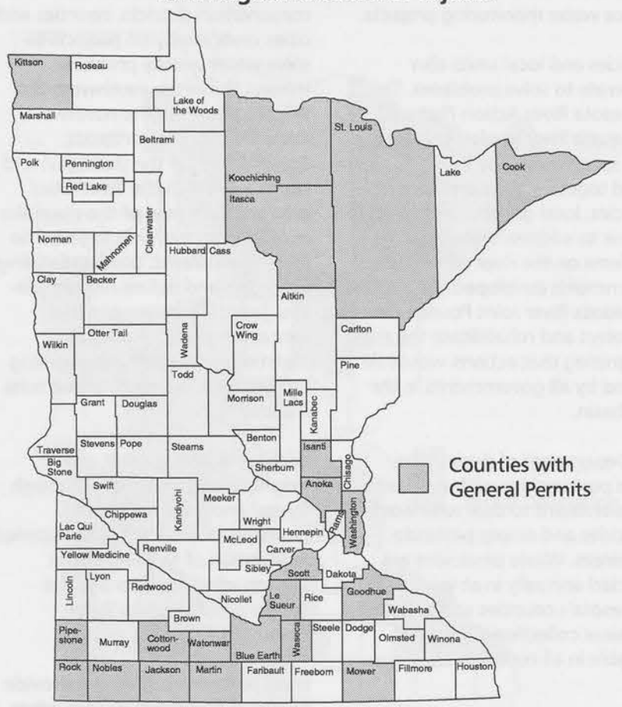
The Minnesota Department of Agriculture's home page on the World Wide Web offers a good example of how information can be organized by issue instead of agency to serve customers. In addition to an overview of the department, a phone list of agency employees, a fresh produce directory, weekly crop weather reports, and a collection of department press releases, it contains a feedlot and manure management directory with a variety of information citizens might otherwise have to get from several agencies. The page includes:

- general information on feedlot permits, manure storage systems and manure treatment
- when feedlot permits are required and where the permits are available
- when feedlots are classified as a pollution hazard
- tips for filling out forms and a list of contacts, educational resources and references
- sources of financial assistance for conservation projects

Many local units of government also are developing Web sites to better serve customers. The Minnesota Association of Watershed Districts is developing a Web site that will include a separate page for each watershed district.

The Minnehaha Creek Watershed District's extensive Web site contains the Combined Joint Notification Form/Water Resource Application used by the district and other agencies for proposed water or wetland project. Applicants can download the form over the Internet, eliminating the need to go to the office or request it by mail. Electronic links to other permitting

Twenty-one Counties Have General Permits from DNR for Bridge and Culvert Projects



Source: Minnesota Department of Natural Resources

Pollution Control Agency Issues General Permits

- Stormwater Industrial
- Stormwater Construction
- Non-contact Cooling Water
- Dredge
- Ground Water Pumpouts
- Wetscrubbers
- Water Treatment

agencies also are made available. Reports, summaries of current projects, overall goals, minutes and schedules of meetings, and district rules and regulations all are available online. Developers planning the storm water management component of a project, for example, can learn the district's general storm water policies, the decision criteria used for storm water plans, and exhibits that must be submitted with a plan.

Norman Soil and Water Conservation District is developing a Web site containing the county local water plan, district activities and other information and is using computers to help landowners understand problems and make good decisions. The district has scanned U.S. Department of Agriculture aerial photos onto computer disks. Landowners can get copies of the files on their property on disk to study in the office or on their home computers, giving them the time to see and understand the effects of their operations.

Permitting Simplified

Both the Pollution Control Agency and Department of Natural Resources use general permits to simplify permitting, but the approaches are different. The PCA's general permits apply to categories of permittees whose operations, emissions, activities, discharges or facilities are the same or substantially similar. Applicants request these permits the same way as an individual permit, but decisions come more quickly. Under the general permit for storm water, project proposers can start work 48 hours after filing their application. The PCA's Division of Water Quality currently has more than 3,400 general permits in force, 88 percent of these cover storm water.

DNR Delegates Decisions to Area Offices for Water Permits

Protected Waters:
- Filling
- Excavation
- Structures
- Water Level Controls
- Bridge and Culverts
- Intakes and Out Falls

Water Appropriations:
- Temporary Water
- Other Limited Classes

The Department of Natural Resources' general permits are issued to local units of government and allow more than one project to be conducted under a single permit. These permits were authorized by the Legislature in 1994 for "classes of activities having minimal impact upon public waters."

Bridge and culvert projects were identified as the most suitable activity for these permits. As of November 1996, 21 counties had received general permits for bridge and culvert projects and additional counties are working with the department to qualify. The ability to issue general permits to the general public was added in 1996. The DNR is identifying potential areas for these types of general permits.

The Department of Natural Resource, the Board of Water and Soil Resources, the U.S. Army Corps of Engineers and local governments have developed a joint permit notification form for projects affecting wetlands. Applicants can fill out one form and submit copies to all parties.

The Pollution Control Agency's project XL offers businesses great potential for simplifying compliance with environmental regulations. Authorized by the U. S. Environmental Protection Agency and a 1996 Minnesota law permitting pilot regulatory reform initiatives, project XL or eXcellence in Leadership, gives companies greater flexibility in meeting environmental goals in exchange for better environmental performance. The PCA and other agency permits covering air, water and land can be combined and designed to allow businesses to change their operations as needed. While the PCA's first XL pilot project with 3M has been suspended, the concept holds promise.

Decision-Making and Staff Disbursed

The Department of Natural Resources has been systematically decentralizing decision-making. While the number of Division of Waters staff outside St. Paul has held steady at 51 for the last six years, decisions made in regional and area offices and the field have increased. Ninety-five percent of permit decisions are made in regional offices, following changes instituted in the late 1980s. Permits with the potential for significant effects, such as those dealing with hazardous waste sites or for large appropriations, are still made in the central office.

In 1993, the Department of Natural Resources began a pilot project to further delegate decision-making to area offices and the field. Three areas — Grand Rapids, Fergus Falls and Spicer — were selected to examine the benefits of delegating select permit category areas from the regional to the area level. Also

involved is development of a series of permits where proposed projects meeting preapproved site and dimension conditions can be immediately permitted in the field.

The Pollution Control Agency began several actions in the early 1990s to move additional staff and activities to its regional offices. The agency formed a Regional Operations Division and regional compliance units to focus on regional service delivery and prepared a report and policies on expanded regional office roles. Staff covering such areas as leaking underground storage tank cleanup, tank compliance and assistance, and information and education were moved or added to regional offices.

Actions Oriented Toward Resources and Sustainable Development

Many efforts of state agencies and local units of government orient actions toward resources. Indeed, watershed, lake improvement and lake conservation districts are specifically designed for this purpose. The departments of Natural Resources and Agriculture and the Pollution Control Agency all use ecologically based regions for assessing problems and developing solutions. While their unique regions do not match, they are able to cooperatively deal with problems and deliver services. Joint state and local government efforts to focus on problems in the Minnesota River basin led to more than $5 million in cost-share funding for conservation practices in the basin in 1995. Approximately half of the Department of Agriculture's best management practice loan funds went to the basin.

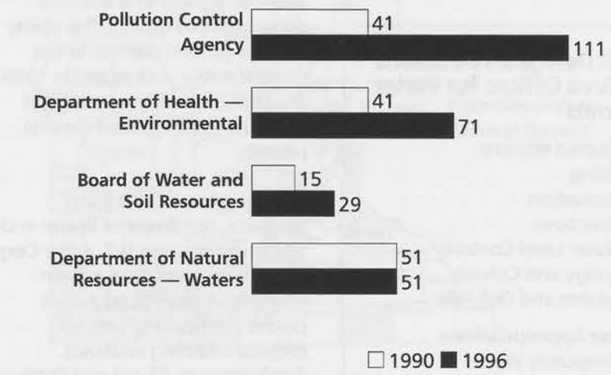
Not all agencies' efforts fit natural resource boundaries, and geographical areas appropriate for one problem or program might not be the same as that for another. For example, the area of concern for protecting a community's well could be quite different than the one to protect the quality of a nearby lake. State and local governments must form situational alliances with communities of common interests to accomplish goals, rather than organize according to one preset geographic structure.

Minnesota's efforts in sustainable development are recognized nationwide and are preceding rapidly. Begun in 1993, the state's efforts include recommendations from more than 100 citizen leaders on how the state can enhance economic opportunities and community well-being while protecting and restoring its natural resources. Legislation in 1994 created a 17-member Sustainable Economic Development and Environmental Protection Task Force composed of citizens and legislators. It recommended principles, goals and strategies for more coordinated, cost-effective and sustainable approaches to development.

The Minnesota Round Table on Sustainable Development is currently identifying the most important things the state can do to move toward sustainable development and setting priorities for action. It was approved by the Governor in January 1996 and consists of 30 leaders in business, civic and environmental organization.

Legislation in 1996 calls for Minnesota Planning to publish model ordinances and a planning guide for sustainable development at the local level. It also directs state agencies to describe how their mission and programs reflect and implement Environmental Quality Board adopted principles of sustainable development, or how they could be changed to do so. The EQB is to report agency findings to the Legislature by January 1997.

Agencies Increase Number of Field Staff



Source: Data provided by individual state agencies

Barriers

While agencies have made strides toward achieving the Legislature's goals and outcomes, barriers impede further progress. Inflexible funding sources and rules, planning that is unconnected to legislative decisions or efforts of other agencies and levels of government, differing regional structures and decision-making procedures, and lack of fiscal and technological capacity all inhibit change. In addition, legislative authorities and responsibilities for some issues are at times vested in multiple agencies with no one agency clearly in charge. These barriers can affect all outcome areas.

Agency Funding Can Restrict Change and Cooperation

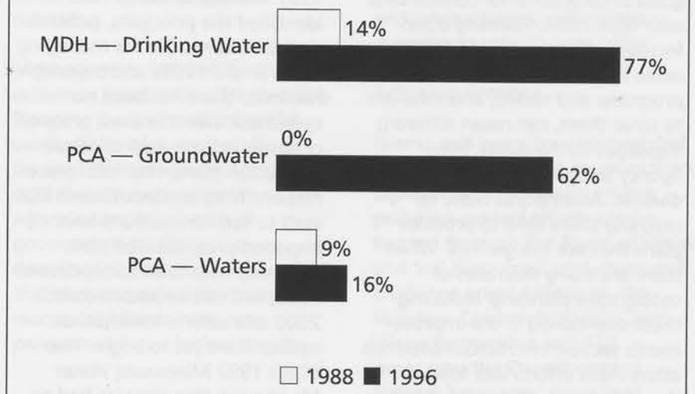
Funding for water resource management — and environmental programs in general — has become less flexible. Over the past two decades, funding has shifted from state general fund and federal dollars to fees. Dollars from the state general fund fell from 74 percent of overall spending in 1980 to slightly more than 50 percent in 1993 and the proportion of funds from this source has continued to decline. General funds for the Department of Health's drinking water protection program shrank from 57 percent in 1988 to zero in 1996. While fees can be a stable source of funding, they also can reduce flexibility. The Minnesota Environment and Natural Resources Trust Fund, established in 1988, was expected by some agencies to provide a stable source of funding for long-term water-related needs. While a variety of shorter term water projects have received funding, long-term monitoring needs have not.

Money from fees often is restricted to activities directly related to the purpose of the fee, limiting agencies' abilities to undertake cooperative efforts. The Department of Health drinking water protection regional personnel could fulfill some of the Pollution Control Agency's program needs, except that funding restrictions prohibit them from working in areas outside their program. Such restrictions also can limit agencies' ability to assign staff to interagency coordination, emerging issues and crises.

Fees and funding by program can lead to a fragmented water resources management effort. Fee payers expect that their money is buying a product or service, such as a permit, and balk at any expenditures not directly related to that product. Well drillers resist use of fees for training. People paying water appropriation fees want money to go directly to their needs, not the state's general fund. Few program funds allow staff for general or statewide policy development or allow managers to reassign staff as priorities change. Fees paid to the Petroleum Tank Release Cleanup fund can only be used for the narrow purposes defined in law, regardless of priorities. Basing programs solely on fees defines the fee-payer as the primary customer, ignoring the state's main water resource customer, the general public.

Funding techniques could become more of a problem as the state considers how to cover federal budget cuts. If cuts are covered by program-specific fees with tight spending restrictions, agencies' abilities to coordinate and cooperate with each other and with local governments and to orient efforts toward sustainable development will be further hampered. The state should seek ways to retain the positive side of fees while allowing flexibility to use funds on related activities and coordination efforts.

Percentage of Funding from Fees Goes Up



Source: Data provided by individual agencies

Statutes and Rules can be Difficult to Change

Statutes, rules and programs often are designed to benefit or respond to special interests, making them difficult to change. Competing

interests want to make sure that changes will not adversely affect them or their concerns. Studies, numerous legislative hearings and lengthy procedures often are required to change statutes and rules. This advocacy system ensures that all sides of issues are heard, but does impose resistance to change.

It took six years from the first study recommending merger of the Water Resources Board, the Soil and Water Conservation Board, and the Southern Minnesota Rivers Basin Board to creation of the Board of Water and Soil Resources — and this followed several studies in the preceding ten years recommending some degree of merger. The Waste Management Board, established in 1980 primarily for siting a hazardous waste facility in Minnesota, evolved into the Office of Environmental Assistance following several years of debate over whether it should be autonomous or merged with the Pollution Control Agency and a 1988 governor's executive order dissolving it. Change is particularly difficult when competing interests see their positions threatened.

Some inflexibility is tied to federal laws and regulations, since many state environmental laws and programs are tied to federal ones and federal dollars. Delegation of authority under the Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide and Rodenticide Act, and other federal programs comes with mandates that can be overly prescriptive. The Clean Water Act, for example, requires that all National Pollutant Discharge Elimination System permits expire in five years, creating heavy workloads, backlogs and burdens on permittees. Many of these permits could be issued for longer durations without negatively affecting the environment.

The time required for rule changes through the Administrative Procedures Act also inhibits change. Minor rule changes take at least six months and noncontroversial changes handled through an Administrative Law Judge take more than one month, even though the Attorney General's office has already reviewed the issue. A recent problem discovered with an air-testing provision of the plumbing code will require a long process to correct a small provision. While the Administrative Procedures Act does eliminate litigation and is better than the courts for resolving disputes, simpler processes could be developed for minor and noncontroversial changes.

Planning can be Unconnected Among Agencies and With Legislative Process

All agencies plan and many are currently involved in strategic planning and internal reorganization efforts, but these efforts are not guided by an overall set of goals or directions nor coordinated with each other. Planning often focuses on programs and how to make them better. Different programs and clients, and missions to serve them, can mean different messages to the public from agency to agency or division to division. Attempts at more far reaching plans tend to produce plans that are too general. While there are many examples of cooperative planning, including those mentioned in the Improvements section of *Crosscurrents*, too often these efforts lack follow through or commitment from affected agencies.

Many planning efforts are not coordinated among agencies. The Environmental Quality Board and its Water Resources Committee, intended as the forums for discussion of interagency issues, are not being used to make connections among planning efforts. The administration established environmental cluster has improved communicate among agencies on programs and problems, as have informal monthly meetings of agency water managers. All agencies involved in water resource management reported internal strategic planning efforts and the Pollution Control Agency and the Department of Agriculture are involved in extensive reorganization. However, these efforts and their guiding principles are not systematically discussed among agencies nor are overall goals or connections developed. While the Department of Agriculture has administered a nationally recognized sustainable agriculture program since 1987, most agencies lack a clear understanding of sustainable development and how it applies to their programs.

The Environmental Quality Board's 1991 Minnesota Water Plan identified the principles, policies and actions needed for managing water in the 1990s and beyond; however, there has been no systematic effort to track progress or foster actions. Lack of implementation plans, multiple lines of responsibility and insufficient EQB staff to facilitate actions have all impeded progress. The plan, originally scheduled for update in 1995, will not be updated until 2000 and efforts toward that update have yet to begin. The EQB's 1992 Minnesota Water Monitoring Plan likewise had no systematic follow through and was little used. Some elements of both plans have been implemented by individual agencies and a current interagency effort to develop a unified water resource monitoring funding proposal might indicate a trend toward greater connections among agencies. However, this latter effort is not being developed through any permanent coordinative body.

Legislatively required plans are seldom used in budget discussions or policy debates, discouraging agencies from devoting time or resources toward them. Agencies report that most legislators lack knowledge of plans and their content. The Legislature requires more than 18 specific water resource-related plans or reports. These are in addition to the biennial performance reports, which must contain goals, objectives and performance measures, biennial budget documents, which must contain agency missions and proposed activities, and reports and plans required by the federal government. Several of these plans and reports call for policy recommendations, status reports and needs assessments that could be of great value to budget and policy debates.

Most agencies lack sufficient resources for coordinated planning. Planning is usually added to the work efforts of current staff, leaving little time for internal, interdivisional coordination. Agencies and local units of government participate in coordinated planning to the extent that they are able within available resources. Maintaining core programs takes a higher priority.

Authorities Sometimes Unclear and Overlapping

Programs evolved as the state began to understand the connections among issues and environmental programs. Agricultural programs expanded to cover environment effects and mitigation as well as promotion. Pollution control went beyond the traditional industrial and municipal dischargers to concern with nonpoint source pollution and the actions that all people take. Safe drinking water could not be ensured without concern for programs of other agencies and actions of land and water resource users. All agencies became concerned with land use. Programs began to blend at the edges.

The Legislature recognized this blending, and the need for involvement of multiple interests in issues, by giving funding, programs and authorities to multiple agencies. Sometimes, however, this approach has led to confusion, mixed messages and potentially inefficient use of resources. For example, recent legislative changes give the Office of Environmental Assistance broad responsibilities for environmental education for pupils and other citizens, calling into question its role vis-a-vis other agencies and the Minnesota Extension Service.

Grants and loans for water-related projects are provided by more than eight entities. Nonpoint source pollution control efforts can be funded through the Board of Water and Soil Resources' cost-share and challenge grant programs, the Pollution Control Agency's Clean Water Partnership and 319 programs, the Department of Natural Resources' shore land grants, the Department of Agriculture's grants and loans, the Metropolitan Council's nonpoint source grants and the Legislative Commission on Minnesota Resources, among others. Some of these programs were added by the Legislature recently. Currently more than $11 million is available each year for water-related grants and more than $15 million is available in loans, excluding grants and loans for wastewater treatment projects.

Criteria for some programs overlap and local governments apply to various programs for the same project in hopes of getting funding. Time frames for submitting applications often differ, as do requirements places on recipients. For example, some programs require adoption of ordinances to go along with cost-share funding, while others do not. Priorities are not consistently based on overall state needs or resource plans.

Overlapping authorities for wetland management have developed as programs to provide greater protection of dwindling wetland resources were implemented. Federal, state and local agency programs were authorized separately over time. Agencies have used memoranda of understanding, a joint permit notification form and multi-agency coordination meetings to address many of these jurisdictional overlaps.

The Legislature gave responsibility for developing best management practices for nonpoint source pollution to the Pollution Control Agency and the Department of Agriculture, with the latter covering agriculturally related practices. However, nonpoint source pollution control does not neatly fall into these categories. The Department of Agriculture is developing best

management practices for urban areas covering lawn care products, grass clippings and leaves, and the Department of Natural Resources develops forestry practices in conjunction with the PCA.

Even for issues where one agency has the lead, the Legislature might give funding to other agencies for related work. While the Pollution Control Agency regulates feedlots, the Legislature gave the Department of Agriculture funding for a feedlot model ordinance without requiring or providing resources for PCA involvement. Responding to concerns of producers over the PCA led remedial action and implementation plans for the Minnesota River, the Legislature gave money to the Department of Agriculture to facilitate producer involvement and reevaluate plans.

Memoranda of agreement and understanding are sometimes used by agencies to better define the edges. These memoranda allow flexibility in policy-making and form a cooperative rather than confrontational approach. However, memoranda are not developed in the same open manner as laws and rules. There is no input from citizens, legislators or non-participating agencies. There are no public or administrative announcements of these policies. Methods of enforcement are often unclear, as are methods of passing information about agreements to new staff. Most agencies maintain no overall listing or file of agreements.

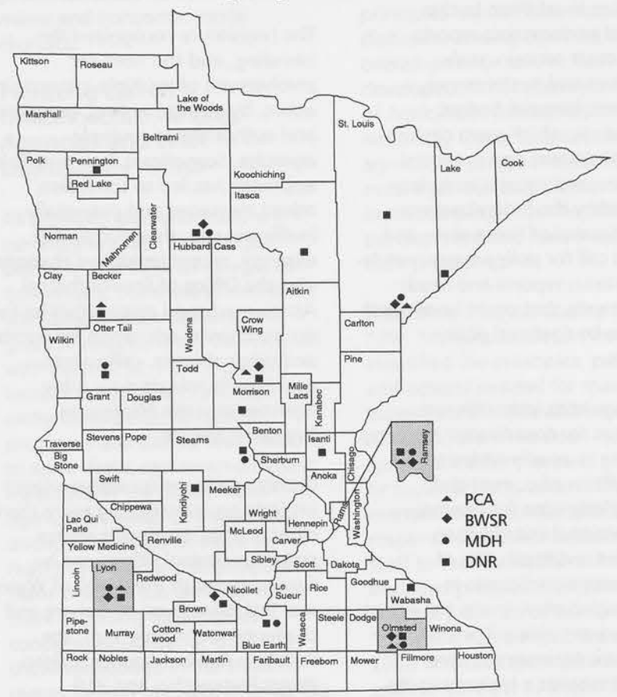
Memoranda include agreements among the Department of Health, the Pollution Control Agency, and the Departments of Agriculture for wellhead protection, and between the PCA and the Department of Health for individual sewage treatment systems and release of hazardous substances. Agreements between the PCA and the Department of Natural Resources cover investigation and enforcement of feedlot-related environmental violations, nonpoint source pollution control and ground water at contamination sites. Other agreements involve the Board of Water and Soil Resources, the Metropolitan Council and the U.S. Army Corps of Engineers.

Agencies have Different Regional Structures

Four water resource management agencies — the departments of Natural Resources and Health, the Pollution Control Agency and the Board of Water and Soil Resources — have staff assigned to regional offices, but these offices are rarely in the same towns, let alone the same buildings. Only Rochester is home to regional offices of all four agencies. When DNR subregional or area offices are included, the number of communities with all four agencies increase by one to include Marshall. These separate regional offices make it difficult for agencies to coordinate activities and integrate permitting and other services for clients.

Regional structures were developed to meet the unique needs of programs and customers at a time

Locations of Agency Offices Show Little Overlap



Source: Data provided by individual state agencies.
See map on page 12 for county names.

when connections among agencies' efforts were less recognized. The PCA and the Department of Health focused on their permittees, while the Board of Water and Soil Resources' customers were local governments and the DNR's were citizens and governments using the state's resources. Any connections deemed necessary were worked out in St. Paul. Now, as decision-making becomes more decentralized and local governments become significant players in many programs, the need for collocation is becoming more apparent. Agencies recognize that they must reach all citizens to deal with such issues as wellhead protection, nonpoint source pollution and sustainable development. And customers want the state's position and requirements on wetlands, feedlots or building a new manufacturing facility when they visit a state office, not just one agency's.

While the public has consistently requested "one-stop shopping" through the CORE report and elsewhere, very little action has taken place to collocate regional facilities. Neither the executive nor legislative branches has provided the leadership or resources for office mergers. When a University of Minnesota owned complex became available in Rochester that could have housed all of the agencies' regional staffs, for example, the state did not act to secure it.

Data and Communications Systems are Unconnected Among and Within Agencies

Telecommunications technology — e-mail, teleconferencing, remote computer access, the Internet — allows all offices and staff of an agency to operate as a single unit, no matter where they are located. They can access the same data, participate in joint conferences and meetings and confer on permit decisions just is if they were in the same office. These technologies also allow better coordination among agencies and allow the public to more seamlessly access information at any state office. Yet, most agencies and local governments lack the resources to take full advantage of telecommunications technology. In addition, different information coding systems make data hard to use.

World Wide Web sites, which offer an excellent way for the public and agency staff to get information, are underused. The Internet connects people to information without them physically traveling from one agency and location to another or even knowing they have dealt with multiple agencies. It can be a unifying tool to reach customers with integrated water resources or environmental information. While agencies are actively working to build home pages — Web sites providing access to the agency or "home"— there is little emphasis on coordinating or integrating sites or creating seamless access for customers to water resource information across agencies or programs. An interagency request to the Legislative Commission on Minnesota Resources to develop integrated joint Web sites was not funded; however, agencies continue to discuss the need. Some agencies have received funding to develop sites, but for most funding is scarce.

While the Department of Agriculture's home page section on feedlots offers a good example of how information can be organized by issue instead of agency, local governments and others who know the Pollution Control Agency has primary responsibility for feedlots might not think to look to the department's page for information. Agencies have formed an interagency team to address Web site coordination and links.

Different data collection and management systems make access to and use of state information difficult. Water data collection efforts were designed to serve the needs of specific programs and clients, with little thought to how information might be used by or useful to other efforts. Data processing systems were funded through their respective programs, many of which were based on federal objectives and funds, for core program needs. Thus design and content are governed by program needs and funding sources. Broader purposes and the additional funds necessary to reach them are generally not considered.

Existing systems — both within and among agencies — are difficult to change. Efforts to develop and promote a common system for unique identification of wells, for example, began in the mid-1970s. Collaboration among state agencies over time led to a standard way to distinguish one well from another. This effort for well numbering avoided the situation which exists for streams where several approaches were developed independently. Two stream numbering systems are still in use.

The Legislative Commission on Minnesota Resources requires data compatibility for all projects receiving its funds, but these standards are not consistently enforced. Systems funded from other sources may have been required to meet other standards. State law now requires all systems to be compatible with the Land Management Information Center's standards. However, many older systems will need considerable investments to comply and standards have not yet been developed for all types of data.

Past and current efforts to coordinate and integrate information include the Ground Water Clearinghouse, the Integrated Ground Water Information System and the Pollution Control Agency's project DELTA. While early discussions in the 1980s called for having all data in one place, the different formats and varying quality-control procedures made this level of integration impossible. For example, data used for litigation is held to higher standards of quality control than that used for assessments and trends. The Ground Water Clearinghouse is currently being designed to take advantage of the Internet. Instead of housing data on one system, the clearinghouse will smoothly deliver data from multiple sites to the user's computer.

Even efforts to link systems within agencies are difficult. New systems, such as the PCA's project DELTA, designed to link all permit and enforcement data within the agency, are developed using the latest hardware and software, making ties with older systems difficult. These older systems must be reconstructed to be fully compatible with new ones. In addition, both DELTA and other intra-agency tracking systems, such as the Department of Agriculture's ADAMS, were not designed for links to or uses by other agencies.

These discreet systems make access to and use of information about specific parts of the state difficult. Callers looking for information on the quality, supply and stressors of water resources in a given area must contact many programs in several agencies to determine what is available and how well it matches their needs. When the incidence of brain tumors in a Minnesota town came under question, the Department of Health, the Pollution Control Agency and the affected county had to hire a student worker to pull the necessary information together to assess the situation.

Many data systems are not automated. In 1993, when the Department of Natural Resources experimented with the idea of putting all available water-related data on a particular lake into a "lakeshore owner's report," they found that the lack of computerization of many records and the lack of standardization among governmental data systems made preparation impractical. The DNR was unable to provide this information to the public on a wider basis.

Decision-Making Still can be Cumbersome

Despite efforts of some agencies, many decisions still are made in central offices. The need for central office staff to come to meetings or visit project sites can cause delays, particularly in those parts of the state that are four or more hours from St. Paul.

Local governments report difficulties getting timely decisions from the state. Problems include conflicts between central and regional office positions, too many divisions and agencies involved and too much reliance on consensus as a decision-making tool. They report lack of clarity as to which agency or division within an agency has the final say on the decisions.

Sometimes the wrong people are at the table. Both in meetings with local units and committees of state agency staff, participants are at times not the people with authority nor are they given the authority to make decisions for their respective agencies.

Lack of Resources can Hamper Local Efforts

While many programs are best implemented at the level local, having the necessary resources can be a problem. Lower pay, lower benefits and lack of job security can make employee retention difficult. Some soil and water conservation districts report high turnover, as staff leave for the security and better pay and benefits of county employment once they are trained. Some local governments believe the support offered by the state for local water planning, feedlots, wetlands and other efforts is not sufficient for the tasks.

Some programs requiring local involvement demand highly experienced staff that can be difficult for all counties or districts to recruit, both due to costs and availability. One example is agricultural nutrient management, where experienced staff are not available for all counties or soil and water conservation districts. In addition, state agencies often lack the resources to deal with the large number of local units. Joint efforts by the departments of Health and Agriculture, the Minnesota Extension Service and counties to test wells for nitrate levels can only reach 20 counties per year.

The state's community health services system solved some of these problems by combining into 50 Community Health Boards to serve the entire state. The system, created in 1976, combined hundreds of local boards of health under a shared mission statement between state and local public health agencies.

Lack of available technology also is a factor. Many local units of government lack the computers, modems, Internet connections and other resources to communicate efficiently and effectively with each other and the state. Even lengthy photo development services in more remote areas can increase the time it takes to get information to decision-makers, a problem that could be cured with digital cameras and images sent by e-mail.

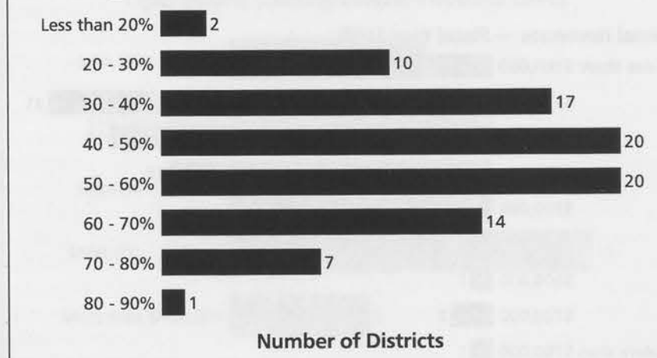
Special Purpose Districts are Difficult to Modify

Special purpose districts vary greatly in size, resources and level of effort. Some watershed districts have annual levies and aids in excess of $500,000, while others have less than $5,000 and some are inactive. Total annual revenues for many soil and water conservation districts are less than $150,000, but some exceed $500,000. In addition, soil and water conservation districts receive 50 percent of their revenues from counties, on average, and for some more than 70 percent. Most other district funding comes from the state.

Districts are sharing staff and services with each other and counties to stretch resources, but future budget tightening and need for specialists to deal with complex environmental issues might necessitate new governmental arrangements to get the job done. Possibilities include districts merging with neighboring districts and counties taking on functions of smaller districts. But the procedures for consolidating, terminating or changing the boundaries of soil and water conservation districts, watershed districts and watershed management organizations are cumbersome and there could be fiscal penalties.

The Board of Water and Soil Resources is charged with determining the feasibility of any proposals to consolidate or terminate soil and water conservation districts or watershed districts. It can divide and consolidate soil and water conservation districts without a hearing or referendum; however, the process for forming the divided or consolidated district board is as complicated as initial district establishment. Petitions and referenda are required for consolidations and terminations initiated by districts.

Soil and Water Conservation Districts Rely Heavily on County Funds



Source: Board of Water and Soil Resources

Options

Changes are needed to Minnesota's water resource management systems to make them more streamlined, simplified and responsive to customers' needs and sustainable development principles. Findings of past studies highlighting the need for better coordination, focus and planning are as valid today as they were in the 1970s and 1980s. The past improvements and barriers noted in *Crosscurrents* can provide building blocks for options to address the Legislature's goals and objectives, as well as these past findings. *Crosscurrents*' 10 options are directly related to water resource management efforts, but, in many ways, apply broadly to the state's environmental and natural resource management systems.

1 Continue to Build on the Current Management Structure

Citizens attending the Environmental Quality Board sponsored meetings and contacted as part of *Crosscurrents* expressed little desire for major changes in the state's current water resources management systems. They believe that little could be accomplished by combining all efforts within one agency and are concerned that the checks and balances and opportunity for citizen input provided by the multiagency approach would be lost. Coordination within agencies already can be difficult and local units report having to deal with multiple sections and divisions that sometimes are unfamiliar with each other's programs. Combining and enlarging agencies could serve to exacerbate these problems. Financial costs of combining agencies and their regional structures would be high.

In addition, there is no clear evidence that other organizational structures would better achieve outcomes. Structures across the county vary — from a multiagency approach being fashioned by Michigan out of a previously more unified system to Wisconsin's more all encompassing Department of Natural Resources. However, states with more consolidated structures still tend to leave key parts of environmental protection out. Wisconsin's DNR, for example, does not include the pollution control programs of the state's agricultural department. Even more agencies must be involved to address sustainable development, including departments dealing with transportation and economic development. As more of the interconnections among issues are realized, coordination, unified state missions and visions become the only workable alternative to achieving outcomes.

To be successful, the current system must be better coordinated and unified through common missions and plans. The state could revitalize the Environmental Quality Board as a forum for agencies to develop collective missions and coordinated plans for the state's water resource management. It could reexamine the purpose of the EQB and institute changes to improve the board's effectiveness. In addition, agencies must be given the flexibility to use funds for coordinated efforts and changing customer and program needs if outcomes are to be achieved.

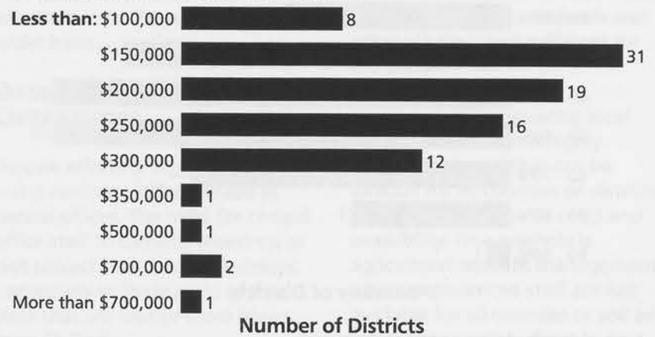
2 Develop a Multi-Year Plan to Merge Regional Offices

Merged regional offices could improve interaction among agencies and better serve customers. Staff can gain knowledge of overall state programs and citizens can gain access to information and experts from all agencies in one spot. Agencies also can share clerical and other services, including vehicles, some personnel services and computer specialists, and infrastructure.

Wisconsin is endeavoring to decentralize its Department of Natural Resources to 35 service centers over the next three years. Most people will be within a 30-minute drive to a center and most centers will be open selected evening and weekend hours. Three centers currently are operating as pilots. This scale of decentralization is costly in disruption of staff and morale, as well as dollars.

Minnesota could pursue a smaller number of joint regional offices, or service centers, and partner with local units of government to provide additional sites of access to state information and systems. It could develop a decentralization and collocation strategic plan for all agencies to be implemented over a five- to 10-year period. The plan could call for taking advantage of opportunities for collocation as they arise, as well as pilot centers. Rochester, Duluth, Marshall, Bemidji or Brainard could be considered for pilot centers, since several agencies have regional or area offices in these cities. These efforts would require significant capital investments.

Soil and Water Conservation Districts Vary Greatly in Revenues



Source: Board of Water and Soil Resources

3 Simplify Procedures for Modifying Special Purpose Districts

Current procedures for modifying special purpose districts are cumbersome and as complicated as procedures for establishing them in the first place. The state could simplify these procedures, giving local units the tools to make the best arrangements for their situation and enabling them to better respond to changing needs.

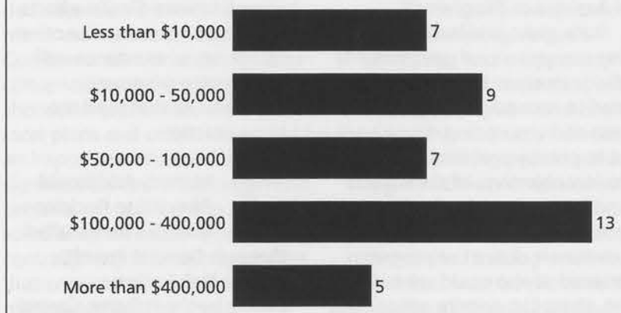
Wisconsin eliminated all of its soil and water conservation districts and assigned their duties to counties and Nebraska consolidated more than 150 districts into 24 natural resource conservation districts. These "one size fits all" solutions do not fit Minnesota's diverse geography and variety in special district size and level of effort. While merging with counties might be advantageous for some smaller soil and water conservation districts or watershed districts, mergers with neighboring districts might make as much or more sense, particularly where experts are needed. Merged districts might be able to hire experts in several fields, rather than having to hire one person to fit several roles.

Modification to existing procedures could include allowing units to merge into larger combined resource districts, eliminating or reducing petition and referenda requirements and providing for interim merged boards. The Board of Water and Soil Resources could take a more proactive role in identifying opportunities for mergers. It could work with units to facilitate efforts, as the Board of Government Innovation and Cooperation does with general purpose governments. It could take the lead to help units explore approaches, identify costs and map out a transition plan to the new structure. Feasibility studies could be undertaken early in the process so citizens have a clear understanding of what the merger will entail.

The state could provide incentives, similar to those used to foster school district mergers. It could provide funding to help defray actual costs of mergers and keep state funding levels to the merged unit at levels no lower than previously provided to the separate units for an interim period. The state also could provide funding for feasibility studies, once units resolve to consider consolidation.

These changes would enable local governments to better respond to changing fiscal, water resource, technology and staffing needs. However, it could lead to a hodgepodge system of units and responsibilities across the state that would be hard for citizens and state agencies to negotiate. For example, one area might eliminate its soil and water conservation district and fold its functions into the county, while another area might have a four-county super soil

Watershed Districts Vary from Small, Single Project Operations to Large Multi-Faceted Units



Source: House Research Department, *Special Taxing Districts,* 11/93

and water conservation district. Additionally, continued representation of affected parties in the new structures, such as those assessed for a watershed improvement project, would have to be ensured.

4 Build on Local Water Planning

County comprehensive local water plans can be the vehicle for defining roles and responsibilities at the state and local level, regardless of the adopted local level structure. Some plans, such as Benton County's, clearly identify the responsibilities of all local governments within the county. Others do not. Using the water plan to serve this function would allow citizens and state agencies to easily ascertain roles at the local level.

These plans also could form the basis for all environmental information in local sustainable development plans. They should contain information on all aspects of water resource needs in the county, including the water supply and wastewater treatment needs of cities. Water plans are used as a criterium for many grant and loan programs. They could become a more significant one as plans become more detailed. The state could explore other ties to these plans, including higher environmental review thresholds and streamlined permit and approval processes for projects in local water plans.

5 Enhance Coordination Among Agencies

While local water plans can be the vehicle for defining roles at the local level, no similar tool exists at the state level. The *Minnesota Water Plan*, produced every 10 years, can serve to define overall objectives for the state but not day-to-day roles. Citizen and local units of government must know who is in charge and whom to contact. Efforts among agencies also can be better streamlined and integrated if responsibilities are clear.

The Legislature, or agencies collectively through the Environmental Quality Board, could designate lead agencies for various activities. For example, one agency could coordinate monitoring and another grant applications or feedlot issues. The lead agency would be responsible for bringing agencies together to address conflicts and facilitate decisions. Agencies could build upon their current effort to coordinate biennial budget requests for monitoring by developing joint goals and outcomes for their efforts. In addition, agencies could maintain electronic listings of memoranda of agreement and understanding with a summary of the issue, responsibilities assigned, date enacted and next review or expiration date.

The Environmental Quality Board could systematically review implementation of the *Minnesota Water Plan* and foster actions by appropriate agencies. It could be the forum for discussion of agency missions and joint development of overall goals and priorities for water resource management.

6 Integrate Financial Assistance Programs

State grant and loan programs providing money to local governments and individuals could be better integrated to streamline procedures for applicants and ensure that moneys are directed to priority problems. The state could review objectives of the various grant and loan programs on a biennial basis to reduce overlap and ensure that purposes remain distinct or programs are combined. It also could set overall priorities, stress top priority actions and use consistent cost-share amounts that apply to all programs.

One agency could be designated as the contact for all grant and loan programs and manage all applications. Deadlines and application forms could be standardized. The agency could screen preliminary applications and guide applicants to appropriate programs, similar to the process the Department of Trade and Economic Development uses for economic development grants and loans. A single committee composed of representatives from all pertinent agencies could review applicants and make funding recommendations. Financial assistance for water-related efforts funded through the Legislative Commission on Minnesota Resources, the Board of Government Innovation and Cooperation, the Office of Environmental Assistance and other state sources also could be reviewed by this committee.

In addition, certain grant programs could be combined. A committee is currently reviewing financial assistance programs for individual wastewater treatment systems to determine possible program consolidations. Similar efforts could be undertaken for other categories of assistance with overlapping program objectives or that fund the same practices.

7 Identify Additional Permitting Decisions that can be Handled through General Permit, Rule or Delegation

Efforts by the Pollution Control Agency and the Department of Natural Resource to simplify permitting could be continued and expanded. All agencies could evaluate their permitting and other decision processes to identify elements that could be handled through general permits, rules and delegation to regional or field staff, local units of government and the general public. These approaches reduce workloads and encourage particular kinds of actions, since a project must conform with the conditions of the general permit or rule to proceed under this process. Projects can proceed more quickly and permittees know that projects will be approved if conditions are met.

The Department of Natural Resources' general permits for bridge and culvert repair and replacement could be expanded to include additional counties. Other DNR efforts that might lend themselves to general permits include erosion control projects conducted under soil and water conservation district developed plans, installation of dry hydrants for local fire protection efforts, and winter stream crossings on public forest lands. The Pollution Control Agency could pursue permitting certain feedlots by rule.

The approach could be to decentralize, delegate and issue through general permits and rules decisions that are routine and of minor environmental significance. Conformance with soil and water conservation district plans, shoreland ordinances and other local plans and ordinances could be an important criterion for judging significance. Critical decisions and projects not conforming to defined conditions would be made centrally. Any efforts must ensure that consistency of decisions is maintained across the state and resources are protected.

8 Seek Waivers from Federal Mandates

Strings Attached: the Price of Federal Mandates, prepared by Minnesota Planning in November 1995, identified many of the federal mandates affecting the state and recommended steps that could be taken to address them. It suggested that agencies review the purpose and intent of federal mandates regularly to determine if desired outcomes are being achieved. It also urged agencies and the executive branch to aggressively seek waivers from outdated and ineffective mandates and regulations.

Agencies could pursue these steps by identifying outdated and ineffective mandates and federal requirements that are inconsistent with Legislature's goals and outcomes. They could propose more efficient ways of implementing the mandates and requirements and outline actions needed to institute change. One requirement in need of change is the five-year maximum length the U.S. Environmental Protection Agency places on National Pollutant Discharge Elimination System permits.

9 Invest in Technology

Technology can be an important key to achieving many of the Legislature's outcomes. It can be particularly valuable for coordinating efforts, decentralizing service-delivery, improving access to information and expediting decisions. For regional offices or service centers to function properly, they must be connected to central offices and each other. Training and information that must be provided to all agency staff could be handled electronically. Files and databases could be readily accessible from any location.

Technology also could hook local government offices with the state so that citizens can stop at county, soil and water conservation district or watershed district offices to get information and permit applications. Citizens could even leave an e-mail question or have a "teleconversation" with regional or central office staff.

The state could develop a technology improvements plan. It could include a schedule to connect all offices and local units of government. It could identify key equipment needs to streamline permitting and decision-making, such as digital cameras and portable computers and modems for field use and teleconferencing to "transport" needed central offices staff to the field. The plan could build on such existing services as emergency on call, which includes all agencies, and the wetland hotline being developed by the Board of Water and Soil Resources.

Agencies could develop unified, interconnected Web sites so that citizens can seamlessly navigate through the state's water resource management system. These could contain permit applications, procedures, general permit conditions and resource data, to name only a few possibilities. Sites could be accessed at central and regional offices, local units of government and any other location with computers linked to the Internet.

As technology is developed, and databases expand, the state should ensure that systems among and within agencies and units of government are compatible. The state could adopt a standard set of geographical codes so that information can be easily used.

10 More Fully Integrate Sustainable Development into State Efforts

Minnesota has come a long way in establishing a policy planning framework for sustainable development, but several actions would help to more fully integrate this concept into the state's efforts. *Challenges for a Sustainable Minnesota*, prepared by the Environmental Quality Board in 1995, laid out a draft mission and principles. This draft could be revised, as necessary, and formally adopted so that it could be used by agencies in rethinking how their missions and programs support sustainable development. The EQB also could develop methods for evaluating how well policies and programs promote sustainable development.

Long-term planning and goal setting for sustainable development are inhibited by single-issue mandates and funding that restricts agencies' ability to collaborate across programs and agency lines. The Legislature could relax its programmatic approach to funding and instead mandate specific outcomes, leaving executive branch agencies and local governments to jointly work out how best to achieve them.

Sustainable development also requires that environmental and economic issues be addressed together. However, the main state body responsible for coordinating sustainable development efforts within the executive branch — the Environmental Quality Board — is perceived as being concerned only with environmental issues. The Legislature could add the Department of Trade and Economic Development to the EQB to address this issue.

State Structures

State Agencies and Local Government

Actions of most state agencies can influence water resources, including building a highway, siting a new correctional facility or providing a loan for an industrial park. But responsibility for ensuring that water resources are protected and managed properly is vested in traditional resource agencies. In addition, more than 20 formal state-level boards, councils and task forces deal with water resource related issues.

Six State Agencies Play Key Roles in Water Protection and Management. Four of these agencies — the departments of Natural Resources, Health and Agriculture and the Pollution Control Agency — serve multifaceted roles. All four have responsibilities for regulation, technical assistance, financial assistance, monitoring and setting standards for activities and resources. But each has specific state-established responsibilities and others assigned through federal law.

The Department of Natural Resources administers water quantity and other resource management efforts, including programs affecting fish, wildlife, recreation, minerals and forestry. The Department of Health deals with health risk, wells, wellhead protection and drinking water and has responsibilities through the federal Safe Drinking Water Act. Pesticide and fertilizer regulations, as well as a selected number of other agricultural issues including sustainable agriculture and integrated pest management, reside with the Department of Agriculture. The department is responsible for implementing the federal Insecticide, Fungicide and Rodenticide Act in Minnesota.

The Pollution Control Agency dominates the water quality management arena and is responsible for implementing the federal Clean Water Act in the state. Portions of the federal Resource Conservation and Recovery, the Comprehensive Environmental Response and Liability and Clean Air Acts, all administered in Minnesota by the PCA, also deal with water quality. The PCA is the only one of the four governed by a citizen board; however, all make use of formal and informal citizen, expert and stakeholder committees and task forces. The commissioners of these four cabinet level agencies are appointed by the governor.

Minnesota Planning provides coordination through the Environmental Quality Board and the Land Management Information Center. The center manages a statewide geographic information system and various databases and, in addition, develops standards for data compatibility. Coordination and water policy integration among state agencies as well as with local, regional and federal bodies is assigned to the EQB. The board is composed of the heads of the departments of Natural Resources, Agriculture, Health, Public Service and Transportation, the Office of Environmental Assistance, Minnesota Planning, the Pollution Control Agency and the Board of Water and Soil Resources, as well as five citizen members and a chair appointed by the governor. Water duties are assigned to its Water Resources Committee. Many interagency water reports and activities require EQB review or involvement.

The Board of Water and Soil Resources plays a lead role in working with counties, soil and water conservation districts, watershed districts, watershed management organizations and other local governments. It provides financial, technical and administrative assistance through such programs as Reinvest in Minnesota Reserve, Cost-Share and Local Water Management and coordinates activities among local, state and federal governments. Much of the funding for local government relating to water planning and management issues is distributed by the board. It is composed of governor-appointed representatives from soil and water conservation districts, watershed districts, watershed management organizations, counties and the general public, and includes nonvoting representatives from the departments of Natural Resources, Agriculture and Health, the Pollution Control Agency and the Minnesota Extension Service. Its executive director is appointed by the board.

Other Agencies are Involved in More Limited Activities and Areas. The Department of Trade and Economic Development manages the state's revolving loan fund and offers an array of financial assistance for water, wastewater and other environmental needs. The University of Minnesota's Minnesota Geological Survey conducts geological research, prepares maps and interprets Minnesota's geology. It works with the Department of Natural Resources to develop county geologic atlases and regional geologic and sensitivity analysis. The university's Minnesota Extension Service provides educational programs and materials to individuals and local

governments. The Office of Environmental Assistance provides technical and financial assistance for pollution prevention and managing solid and hazardous waste. In the Twin Cities area, the Metropolitan Council plans for water management and operates a regional wastewater treatment system.

Local Government Structures Tackle Water Issues

Local units of government complete the picture of Minnesota's water resource management system. Their responsibilities include implementing projects to solve problems and provide services, developing plans to deal with issues and prevent problems, and helping citizens understand the importance of their actions. All general purpose local units of government — counties, cities and towns — are involved in issues that directly or indirectly affect water resources. Zoning, land use decisions, local ordinances and permit actions all can affect water resources. In addition, there are cities and sewer and water authorities that operate water and wastewater facilities.

Counties outside the Twin Cities area have a special role through their authority to develop and implement county comprehensive water plans. These plans emphasize watershed management and bring together and coordinate many previously disparate resource management efforts at the local and state level. Every county outside the Twin Cities area has an approved plan. Within the Twin Cities area, counties are authorized to prepare county ground water plans.

Five types of special purpose districts have significant roles in water resource management — soil and water conservation districts, watershed districts, lake improvement districts, watershed management organizations and lake conservation districts. The first three are initiated by citizen or local government petition. Watershed management organizations were mandated by the Legislature, while lake conservation districts are formed by it. Functions and degree of autonomy of these special purpose local governments vary widely.

Soil and Water Conservation Districts Blanket the State. Begun in the late 1930s primarily in response to serious soil erosion problems, the purpose of soil and water conservation districts has expanded to conservation projects dealing with land, surface water and ground water. Many districts are involved in comprehensive water planning and managing elements of the state's Reinvest in Minnesota Reserve Program and Wetland Conservation Act. Districts provide technical and financial assistance to landowners for conservation practices and work closely with local U.S. Department of Agriculture Natural Resources Conservation Service staff, Minnesota Extension Service agents, counties and state agencies. Many counties rely on districts for input on various natural resource issues, including feedlot permitting.

There are 91 soil and water conservation districts in the state. All are organized along county lines, except for those in Beltrami, Marshall, Otter Tail, Polk and St. Louis counties, which split counties. Districts are governed by an elected board of five supervisors and have no taxing authority. Most of their funding comes from counties and the state, but they also raise funds by charging for various services. The Board of Water and Soil Resource is the state administrative agency for soil and water conservation districts.

Watershed Districts Cover About One-Third of the State. Watershed districts, authorized by the Legislature in 1955, have broad authority to address a wide variety of water-related issues. Districts protect resources through planning, flood control and other projects. Most were formed to address specific issues. In the northwest, the primary concern of many watershed districts is flooding. Many districts in central Minnesota focus on water quality protection. Twin Cities area districts deal primarily with the effects of urban development on flooding and water quality.

Minnesota currently has 42 watershed districts. Watershed districts are primarily located in the northwest, central and southeast parts of the state. Districts follow watersheds rather than political boundaries and may include all or part of numerous counties, cities and townships. All watershed districts are in one or more soil and water conservation district.

Watershed districts are governed by a board of managers ranging in size from three to nine members. Board members are appointed by county boards with land in the watershed districts. Watershed districts also have citizen advisory committees appointed by the board of managers. Districts have taxing authority, eminent domain and other land use and regulatory authorities. The Board of Water and Soil Resource is the state administrative agency for watershed districts.

Minnesota has 10 Lake Improvement Districts. Lake improvement districts are generally established to preserve the natural character of a particular lake and its shore land environment and can be formed by county boards, with approval of the Department of Natural Resources, or by the DNR commissioner. Wright County has three districts, while Chisago, Kanabec, Polk, Ramsey, St. Louis, Scott and Stearns counties each have one. Districts boundaries overlap with soil and water conservation districts and with watershed districts or watershed management organizations in Polk, Ramsey, Scott and Stearns counties. Lake improvement districts can deal with a lake's entire watershed, but they generally include only shoreline properties.

County boards delegate powers to lake improvement districts. These include constructing and operating a lake control structure, acquiring equipment to improve navigation, constructing and maintaining water and sewer systems, maintaining public facilities and regulating water surface use. The actual duties vary greatly. Lake improvement districts have no taxing authority of their own. The county board specifies the type of funding arrangement when the district is established. Districts generally pass their budget recommendations through the county board for approval and funding.

Lake improvement districts are governed by a board ranging in size from five to nine members. The directors must be property owners in the district, and a majority of the directors must be residents of the district. The Department of Natural Resources is the state administrative agency for these districts.

Watershed Management Organizations are Charged with Water Planning in the Twin Cities Area. The Metropolitan Water Management Act of 1982 mandated watershed management organizations and development of watershed management plans for the minor watershed units wholly located in the seven-county metropolitan area. These organizations must protect and preserve natural water storage systems, identify means to prevent soil erosion and protect and improve water quality and establish consistency across governmental units for water management.

There are 46 watershed management organizations in the Twin Cities area. Thirty-five are joint-powers organizations run by a board appointed by the governing bodies of the member cities and towns. The other 11 are watershed districts, which can take on responsibilities for their respective watersheds. Watershed management organizations have limited land use powers and taxing authority, although many joint-power organizations have chosen not to use this authority. Soil and water conservation district and watershed management organization boundaries overlap.

Minnesota has Two Legislatively Created Lake Conservation Districts. The Lake Minnetonka Conservation District, established in 1967, and the White Bear Lake Conservation District, established in 1971, have a variety of regulatory powers over their respective lakes. These include the power to regulate the types of boats and motors that can be used, regulate public facilities, limit the times and places of use, regulate boat speeds and conduct research. Both districts are contained entirely within watershed districts.

Lake conservation districts are composed of the municipalities that have property on the lake. Their boards are elected by the governing bodies of the member municipalities. These municipalities also fund districts, which do not have taxing authority. The lake conservation district's budget is proposed by its board and either modified or approved by the governing bodies of the municipalities. The governing bodies of each of the municipalities pay a share of the total budget, within defined statutory limits.

Inventory of Improvements

The state's agencies and local governments have taken numerous actions to improve water resource management over the past six years that relate directly to the outcomes outlined by the Legislature. This inventory highlights many of these actions within the four outcome areas. It is not intended to be exhaustive.

Streamline and Integrate State's Water Resource Management and Protection Efforts

Overall

- Governor established the Environmental Cluster, composed of heads of environmental agencies, to coordinate program and policy issues; includes departments of Agriculture, Health and Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Office of Environmental Assistance, Environmental Quality Board and Minnesota Planning.
- Environmental Quality Board established the Water Resources Committee to coordinate interagency water resource issues; includes departments of Agriculture, Health and Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Office of Environmental Assistance and Metropolitan Council.
- Red River Water Resources Council brings together federal agencies and Minnesota, North Dakota and Manitoba state and local governments and citizens.
- Minnesota River Joint Powers Board brings local governments together for protection and rehabilitation of Minnesota River.
- U.S. Geological Survey unites state, local and federal agencies for National Water Quality Assessments of Red River of the North and the Upper Mississippi River basins.
- Departments of Agriculture and Natural Resources locate field staff in same offices on a pilot basis.

Program Coordination

- Comprehensive State Ground Water Protection Program, Framework and State Assessment, a multiagency effort led by the Pollution Control Agency and coordinated through the Environmental Quality Board, identified existing authorities and programs, gaps and opportunities for improvement.
- Nonpoint Source Management Program, led by the Pollution Control Agency with federal, state, local and citizen input, laid out issues and strategies for the state.
- Minnesota Pesticide Management Plan, a multiagency effort led by the Department of Agriculture, outlined strategies to prevent, assess and respond to problems.
- Feedlot and Manure Management Advisory Committee involves all agencies and coordinated feedlot management legislative initiative defined roles and responsibilities.
- Well Head Protection Program, led by the Department of Health, pulls together the departments of Health and Agriculture and the Pollution Control Agency to protect public water supplies, work with local governments and share data, technical assistance and guidance documents.
- Effective and consistent implementation of the Minnesota Environmental Response and Liability Act facilitated by Department of Agriculture and Pollution Control Agency agreement.
- Water and Wastewater Operator's Certification Council and rule-making coordinated by Department of Health and Pollution Control Agency.
- Wetland Interagency Coordination Team coordinates activities of local, state and federal agencies and implements procedures to streamline permitting and strategies. Agencies streamlined delivery of services through joint application forms, wetland delineations and other means.
- Interagency Water Quality Standards Advisory Committee advises the Pollution Control Agency.
- Interagency Ground Water Coordination Group and Ground and Surface Water Monitoring Program pull together state, federal and various regional and local jurisdictions.
- Monitoring and Assessment Strategy, led by the Pollution Control Agency, strives to coordinate activities.
- *PCA Ground Water Sampling Guidance: Development of Sampling Plans, Protocols, and Reports* ensures accurate, reliable sampling results from state and local governments.
- Red River of the North Total Maximum Daily Load Interagency Workgroup, led by the Pollution Control Agency, develops permit limits to protect river in low-flow conditions.
- St. Louis River Action Plan pulls together Pollution Control Agency, Department of Natural Resources, U.S. Environmental Protection Agency and others for monitoring and remediation.
- Great Lakes Initiative Advisory Committee develops water quality criteria for the basin and involves agencies throughout the basin.
- Metro Interagency Team coordinated plan reviews for Local Water Planning.
- Department of Natural Resources provides the Board of Water and Soil Resources with hydrologic modeling assistance in preparing watershed management organization plans.
- County Geologic Atlas Program encourages cooperation among Minnesota Geological Survey, Department of Natural Resources and counties.
- Consolidated system for collecting fees and taxes from businesses that handle or generate hazardous materials and waste under development by Pollution Control Agency and Department of Revenue.
- Individual Sewage Treatment System roles and responsibilities being defined by Department of Health and Pollution Control Agency.
- Interagency team finalizing a lakes management guide.
- Department of Health consolidated programs with small numbers of staff to share support services and reduce management.
- Infectious waste program eliminated by the Department of Health in response to changes in federal rules and program need.

Compliance and Enforcement

- Criminal Case Screening Committee for review of potential cases involves Pollution Control Agency, departments of Agriculture, Natural Resources and Transportation, and Attorney General.
- Departments of Health and Natural Resources cooperate in developing law and regulating public water suppliers' water conservation plans.
- Responses to private and municipal well contamination coordinated between Pollution Control Agency and Department of Health.
- Waste pesticide collection conducted cooperatively by departments of Agriculture and Transportation, Minnesota Extension Service, Pollution Control Agency and local governments.
- Hazardous waste enforcement, inspection, remediation and incident response coordinated among Pollution Control Agency and departments of Agriculture and Health, including incidents of potential contamination of groundwater caused by release of hazardous substances from improper handling.
- Field citations for illegal disposal of waste jointly issued by Pollution Control Agency and Department of Natural Resources.
- Inspection of wastewater treatment facilities serving mobile home parks, resorts and campgrounds coordinated between Pollution Control Agency and Department of Health.
- Feedlot-related environmental violations jointly investigated and enforced by Pollution Control Agency and Department of Natural Resources through agreement.
- Construction sites inspected for compliance with Storm Water Permit Program for Construction Activity by soil and water conservation districts under agreement with the Pollution Control Agency.

Financial Assistance

- Board of Water and Soil Resources' Block Grant consolidated some grants from the board, the Pollution Control Agency and the Department of Natural Resources to local governments and grants administration.
- State Revolving Fund expanded to provide loans for nonpoint source pollution abatement projects through Pollution Control Agency, Board of Water and Soil Resources and Department of Agriculture with administration of fund provided by the Department of Trade and Economic Development.
- Clean Water Partnership and federal Clean Water Act grant applications reviewed by interagency team.

Partnerships with Local Governments, Citizens and Industry

- Hydrologic modeling and other services provided through partnerships between Department of Natural Resources and local water management organizations.
- Ground water monitoring cooperatives established among state agencies and local governments, including efforts in Wadena and Stearns counties and nine counties in southeast Minnesota.
- Agencies use soil and water conservation districts as clearinghouses for wetlands information.
- State Community Health Services Advisory Council advises commissioner of the Department of Health.
- Citizen volunteers provide lake gaging and precipitation monitoring information to the Department of Natural Resources.
- Citizen Lake Monitoring Program volunteers help the Pollution Control Agency collect information on lakes.
- Responsible parties expedite the cleanup of environmental contamination through the Pollution Control Agency's voluntary investigation and cleanup program.
- Great Lakes Sport Fish Advisory Council advises the Department of Health and others.

Tailor Water Resource Management and Protection Efforts to Customer's Needs

Brochures and Guides

- *Minnesota Surface Water Guide* and *Ground Water — A Directory of Minnesota's Programs and Resources,* prepared by the Pollution Control Agency with input from other agencies.
- Fact sheets on agency issues, programs, pollution prevention activities and regulations and environmental profiles of legislative districts prepared by the Pollution Control Agency.
- Brochures, fact sheets, newsletters for regulated parties and annual report card on the quality of drinking water supplies prepared by the Department of Health and interpretive manuals to accompany regulations are being developed.
- Department of Agriculture produces *Update* and reports on water quality.
- Agencies jointly developed a brochure on wetland regulations.

Outreach

- Department of Agriculture conducts clinics, which the department and other agencies use to distribute information.
- Department of Health provides materials at health fairs and county fairs and holds annual training and technical assistance schools and conferences on water policy.
- World Wide Web sites on the Internet are being created by all agencies.
- An electronic bulletin board service gives the public online access to Pollution Control Agency fact sheets, program guidance and lake resources.
- Pollution Control Agency strengthened regional operations and service delivery systems through its Regional Operations Division, formation of regional compliance units and placement of personnel covering public information, leaking underground storage tank cleanup, tank compliance and other efforts in regional offices.

Information Management

- Ground water information is managed and transferred to users through the Pollution Control Agency's Integrated Ground Water Information System, the Land Management Information Center's State Well Index, the Minnesota Geological Survey's County Well Index, and the Obwell Program.
- The Pollution Control Agency is developing DELTA, a comprehensive database for permitting actions. The agency's Master Entity System database provides location information on current and potential contaminant sources.
- County Geological Atlas preparation continues to improve the understanding of state water supplies.
- Department of Natural Resources prepared 1:1,000,000 watershed maps.
- Pollution Control Agency Water Quality Division and others developed geographical information systems.

Simplify Permitting and Other Decision-Making Processes

Delegate and Decentralize

- Bridge and culvert general permit authority offered to local governments by the Department of Natural Resources.
- Permitting and other decisions delegated to Department of Natural Resources' field staff.
- Most decisions delegated to Board of Water and Soil Resources' field officers.
- Feedlot program delegation offered to counties by the Pollution Control Agency.

Consolidate

- Statewide licensing of on-site treatment system professionals, including designers, installers, pumpers and inspectors, by the Pollution Control Agency streamlines process for contractors needing multicounty licensing.
- Interagency wetlands coordination committee developed joint permit application that is accepted and used by permitting agencies.
- Project XL, spearheaded by the Pollution Control Agency, consolidates permits and gives flexibility to permittees.
- Pesticide licensing functions consolidated in the Department of Agriculture's Agronomy and Plant Protective Service Division.

Simplify

- Metro Water Planning 509 Coordination Committee, with representatives from state agencies and the Metropolitan Council, jointly reviews local actions with respect to state standards.
- Legislation requires agencies and local governments to take action on permits within 60 days.
- General permits issues by the Pollution Control Agency for storm water and other activities allow applicants to start work 48 hours after filing.
- Operating procedures and check list define Department of Health needs in feedlot permitting for Pollution Control Agency permit applicants.
- The Permit Quality Action Team, a joint effort of the Pollution Control Agency and the U.S. Environmental Protection Agency, reviews and evaluates procedures.
- Pollution Control Agency policy guidance on impoundments helps applicants understand agency expectations and streamlines process.

Orient Efforts to Account for Overall Environment, Natural Resource and Human Needs

Sustainable Development

- Sustainable Development Initiative launched by the Environmental Quality Board.
- Interagency state plan for sustainable agriculture and integrated pest management implemented by the Department of Agriculture.

Resource-Based Efforts

- Agro-eco regions based on natural resource variables defined by the University of Minnesota, the Department of Agriculture and an advisory team.
- Fish community biocriteria used by the Pollution Control Agency and the Department of Natural Resources in Red River Valley ecoregion for national water quality assessment.
- Pollution Control Agency uses basin management as main policy for phosphorous control.
- Statistically based/random-site water quality monitoring program is underway in St. Croix basin, jointly by Pollution Control Agency, U.S. Environmental Protection Agency, and Department of Natural Resources.
- Metropolitan Ground Water Model is helping the Pollution Control Agency to produce a computer-based model for better coordination of basin-wide protection efforts.
- Pollution Control Agency implementing statistically based ground water monitoring statewide and ground water trends monitoring in developing areas.
- Acceptable risk and land use standards are becoming basis for Pollution Control Agency cleanup levels.
- Use of ground water for once-through-cooling phased out and prohibited for lake augmentation by the Department of Natural Resources.

Polluter Pays

- Pesticide and fertilizer regulatory, service and educational programs of the Department of Agriculture supported by fees and surcharges.
- Waste pesticide and pesticide container recycling programs of the Department of Agriculture funded by fees through registration and licensing of pesticide products and pesticide users.
- Agricultural Chemical Response and Reimbursement Account funded by surcharges on pesticides and fertilizers.
- Cleanup costs of superfund sites involving agricultural chemicals recovered from responsible parties.
- Cleanup of contaminated landfills funded through user fees.
- Storm water permit program funded completely by permit fee revenues.
- Users of ground water for once-through-cooling pay high Department of Natural Resources' fees.
- Violators pay double the permit fee to the Department of Natural Resources and violations require restoration.

Minnesota Board of Water & Soil Resources

Board member Update

May 1998

Wetlands

WCA Permanent Rule Adoption

Wetland Conservation Act (WCA) Program Manager John Jaschke reports that the WCA rule amendment process is finalized for now with publication in the April 20th edition of the *State Register* of the Notice of Adoption. This means the existing exempt ("emergency") rules developed to incorporate the 1996 legislative changes became permanent rules on April 25th. A substantive WCA rule amendment that will address proposed improvements to the rule could begin in late 1998 or early 1999.

Wetland Regulatory Simplification

The goals of wetland regulatory simplification for Minnesota are threefold:

- to provide "one-stop shopping" for landowners (at the local level where possible) by reducing regulatory duplication;
- to achieve agency efficiencies and workload management allowing agency/local staff more time to participate in on-site field reviews, training, and wetland planning efforts; and,
- to enhance wetland protection while accomplishing the above items without:

  a.)any changes to federal and state regulations, and

  b.)an increased workload for agency/ local staff.

The St. Paul District Army Corps of Engineers (COE) has announced another proposal to provide regulatory simplification in the wetlands area. The Letter of Permission (LOP) concept would base permitting on project size--in contrast to the current system, which bases permitting on project activity--for the plethora of nationwide permits about to be reissued from the headquarters office in Washington, D.C. BWSR staff believe this idea has a great deal of merit and will achieve the goal of enhancing wetland protection without

The St. Paul District Army Corps of Engineers (COE) has announced another proposal to provide regulatory simplification in the wetlands area.

The highest quality (wetland) sites were restorations of previously drained wetlands, surrounded by permanent upland vegetation.

any changes to federal and state regulations. However, *all* of the benefits listed above will be achieved only through implementation of the LOP (Letter of Permission) *in conjunction with* elements of a statewide General Permit (GP). Although the details are complex, the GP concept is simple: persons or project sponsors who are now required to get both WCA and Federal Clean Water Act wetland permits would only need to get the WCA approval if the federal agencies concur that the WCA approval meets or exceeds their requirements.

The *LOP with the GP* elements would:

- formalize coordination between locals/WCA and federal/state/WCA responsibilities and thus provide landowners with unified project decisions;
- share the workload among federal, state and local staff;
- maintain the COE's "gatekeeper" role as all replacement plan (permit) decisions under state law would be reviewed and either accepted, modified or rejected by the COE; and
- maintain the agency and public comment procedures.

Wetland Banking

An interagency report on wetland mitigation banking, as required by the 1996 Legislature, is finished and will be signed by the authoring agency leaders (DNR, BWSR and Minnesota Department of Agriculture) as an addendum to the State Wetland Plan.

Some of the findings and recommendations from the report are:

A. The quality of wetland bank sites varied, and was generally related to construction method. The highest quality sites were restorations of previously drained wetlands, surrounded by permanent upland vegetation. The poorest sites observed were wetlands that had been created through excavation. With the exception of the poorest quality created sites, the banked wetlands analyzed appeared to be reflective of the range of conditions observed in natural wetlands within the study areas.

Recommendations:

- Wetland replacement standards should be rigorously enforced.
- Additional quality goals, including guidelines for vegetative coverage and diversity, should be developed.
- Encourage the establishment of a wider range of wetland types, relative to the types of wetlands lost, for both banking and project-specific replacement.
- Encourage restoration of previously drained wetlands rather than wetland creation.
- Develop additional incentives for restoration of partially drained wetlands, based on an analysis of functions gained and lost.
- Establish incentives to encourage the highest quality banking

sites.

B. The location of wetland bank sites is seldom based on ecological/hydrological needs. Presently, the location of wetland bank sites is almost entirely dictated by the presence of landowners who are willing to undertake wetland creation or restoration projects. Wetland banking sites could address watershed needs much more effectively if the location of the sites was based on an analysis of identified problems as well as the presence of willing landowners. The second generation of local water planning provides an opportunity to properly analyze watershed needs and target areas for wetland restoration or creation.

Recommendations:

- Federal, state and local governments should collaborate on the identification of high priority sites for wetland restoration or creation that most effectively address watershed needs (water quality, flooding, habitat, recreation, etc.). Such sites should be identified in local surface water management plans.
- Agencies that have continuing, large scale wetland banking programs, such as the Minnesota Dept. of Transportation (MnDOT) and the Minnesota Board of Water and Soil Resources (BWSR) wetland banks associated with public transportation projects, should make a concerted effort to locate those banks in identified high priority areas.

C. Current wetland bank accounting/administration services are insufficient. Significant increases in the workload associated with wetland bank accounting and administration have occurred as use of the bank has increased and the responsibility for replacing impacts from public road projects was shifted to BWSR in 1996.

Recommendation:

- Establish a full time bank administrator position. The bank administrator would handle the project reviews, legal documentation, trend analysis, reporting, and accounting needs associated with maintaining the state's wetland banking system. Included in the duties of this position is the administration of the public road wetland replacement program.

The location of wetland bank sites is seldom based on ecological/ hydrological needs.

D. Current monitoring and certification are inadequate. Compliance with WCA requirements to conduct post-project monitoring of wetland replacement sites, under both project-specific mitigation and wetland banking, was found to be inadequate. The fact that no post-project certification is required for project-specific replacement was found to be a problem. There are potential problems with WCA rules on banking as far as ensuring that wetland impacts do not occur until project applicants have obtained banking credits and the wetland bank is properly debited.

Recommendations:

- Assign responsibility for monitoring:
  - Put monitoring authority in the hands of a governmental

A number of government agencies maintain databases pertaining to some aspect of wetland activities in Minnesota, but there is currently no single source containing all the state's wetland information.

agency and remove the responsibility from the individual land owners; or,

  - Keep land owners responsible for monitoring, but provide technical assisttance.

- Establish a regional interagency audit team to conduct broad-based follow-up on all regulated activities pertaining to wetlands, including impacts to wetlands and wetland replacement

E. There exists a lack of comprehensive, easily-accessible data. A number of government agencies maintain databases pertaining to some aspect of wetland activities in Minnesota, but there is currently no single source containing all the state's wetland information.

Recommendation:

- Establish and maintain a central, joint database of wetland activities in the state. The database should contain current information available from federal, state, and local governments and should be easily accessible.

F. Public vs. Private Components and Cash Banking. In Minnesota there are currently two separate banking systems in operation: the entrepreneurial system which is used by private (and a few public) developers and the public system established in 1996 for public road projects. This combination, although workable, leads to potential confusion among users and creates conflicts due to market influences of each system on the other. Based on the experiences of the public road replacement program and of some local government units, "cash banking" is a concept worth exploring to add simplicity and consistency to the wetland replacement/mitigation process. However, some of the drawbacks to cash banking may require that its use be limited to clearly defined situations.

Recommendations:

- An interagency team, including the Banking Study Committee, should continue to evaluate and improve/simplify the wetland banking process and evaluate the options that may be available using "cash banking" concepts.

Copies of the complete report or the executive summary are available by contacting John Jaschke at 612/297-3432.

Road Replacement Program

John Jaschke, along with wetland specialists Dan Eklund and Barbara Ohman (and with assistance from Steve Miller on appraisals, Tom Wenzel on design, Matt Seltzer on the contracts and legal interpretations, Mary Miller on the accounting and processing end, and the board conservationists), has been finalizing the appraisals, agreements and designs for the sites selected for replacement of the wetland impacts caused by public road authorities over the last two years. One project

is underway in Todd County and there are several more that will begin work this summer, including ones in Dodge County, Polk County and Anoka County, along with several more in the metro area.

Local Wetland Plans

Several Comprehensive Wetland Protection and Management Plans (CoWProMPs) in greater than 80 percent counties (Beltrami, Lake, Mille Lacs, St. Louis and Koochiching) are now underway. Tim Ogg, GIS specialist, has traveled to Koochiching County and will also visit Lake and Mille Lacs counties to provide them with assistance in accessing and managing the data elements needed to develop an inventory and classification system that is valid and practical. Meanwhile, Dan Eklund and the board conservationists (BCs) are working with policy and technical groups locally and with other agency representatives and interest groups to assure that the outcomes of the planning process are legally and technically sound.

On a related note, Dan Steward, BC in Brainerd, reports that Crow Wing County has adopted the WCA into its shoreland zoning ordinance and has an agreement with the Crow Wing SWCD to provide the technical work while the county processes a single permit for landowners. Regulatory simplification and improved customer service can be found working at the local level if it is given a chance.

Finally, following the lead of Aitkin County, Itasca and Crow Wing counties have adopted a policy addressing wetland filling in the shore impact zone (one-half the building setback). The policy requires strict avoidance unless there is a demonstrated need for access to the water. In those cases, a narrow fill strip allowing foot traffic to the water will be allowed if all other factors (including mitigation) are addressed. This policy has helped staff and property owners understand the importance of protecting irreplaceable shoreland wetlands.

Several Comprehensive Wetland Protection and Management Plans (CoWProMPs) in greater than 80 percent counties (Beltrami, Lake, Mille Lacs, St. Louis and Koochiching) are now underway.

Northern Region

Program Information

Wetlands

Dale Krytosek, Bemidji BC, notes that spring has officially arrived, as evidenced by the fact that he is busy assisting local government units (LGUs) with five WCA violations. Dale has a hot one in Otter Tail County involving five acres of fill. Restoration is forthcoming. Becker SWCD is preparing to deny a replacement plan on a three acre wetland fill on lakeshore. He's got a couple violations cooking in Cass and

So far, the LGUs have been holding up their end of WCA and doing good work when violations occur.

one in Wadena that Sen. Dallas Sams has been asking about. So far, the LGUs have been holding up their end of WCA and doing good work when violations occur.

Duluth BC Mark Nelson reports that public hearings are now underway for the St. Louis County Comprehensive Wetland Protection and Management Plan (CoWProMP). Mark thinks the process to approve the CoWProMP could take longer than anticipated. Wildlife groups, ditching groups, and other special interest have been slow to find out about the plan and to comment on it. Assessing all the local feedback is important to get a plan that will ultimately work into the future. Dan Eklund has been assisting Mark mightily and has written at least three informal comment letters regarding the draft wetland plan.

Brian Dwight, Bemidji BC, also reports work on the Beltrami CoWProMP. Brian points out that a slow start has turned into a very conscientious process by both the technical and policy groups. They have finished the functional assessment and now will move to the value setting stage. Always plenty of challenges for our field staff to deal with.

RIM Reserve

Jim Lemmerman, forester, reports that a group of the Reinvest in Minnesota (RIM) Reserve Advisory Committee has met to discuss haying, grazing, and forest management on RIM Reserve lands. The group came up with acceptable language that would allow haying, grazing, or forest management on RIM Reserve lands for the benefit or enhancement of the resource.

Water Planning

The Whitefish Lake Property Owners Association has proposed an inspection and upgrade project for the entire 14 Lake Whitefish Chain to the Crow Wing County Board. The project came in with a support recommendation from the local water planning task force. The county approved the project with a unanimous vote. The county will be applying to BWSR for a challenge grant to implement the project.

Education

Education Specialist Kamal AlSharif participated in the lake show sponsored by the Minnesota Lake Association in St. Cloud. Kamal helped out by staffing the Resource Room. This was a place where he could provide the attendees with copies of natural resources materials, or inform them of where they could get them.

Kamal also participated in the Pathways to Educational Partnerships meeting held in Mahnomen and Cass Lake. Kamal offered to teach the Project Water Education for Teachers (WET) Workshop this summer. This workshop will be open to anyone who is interested in youth education. Kamal is working with Extension in Mahnomen County to line up dates and times for these workshops.

Miscellaneous

Ron Shelito, northern regional supervisor, facilitated a public information forum in McGregor related to the Big Sandy Watershed Project. Some controversy has arisen as a result of some recent ditching activity in the watershed. The technical committee, made up of agency representatives, believed that a public forum to get all the issues out was needed. Ron S. was asked by the technical committee to facilitate the meeting. The meeting was well attended. Although there was some controversy, in the end many of the issues were addressed and the watershed project's technical committee agreed to do some follow-up as a result of the meeting. This will be an ongoing process, but with the commitment of the agencies and the locals we should be able to address most of the concerns so the project can continue to move forward.

Mark Nelson addressed the Lake County Board regarding the Lake Superior Shoreland Protection Program. This program is a joint effort between BWSR, the Lake Superior Association of SWCDs, and the Minnesota Pollution Control Agency (PCA). The purpose is to provide technical and financial assistance to landowners along the shore to do shoreline protection work. Currently, PCA has designated some State Revolving Fund (SRF) money to the project--this funding is being matched with grant moneys from the Great Lakes Commission and hopefully some BWSR Special Project dollars. BWSR Shoreland Engineer Gene Clark has built a good reputation for BWSR along the shore as a result of the many shoreline protection projects he has designed.

Brian notes a point of interest in his work area--the SWCDs are experience a surge of staff turnover. At present there are three vacancies in SWCDs in Brian's work area. Some of the people leaving have been with the SWCDs for a long time.

Southern Region

Program Information

Local Water Planning

BCs Mary Kells and Dave Peterson provided assistance to the Southeastern Water Resources Joint Powers Board and county staff on developing a challenge grant proposal to address shoreland ordinance awareness and implementation of a buffer strip initiative in southeast Minnesota.

Wetland Conservation Act

Mary Kells has attended several technical evaluation panel (TEP) meetings this month to review delineations, sequencing, and replacement plans. Most WCA assistance provided this month has been near the developing areas of Rochester, Red Wing, and Chatfield.

BWSR Shoreland Engineer Gene Clark has built a good reputation for BWSR along the shore as a result of the many shoreline protection projects he has designed.

General LGU Assistance

Mary Kells helped four SWCDs during the development of special cost-share applications, including one sinkhole/stormwater management project, two streambank stabilization projects, and one second-phase project that would install small erosion control structures on a second subwatershed of Wells Creek Watershed in Goodhue County.

Wells Creek Watershed Steering Committee has organized under a non-profit organization and will be formally known as the Wells Creek Watershed Partnership. Now the local partnership will be able to receive grants directly. The partnership will have decision-making authority for project implementation, with assistance and recommendations coming from a technical committee made up of local, state, and federal resource agencies.

The BWSR recently received two new Great Lakes Commission grants.

Mary Kells and Dave Peterson were part of the presenter team for the Area VII Envirothon held on April 30. Mary and Dave also helped out at the State Envirothon, held May 20 in Whitewater State Park.

Mary assisted Wabasha SWCD by being a presenter for the Soil Conservation Learning Station during their county fifth grade field day on May 5, 1998.

BC David Sill reports spending a day with the new Swift County WCA administrator, providing training and review of the WCA Administrative Manual and rule.

Miscellaneous

The beginning of the southern region plan was discussed. Hopefully, this plan will help to remind staff what is and is not important for the region to be involved in as programs and opportunities continue to arise related and unrelated to BWSR's mission.

Engineering and Technical Services Section

Program Information

Lakeshore Engineering

Gene Clark, lakeshore engineer, continues to work with PCA and the North Shore Management Board to help set up the North Shore Clean Water Partnership implementation project for So. St. Louis, Lake and Cook counties. The project will focus on shoreline stabilization, septic systems and related shoreland best management practices (BMPs).

The BWSR recently received two new Great Lakes Commission grants. One ($9,700) is for soil testing and phreatic surface investigations to improve current and future slope stability analyses that reduce shoreline stabilization construction costs. Eric Mohring, groundwater specialist, and Al Kean, chief engi-

neer, will team up with Gene to implement this project. The other grant ($20,000) will help provide grant funds to piggyback with the North Shore Clean Water Partnership loan funds.

RIM Reserve

To date, the Reinvest in Minnesota (RIM) Reserve/Wetland Reserve Program (WRP) partnership has "saved" approximately $800,000 of RIM funding that will be available for additional easements. The only down side of this partnership is the time it has taken to work out the details, while keeping the process as simple as possible for all involved. Program start-up is often challenging, particularly for partnerships.

Interest in the Conservation Reserve Enhancement Program (CREP) appears to be picking up around the state. We should have some hard numbers by next month. Federal practice limitations and associated policy interpretations continue to be a challenge, particularly for riparian forest buffers.

General LGU Assistance

In late April, Justin Jeffery, training and design engineer, delivered Feedlot Evaluation Model training to about 35 SWCD, Natural Resources Conservation Service (NRCS), PCA and county staff in Rochester. The partnership Schedule of Events on e-mail proved to be an effective tool to get the word out about this training. Another session is scheduled for June 10 in Marshall.

We hear that two SWCD joint powers staff members will attend an upcoming NRCS construction inspection training in Lincoln, NE that has limited attendance from individual states. This type of training is high on the priority list of engineering training needs identified via the annual partnership training needs inventory. This is critical expertise for feedlot and many other engineering practices. Justin is working on developing a construction inspection training course at the state level, so that many more engineers and technicians can attend at a lower cost.

Justin continues to provide consultation to many of the SWCD joint powers and other staff regarding feedlot design questions. The new cost-share funding appropriated to the BWSR for small feedlots will likely keep those kinds of questions coming.

Gene and Brad Matlack, lakeshore engineering technician, have assisted SWCDs in the following ways during the past month:

- Helped So. St. Louis SWCD complete two of four project plantings that are part of a vegetation demonstration project funded by a Great Lakes Commission grant. The objective is to identify plant species and techniques that are effective for stabilizing or revegetating shoreline slumps.
- Worked with Aitkin SWCD to build and deploy 24 new wave breaks to protect nearshore aquatic plantings for shoreline

To date, the Reinvest in Minnesota (RIM) Reserve/ Wetland Reserve Program (WRP) partnership has "saved" approximately $800,000 of RIM funding that will be available for additional easements.

protection.

- Provided assistance to North Shore SWCDs for bid package development and dissemination for several projects to be constructed this summer.

Hot Topics

Justin and Al have received a number of questions and concerns in recent months from front line technical assistance folks, both public and private, about feedlot technical assistance and permitting policies.

Justin and Al have received a number of questions and concerns in recent months from front line technical assistance folks, both public and private, about feedlot technical assistance and permitting policies. A particularly troublesome issue is the design of filter strips for feedlot runoff. Design requirements in the karst region of the state have also raised questions. Al and Justin have helped facilitate discussions with PCA and NRCS staff about these issues. A task force has been reestablished to develop current design standards and guidance for filter strips. Another coordination meeting has also been scheduled for early June at the BWSR office. PCA staff recently updated their guidelines for manure storage in the karst region. Substantial discussion between technical assistance and regulatory folks occurred last year regarding these guidelines.

Al recently attended a couple of meetings with the Corps of Engineers (COE) regarding the COE getting more involved in watershed planning for environmental restoration, flood damage reduction and water quality improvement. One of its proposals is in response to interest by Congressman David Minge to address interstate issues in the upper Minnesota River basin. The other proposal is in regard to the entire Minnesota River basin. The Minnesota River Joint Powers Board, DNR, PCA, NRCS, State of South Dakota and others were invited to a recent meeting. With all that is currently going on in the Minnesota River basin, the COE will need to do more homework with LGUs and others to define the COE's complementary niche.

The U.S. Geological Survey (USGS) and the U.S. Fish and Wildlife Service (USFWS) are also looking for support and funding assistance for a watershed management modeling proposal in the Red River basin. Al will attend a related meeting in Fargo on May 27.

May 1998

Environmental Quality Board

Minnesota Pollution Control Agency

Minnesota Department of Agriculture

Minnesota Department of Health

Board of Water and Soil Resources

Minnesota Department of Natural Resources

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Feedlots: Summary of 1998 Legislation

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MAY 19 1998

Introduction

Feedlots were a hot issue during the 1998 Legislative Session. Numerous bills addressing the environmental, economic, and social aspects of feedlots were introduced and debated in depth by legislators, agencies and interest groups alike.

The governor recommended a statewide study of the feedlot industry to the 1998 Legislature. Legislators raised a variety of feedlot topics, including a proposed moratorium on the feedlot industry; increased feedlot regulation; increased public input on feedlot decisions; and increased financial assistance for getting feedlots into compliance with environmental laws. Legislators, working with the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Agriculture (MDA), Environmental Quality Board (EQB) and key interest groups reached agreement on feedlot policy and funding changes in early April. The Governor signed the bills into law on April 21, 1998. This fact sheet explains these 1998 legislative changes.

Statewide Study of Feedlots

In recent years, there has been increasing controversy regarding animal feedlots in Minnesota. Many of the concerns focused on the potential for contamination of the air, surface water and ground water as well as the economic and social impacts of animal agriculture. While these issues are addressed in individual feedlot permit decisions, it has become obvious that social and economic issues are beyond the scope of existing state and federal feedlot regulation.

Minnesota Laws 1998, Chapter 366 (Government Operations Supplemental Budget Bill, Price/Rukavina, SF 3354), directs the EQB to conduct a statewide study or "Generic Environmental Impact Statement (GEIS)" on feedlots. The EQB is made up of the commissioners of the Department of Natural Resources (DNR), MPCA, MDA, Minnesota Department of Health (MDH), Board of Water and Soil Resources (BWSR), Office of Environmental Assistance (OEA), Minnesota Department of Transportation (MDOT), Department of Trade and Economic Development (DTED), Public Service, Minnesota Planning and five citizen members.

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R6-1/5-14-98

- **Federal Feedlot Permitting**
  The law encourages a feedlot permit process that allows for ample public input in a reasonable time frame. The federal National Pollutant Discharge Elimination System (NPDES) permit is designed to eliminate discharges of pollutants to waters. The United States Environmental Protection Agency requires that feedlots greater than 1,000 animal units be issued an "individual" or a "general" NPDES permit. Previously, the MPCA had determined that large feedlot facilities didn't need NPDES permits since they do not discharge to state waters. A state permit, as protective or more protective than the federal permit, was issued instead.

  Now, the 1998 law requires that feedlot owners with more than 1,000 animal units apply to the MPCA for a NPDES permit. This became effective on April 22, 1998. Distinction is made between when an "individual" or a "general" NPDES permit is needed. The 1998 law provides $300,000 a year to the MPCA for this expanded NPDES permitting. The required schedule is as follows:

  - April 22, 1998: Feedlots with more than 2,000 animal units must apply for an "individual" NPDES permit. The MPCA will coordinate with the required Environmental Assessment Worksheet for these same facilities.
  - January 1999: MPCA will work with the Feedlot Manure Management Advisory Committee (FMMAC) and other interested parties to develop environmental criteria to determine whether a feedlot facility between 1,000 and 2,000 animal units should apply for a "general" or "individual" NPDES permit.
  - January 1999: Feedlots between 1,000 and 2,000 animal units prioritized by the MPCA and using the agreed-to criteria, must apply for an individual NPDES permit.
  - October 1999: Feedlots between 1,000 and 2,000 animal units not prioritized by the MPCA under the agreed-to criteria must apply for a "general" NPDES permit.
  - January 2001: Feedlots with more than 1,000 animal units that were permitted by April 22, 1998, must apply for a "general" NPDES permit.

  The 1998 law also directs the MPCA to coordinate public hearings for state and local feedlot permits and /or environmental assessment worksheet under the state's environmental review law, if appropriate.

- **MPCA Refusal of Permits**
  The 1998 law adds authority to current solid waste law, allowing the MPCA to refuse a feedlot permit when a history of "bad actor" behavior exists.

- **Manure Applicator Licensing**
  The 1998 law requires commercial manure applicators to be licensed by March 2000. The law further directs MDA to report to the Legislature by January 1999 on the need for noncommercial manure applicator licensing in the state.

- **Manure Digester Grants**
  The 1998 Legislature appropriated $200,000 in fiscal year 1999 to the MDA revolving loan program for farm manure digester projects. Manure digester projects are waste treatment systems designed to reduce the amount of manure as well as its byproducts through the use of natural decomposition. The zero interest loans may be made to any resident of the state for demonstration projects of farm manure digester technology.

For Further Information

For further information on the 1998 Legislative changes related to feedlots, contact one of the following agency representatives:

Susan Schmidt, MPCA (612) 297-7573
Paul Burns, MDA (612) 296-1488
Mike Sullivan, EQB (612) 296-9027
Al Kean, BWSR (612) 297-2907

For a complete copy of the 1998 laws related to feedlots, contact House Index at (612) 296-2314 or Senate Information at (612) 296-0504 or 1 (888) 234-1112. The related feedlot 1998 laws are as follows: Minnesota Laws 1998 Chapter 401, Minnesota Laws 1998 Chapter 366, and Minnesota Laws 1998 Chapter 404. For copies of these bills as passed by the 1998 Legislature, go to www:leg.state.mn.us site on the internet. For the governor's veto messages related to these bills, go to www.gov.state.mn.us\index.html.

Kathy R. & Board

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April 20, 1998

Mr. Steve Reckers
Minnesota Planning
658 Cedar St.
St. Paul, MN 55155

Dear Steve:

On behalf of the Board of Water and Soil Resources (BWSR), I am responding to your recent request for information relating to the upcoming Community-based Planning pilot projects. Through a recent discussion with our regional supervisors, it was determined that I would serve as the official agency contact person to handle notification of local community-based planning initiatives for central and regional staff.

The following BWSR field staff are assigned to be representatives on any local advisory committee for the upcoming pilot projects:

Dodge County: Dave Peterson, Board Conservationist- Rochester Office.
Phone Number- (507) 280-2874

St. Cloud Area: Dan Steward, Board Conservationist- Brainerd Office
Phone Number- (218) 828-2598

Carlton County: Mark Nelson, Board Conservationist- Duluth Office
Phone Number- (218) 723-4923

Tri-County Area: Dave Sill, Board Conservationist- Marshall Office
Phone Number- (507) 537-6374

The BWSR is also looking forward to reviewing the plans from the pilot projects in accordance with standards and criteria from the county water plans and other agency related program plans. In those pilot projects that involve conservation issues, the BWSR would assist to facilitate coordination between the local project sponsor and local soil and water conservation districts, watershed districts, and county comprehensive local water planning efforts. BWSR will provide project specific technical and administrative support to our local partners involved in community-based planning initiatives. In addition, BWSR could serve to ensure consistency of the community- based plan with the relevant state wetland and water management laws.

The BWSR has previously provided the following documents for your review and use in the community-based planning guidebook:

1) Model Ordinance for Agricultural Erosion Control
2) Developing a Lake Management Plan

3) Feedlot Inventory Guidebook
4) Wetland Inventory Guidebook
5) Summary of the Comprehensive Local Water Planning Process
6) Abandoned Well Inventory Guidebook
7) Above and Below Ground Storage Tank Inventory Guidebook
8) Dump and Landfill Inventory Guidebook

Several of the above mentioned documents will be useful in the environmental data collection/inventory section of local community-based plans.

We appreciate the leadership that your agency is taking to demonstrate the need for more locally-based comprehensive planning. Through the support of this locally driven effort, the BWSR hopes to improve the overall coordination of conservation programs between local governments and with state agencies. We would be glad to provide you with any further assistance and guidance information on our programs and related issues. If you have any further questions or comments, please contact me at 296-0879 or Phil Belfiori at 297-8026.

Sincerely,

Jim Birkholz
Assistant Director

JB
cc: Management Team
Phil Belfiori
Dave Peterson
Mark Nelson
Dave Sill
Dan Steward
Keith Grow
Peter Waller

Minnesota Board of Water & Soil Resources

Ron
Board members

TO : Soil and Water Conservation Districts

FROM : Wayne Zellmer, Grants Coordinator

RE : **Feedlot Water Quality Management Grants Announcement**

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At this time, the Board of Water and Soil Resources is announcing the Feedlot Water Quality Management Grants Program. Applications are being taken now through May 29, 1998. The 1998 Minnesota legislature has appropriated $2 million for this Program. Of this amount, the BWSR is making $1.8 million available at this time. The remaining $200,000 will be made available to the 11 Non Point Engineering Assistance Joint Powers Boards as challenge grants.

Grant funds must be used for waste management systems for small feedlots (less than 500 animal units) to benefit water quality. Grant funds may not be used for new or expansion feedlot projects. The State Cost Share Program will be used to administer and implement this Program.

The legislature has directed funding priority be given to:

- Feedlot operators who have received a notice of violation
- Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory

The BWSR will also give additional funding priority to:

- Feedlot operations where FLEVAL indicates a high pollution potential
- Feedlots in riparian locations
- Practices that *will* be applied in calendar year 1998

SWCDs may request that up to ten percent of project funds be used for technical and administrative costs. Application reviews and funding recommendations will be made by the BWSR Grants Team. The BWSR will be requested to approve recommended projects at their June 24, 1998 Meeting. Funds will be allocated with the other SWCD grants in July.

To apply, refer to the application guidance and fill in the blanks of the enclosed application. Forward your application to your Board Conservationist by May 29, 1998.

If you have any questions, please consult your Board Conservationist.

H:FEEDSLET

FEEDLOT WATER QUALITY MANAGEMENT GRANTS APPLICATION GUIDANCE

Fill in the name of your SWCD at the top of the application.

(1) Check "yes" or "no" if a feedlot inventory is in progress or has recently been completed in your county.

(2) If you checked "yes" to question 1, circle the number "1", "2", or "3", which corresponds to the "level of inventory" completed or in progress in acordance with the Feedlot Inventory Guidebook published by the BWSR, dated June 1991.

(3) **LOCAL APPLICANT**. Fill in the name of the local applicant or landowner. Use only one line per project.

(4) **ANIMAL UNITS**. Fill in the number of animal units for this feedlot project. (Funds can not be used on feedlot projects over 500 animal units.)

(5) **FLEVAL RATING**. If the "FLEVAL" evaluation model has been performed for this project, fill in the animal feedlot rating number. If the "FLEVAL" evaluation model has NOT been performed for this project, leave this space blank.

(6) **RIPARIAN LOCATION**. If the project is in a riparian location, which for purposes of this application, is defined as within 1000 feet of a lake, 300 feet of a stream, or in the 100 year floodplain, write "yes" in this space. If it is not in a riparian location, write in "no".

(7) **NOTICE OF VIOLATION**. If this feedlot has received a "notice of violation", write in "yes", if not, write in "no".

(8) **STARTING DATE**. If funded, fill in the planned starting date of practice application.

(9) **TOTAL COST**. Fill in the total estimated cost of this project. Include funding from *all* sources .

(10) **PROJECT FUNDS REQUESTED**. Fill in the amount of funds requested from this grant program. If a private consultant will be designing this project, you may include consulting fees. Do not include any technical or administrative SWCD costs here. (Remember that State Cost Share Program Rules apply to this grant, and state and federal contributions can not exceed 75% of the TOTAL COST [column 9] of this project.)

(11) **T/A FUNDS REQUESTED**. The SWCD may request an amount for their technical and administrative costs. This amount can not exceed 10% of the PROJECT FUNDS REQUESTED (column 10).

(12) **TOTAL AMOUNT REQUESTED**. Add the amounts listed in columns 10 and 11 and fill in this total in column 12.

At the bottom of the page, list the name of the SWCD contact person for this application. The SWCD chair must also sign and date this application.

This application must be received by your Board Conservationist by May 29, 1998. Late or incomplete applications will receive a lower funding priority.

H:FEEDGUID

FEEDLOT WATER QUALITY MANAGEMENT GRANTS APPLICATION

SWCD_____

(1) IS A LOCAL FEEDLOT INVENTORY IN PROGRESS OR COMPLETED? _____YES_____NO

(2) IF YES, LEVEL 1, 2, OR 3 (CIRCLE NUMBER)

(3) LOCAL APPLICANT	(4) ANIMAL UNITS	(5) FLEVAL RATING	(6) RIPARIAN LOCATION	(7) NOTICE OF VIOLATION	(8) STARTING DATE	(9) TOTAL COST	(10) PROJECT FUNDS REQUESTED	(11) T/A FUNDS REQUESTED	(12) TOTAL AMOUNT REQUESTED
					TOTALS				

SWCD CONTACT PERSON_____

SWCD CHAIR_____

DATE_____

II:FEEDGRAN

Board Packet

GRASS LAKE WETLAND RESTORATION PROJECT

Worth County, Iowa
Freeborn County, Minnesota

May 11, 1998

RECEIVED
MAY 12 1998

Dear Friend in Wetlands Conservation:

Many state and federal agencies and organizations work diligently to restore, mitigate, and create wetlands in Minnesota. Since May is American Wetlands Month, it affords us an opportune time to celebrate the numerous accomplishments of these agencies and organizations.

As a member of the wetlands partnership, you are invited to a wetlands celebration 10 a.m. May 27, 1998 at a site in the Grass Lake Wetland Restoration Project in Freeborn County, Minnesota and Worth County, Iowa. A short program will be held, followed by a bus tour of several wetland restoration sites. During the hour-long program, speakers will stress the importance and effectiveness of the wetland partnership in Minnesota and Iowa.

Wetlands are precious and fertile "cradles for life". They nurture millions of species, replenish the earth's water supply, and provide sanctuary and serenity for humans, often in urban areas. Minnesota has the largest acreage of wetlands and deep water habitat in the nation at 14 million acres. It is only fitting that we celebrate this accomplishment.

Please set aside several hours in your schedule for this event. Come celebrate with us because we have a reason to celebrate. Please contact Barbara Nesbitt, NRCS, at 612-602-7910 by May 22 if you plan to attend. A map and tentative program are enclosed.

Partners

Soil and Water Conservation District, Freeborn County, Minnesota
Soil and Water Conservation District, Worth County, Iowa
Conservation Board, Worth County, Iowa
Pheasants Forever
Minnesota Board of Soil and Water Resources
Minnesota Deer Hunters Association
Iowa Department of Natural Resources
Minnesota Department of Natural Resources
Iowa Natural Heritage Foundation
Minnesota Waterfowl Association
National Fish and Wildlife Foundation
USDA-Natural Resources Conservation Service
U.S. Fish and Wildlife Service
Ducks Unlimited

GRASS LAKE WETLAND RESTORATION PROJECT

Worth County, Iowa
Freeborn County, Minnesota

American Wetlands Month Observance

Ochee Yahola Park, Northwood, Iowa

May 27, 1998
10:00 a.m. - 1:00 p.m.

TENTATIVE PROGRAM

Master of Ceremonies	**Christopher Borden, District Conservationist** *Natural Resources Conservation Service*
Welcome and Introductions	**Christopher Borden**
Importance of American Wetlands Month	*U.S. Fish and Wildlife Service Representative*
Grass Lake Project Overview	**Matt Milligan, Biological Technician** **Minnesota Waterfowl Association**
Wetland Partnership - Federal	**William Hunt, State Conservationist** *Natural Resources Conservation Service*
	Iowa Representative
Wetland Partnership - State	**Tom Wenzel, Design Engineer** *Minnesota Board of Water and Soil Resources*
Contributions of Other Partners	**Dean Mueller, Director** *Worth County Conservation Board, Iowa*

Leave for Tour

TO: *Sylvia Rainford*

DATE: 05/8/98

Grass Lake Tour

Directions to Ochee Yahola Park

Take I-35 South to Hwy.105 (Lake Mills/Northwood Exit)

Turn Left toward Northwood and go approximately 4 miles to Mallard Ave.

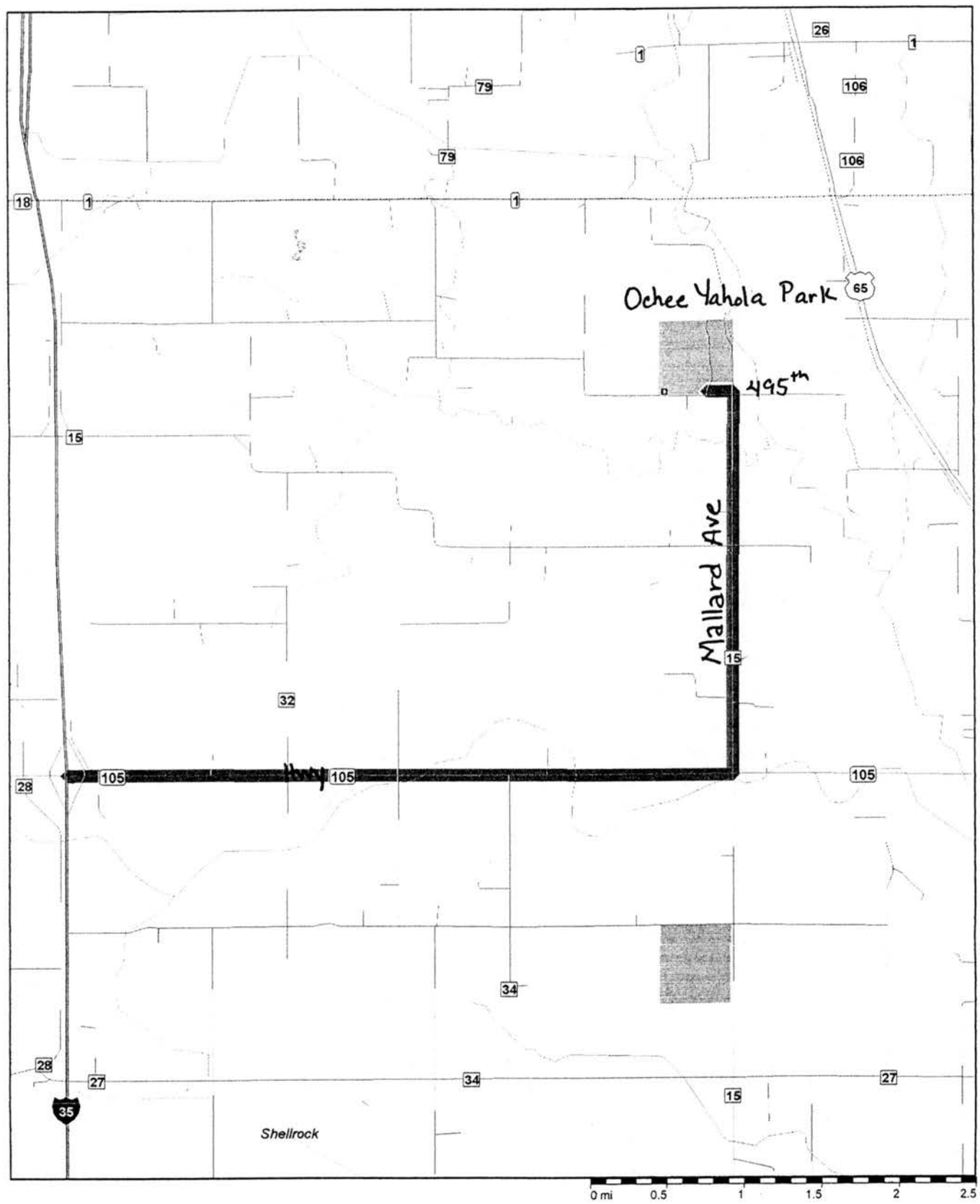
Turn left (North)and go about 2.5 miles to 495th

Turn Left and the park is on the right side of the road.

****SEE MAP****

Questions? Call Brenda at 515-324-1819

North



From MN

West

East

From Des Moines, IA

MICROSOFT AUTOMAP
Streets Plus

Map Title 1
Map Title 2

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South

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:
261 Highway 15 S.
New Ulm, MN 56073-8915
(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

An equal opportunity employer

Printed on recycled paper

April 27, 1998

TO : Local Water Plan Coordinators
103B.301 Project Managers
Metropolitan Water Management Organizations
Watershed Districts
County Planning and Zoning Administrators
SWCD Managers

FROM : Wayne Zellmer, BWSR Grants Coordinator
Don Hauge, MPCA Nonpoint Source Compliance

RE : **1999 Challenge Grant Programs Announcement**

The Minnesota Board of Water and Soil Resources and Pollution Control Agency are pleased to announce the 1999 Local Water Resources Protection and Management Program (LWRPMP) and Feedlot Challenge Grant Programs. The BWSR is now accepting applications for both of these grant programs. The application deadline is July 1, 1998.

1999 Challenge Grant Programs Highlights

- The same application format shall be used to apply for either of these grants.
- Eligible counties, watershed districts, and watershed management organizations, may apply.
- All applications will be reviewed, scored, and funded, strictly on a competitive basis only.
- Local governmental units may submit multiple applications, but each application must be submitted separately.
- All grants require a 1:1 local cash or in-kind goods and services match.
- Approximately $500,000 is available for LWRPMP Challenge Grants.
- Approximately $400,000 is available for Feedlot Challenge Grants.
- Grant Agreements will be for two years, October 1, 1998 - September 30, 2000

Use the enclosed application materials to apply. If you have any questions, please contact your Board Conservationist.

c: Board Conservationists
103B Technical Representatives
MPCA Feedlot Program Staff
County Feedlot Officers

H:99CHALET

1999 BWSR LOCAL WATER RESOURCES PROTECTION and MANAGEMENT PROGRAM CHALLENGE GRANT
and
1999 MPCA FEEDLOT CHALLENGE GRANT

TIMELINE

April 27, 1998	Challenge Grant Application Period Begins
July 1, 1998	Challenge Grant Application Deadline
Sept. 22, 1998	BWSR Requested to Approve 1999 Challenge Grants
Oct.1998	Challenge Grant Agreements Sent

APPLICATION MATERIALS ENCLOSED

√ Applicant Eligibility - page 2

√ 1999 Challenge Grant Conditions and Characteristics - page 3

√ Application Checklist - page 5

√ Individual County (Greater MN) Application Requirements - page 6

√ Multi-County Application Requirements - page 7

√ Metropolitan Area Counties and WMO's Application Requirements - page 8

√ Model Individual County/WMO/WD Resolution - page 9

√ Model Joint Powers Board Resolution - page 10

√ Exhibit A - page 11

√ Title Page - page 12

√ Example Challenge Grant Application - page 13

√ Criteria for Determining Eligible Local Match - page 17

√ Answers to Frequently Asked Questions - page 18

√ LWRPMP Challenge Grant Evaluation Criteria - page 19

NOTE: The following procedure will be used by all applicants to apply for the LWRPMP or Feedlot Challenge Grants!

APPLICANT ELIGIBILITY

APPLICATIONS WILL BE ACCEPTED FROM THE FOLLOWING LOCAL UNITS OF GOVERNMENT WITH A STATE APPROVED AND LOCALLY ADOPTED COMPREHENSIVE LOCAL WATER PLAN:

In Greater Minnesota

** **Individual County**

** **Multi Counties (without joint powers agreement);** A multi-county application must be submitted by a designated host county.

** **Multi County with Joint Powers Agreement**; application must be from the Joint Powers Board

** **Watershed Districts**; must Apply through an Eligible County

In Twin Cites Seven County Metropolitan Area

** **Individual Counties**

** **Multi Counties (without joint powers agreement)** A multi-county application must be submitted by a designated host county.

** **Watershed Management Organizations**

Note !! All counties statewide may apply on behalf of other local units of government in the county such as a city, township, SWCD, or other special purpose district. Counties and WMOs may submit multiple applications but each application must be submitted separately.

1999 CHALLENGE GRANTS CONDITIONS AND CHARACTERISTICS

√ **Grant Maximums.** Grants will not exceed the amount requested. Grants will be awarded on a competitive basis. There is a $70,000 limit for multi-county applications and a $30,000 limit for individual county applications.

√ **Match.** All grants must be matched at a 1:1 ratio with either local cash or in-kind goods and services. See enclosure on Criteria for Determining Eligible Local Match.

√ **Grant Agreement Period.** Grant period will be two years (October 1, 1998 - September 30, 2000) and may be extended an additional year with BWSR approval before the end of the grant period.

√ **Records.** Records must be kept regarding the receipt and expenditure of funds.

√ **Audit.** The joint powers board, county, or WMO, must agree to provide the State with audit information as requested, and agree to have an audit (meeting the standards of the Office of the State Auditor) covering the duration of the grant period within either one year from the end of the grant period, or within the context of a regularly conducted audit, whichever occurs first.

√ **Annual Progress Reports.** Annual progress reports are due by February 1st of each year of the grant period.

√ **Previous Challenge Grant Annual Reports.** Payment of grant will be witheld if applicant has any overdue or unsatisfactory previous Challenge Grant Reports. If you are not sure if your Challenge Grant Annual Reports are current, contact your Board Conservationist.

√ **Resolution**. All applicants must submit the required resolution. Please refer to the two examples enclosed.

√ **Eligible Projects for LWRPMP Challenge Grants**.
The purpose of this challenge grant is to accelerate the implementation of high priority action items of comprehensive local water management plans. The use of these challenge grant funds for the actual installation (cost sharing) or diagnostic studies of individual sewage treatment systems (ISTS) is prohibited. However, activities such as feasibility studies, investigations, and preliminary designs are eligible for funding. Surface and groundwater studies that would be done at a level equivalent to a diagnostic study under MPCA Clean Water Partnership Programs will not be eligible for challenge grant funds. BWSR's reason for not funding these types of diagnostic studies is that it cannot provide the same level of staff interaction and oversight that MPCA brings to its programs such as Clean Water Partnership, Phase 1 Diagnostic Studies.

√ **Eligible Projects for Feedlot Challenge Grants.** All counties are eligible to apply for a Feedlot Challenge Grant. However, funding priority will be given to applicants with a MPCA delegated feedlot program. Innovative approaches to reducing feedlot pollution are encouraged. Special consideration will be given to proposals that serve to initiate or enhance geographic or watershed based approaches to solving feedlot pollution problems.

Eligible Challenge Grant projects include:

For Delegated Counties

* Inventory Development - Counties applying for funds to conduct inventories should design the project to fit terms of the MPCA Feedlot Inventory Guidebook, June 1991.
* Further implementation of the county feedlot program.
* Information and education efforts.
* Monitoring and assessments

For Non-Delegated Counties

* Developing and implementing a delegated feedlot program.
* Conducting a feedlot inventory.
* Monitoring and assessments

Note: Cost share projects are not eligible for Feedlot Challenge Grant funding.

Note: Applicants may not submit similar proposals for LWRPMP and Feedlot Challenge Grants!

✓ **Application Evaluation.**

LWRPMP Challenge Grants - All applications will be evaluated and scored by an inter-agency team according to established challenge grant criteria in rule. (See pages 19 and 20.)

Feedlot Challenge Grants - All applications will be evaluated and scored by MPCA staff. MPCA will make funding recommendations to the BWSR.

✓ **Application Submittal.** All applications, for both LWRPMP and Feedlot Challenge Grants, are to be submitted to your BWSR Board Conservationist by July 1, 1998. Late applications will receive lower funding priority. Do not send your applications to the MPCA or BWSR Central Offices. For LWRPMP Challenge Grants, **10** copies of your application must be submitted. For Feedlot Challenge Grants, **5** copies of your application must be submitted.

1999
CHALLENGE GRANTS
APPLICATION CHECKLIST

Each multi-county group or individual county/WMO/WD applicant should use this quick checklist to insure it is eligible to receive a Challenge Grant and is including all required grant information.

MULTI-COUNTY/REGIONAL APPLICATIONS

Yes___ No___ Do all counties have a state approved and locally adopted Comprehensive Local Water Plan?

Yes___ No___ Has each county agreed to provide it's local match; either cash or in-kind services?

Yes___ No___ Has each county passed the necessary individual county resolution?

Yes___ No___ For counties applying through the Joint Powers Board (JPB), has the JPB passed the necessary resolution and Exhibit A (signature sheet)?

Yes___ No___ Do you have a complete application including a detailed workplan and schedule for the grant period that follows the attached guidelines?

INDIVIDUAL COUNTY/WMO/WD APPLICATIONS

Yes___ No___ Does the county/WMO/WD have a state approved and locally adopted Comprehensive Local Water Management Plan?

Yes___ No___ Has the county/WMO/WD passed resolutions authorizing the signing of grant agreements and other related documents, and committing to matching funds?

Yes___ No___ Do you have a complete application including a detailed workplan and budget that follows the attached guidelines?

A **NO** for any of the checklist items indicates an ineligible grant application. Contact your assigned BWSR Board Conservationist for assistance.

GREATER MINNESOTA - INDIVIDUAL COUNTY
1999 CHALLENGE GRANTAPPLICATION REQUIREMENTS

The following information is required in an individual county grant application. Multiple applications are acceptable, however, each application must be submitted separately.

A. Title Page. (See page 12)

B. A resolution by the county authorizing matching funds and the signing of the grant agreement and other related documents (use attached model resolution on page 9).

For the following items, please refer to the enclosed Stormy County example:

C. An executive summary of the contents of the application.

D. A detailed workplan and schedule for program implementation during the grant period.

E. A detailed budget for the grant period including the identification of the amount requested in the grant.

F. A list identifying the amount, type, and source of the local share.

G. A statement describing the relationship of the grant request to specific priority implementation items in the comprehensive local water plan.

H. A statement describing how cooperation will be secured with adjacent counties and water management organizations if applicable.

I. A statement describing local support and interagency coordination.

J. A description of how the challenge grant complements the local water planning base grant.

K. A description of how a Feedlot Challenge Grant would complement the feedlot base grant. (if applicable)

L. A statement indicating if partial funding of the application is acceptable. If partial funding is acceptable, project components must be listed in order of funding priority with a corresponding budget (see Stormy County example).

M. An explanation of the responsibilities proposed to be contracted with other local units of government, if applicable.

**Watershed Districts applying through a county must also conform to the application requirements stated above.

MULTI-COUNTY 1999 CHALLENGE GRANT APPLICATION REQUIREMENTS

The following information is required in a multi-county or regional grant application. Multiple applications will be accepted, however, each application must be submitted separately.

A. Title Page. (See Page 12)

B. Identification of the grant recipient. Joint Powers Boards (JPBs) that have the ability to receive and disburse funds based on their joint powers agreement are eligible to be the grant recipient. For those JPBs or multi-county groups that do not have the authority to receive and disburse funds the grant recipient must be an individual county, acting as a sponsor (fiscal agent).

C. A resolution from the JPB allowing the JPB to accept challenge grant funds. (Use attached JPB resolution and Exhibit A models.)

D. A resolution from each participating county authorizing the matching funds and agreeing to the terms and conditions of the agreement. (Use attached individual county resolution model.)

For the following items, please refer to the enclosed Stormy County example:

E. An executive summary of the contents of the application.

F. A workplan and schedule for program implementation during the grant period.

G. A budget for the grant period including the identification of the amount requested in the grant.

H. A list identifying the amount, type, and source of the local share.

I. A statement describing the relationship of the grant request to priority implementation items in each applicant's comprehensive local water plans.

J. A description of how the challenge grant compliments LWP base grant implementation in the region.

K. A description of how a Feedlot Challenge Grant would complement the feedlot base grant. (if applicable)

L. A statement indicating if partial funding of the application is acceptable. If partial funding is acceptable, project components must be listed in order of funding priority with a corresponding budget.

M. An explanation of the responsibilities proposed to be contracted with other local units of government, if applicable.

SEVEN COUNTY METROPOLITAN AREA 1999 CHALLENGE GRANT APPLICATION REQUIREMENTS

The following information is required in a multi-county or regional grant application. Multiple applications will be accepted, however, each application must be submitted separately.

In the seven county metropolitan area, challenge grant applications can be submitted in two situations, which are:

A) **Groundwater Plans**

Metro counties with state approved and locally adopted groundwater plans pursuant to M.S. 103B.255 are eligible to apply for and receive challenge grants.

B) **Metropolitan Surface Water Management Plans**

Metro Watershed Management Organizations (WMO) with state approved and locally adopted plans are eligible to apply for and receive challenge grant funding.

The following information is required in both situations:

A. Title page. (See page 12.)

B. A resolution by the county or WMO authorizing matching funds and the signing of the grant agreement and other related documents. (Use attached model resolution.)

For the following items, please refer to the enclosed Stormy County example:

C. An executive summary of the contents of the application.

D. A detailed workplan and schedule for program implementation during the grant period.

E. A detailed budget for the grant period including the identification of the amount requested in the grant.

F. A list identifying the amount, type, and source of the local share.

G. A statement describing the relationship of the grant request to specific priority implementation items in the comprehensive local water plan.

H. A statement describing how cooperation will be secured with adjacent counties and water management organizations, if applicable.

I. A statement describing local support and interagency coordination.

J. A description of how the challenge grant complements the base grant.

K. A description of how a Feedlot Challenge Grant would complement the feedlot base grant. (if applicable)

L. A statement indicating if partial funding of the application is acceptable. If partial funding is acceptable, project components must be listed in order of funding priority with a corresponding budget.

M. An explanation of the responsibilities proposed to be contracted with other local units of government, if applicable.

INDIVIDUAL COUNTY/WMO/WD RESOLUTION AUTHORIZING THE LOCAL MATCH AND SIGNATURE OF CHALLENGE GRANT DOCUMENTS

Commissioner/Manager _____ offered the following resolution, No. ___, and moved its adoption.

WHEREAS, _____ County/WMO/WD has a State approved and locally adopted comprehensive local water plan as defined by Minnesota Rule Chapter 8405.0110 and has implemented a local levy; and

WHEREAS, the State of Minnesota, through its Board of Water and Soil Resources and Pollution Control Agency, has made state grant funds available to counties/WMOs/WDs for the accelerated implementation of comprehensive local water plans, if a county/WMO/WD agrees to provide the required match; and

WHEREAS, _____ County/WMO/WD wishes to apply for up to $_____ _____ in state grant funds and agrees to provide matching funds or in-kind goods and services, up to the amount of the Grant.

NOW, THEREFORE, BE IT RESOLVED;

THAT THE _____ County/WMO/WD Board of Commissioners/Managers authorizes the appropriation of $_____ in cash or in-kind goods and services as a match to state funds. In addition, the LGU Chair and the Auditor/Administrator are authorized to sign the Grant Agreement and all other related documents on behalf of the County.

Commissioner/Manager _____ seconded the adoption of the resolution, and it was adopted on the following vote:

Ayes: ____ Nays: ____

Note! A copy of the resolution must be attached to the Challenge Grant application.

JOINT POWERS BOARD (JPB) RESOLUTION
ALLOWING A JPB TO ACCEPT CHALLENGE GRANT FUNDS

WHEREAS, the counties listed on Exhibit A have a state approved and locally adopted comprehensive local water plan as defined by Minnesota Statutes § 103B.3361, Subd. 3, and have implemented a local water planning levy; and

WHEREAS, the Commissioners listed on Exhibit A are the duly appointed representative for their respective counties and are authorized to act on behalf of their county on the _____ _____ Joint Powers Board; and

WHEREAS, the State of Minnesota, through its Board of Water and Soil Resources and Pollution Control Agency, has made state grant funds available to counties for the accelerated implementation of comprehensive local water plans, if a county agrees to provide matching funds or in-kind goods and services; and

WHEREAS, each of the counties listed on Exhibit A has passed a resolution authorizing the county to apply for a challenge grant and agree to match the requisite amount of grant funding; and

WHEREAS, said counties have entered in to a Joint Powers Agreement pursuant to Minnesota Statutes § 471.59, and hereby grant the Joint Powers Board the authority to receive grant funding from the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED;

THAT THE _____ Joint powers board agrees to accept grant funding on behalf of the counties listed on Exhibit A, and to use said funds in a manner consistent with the counties' comprehensive local water plans, as well as Minnesota Statutes § 103B.3369 and Minnesota Rules Chapter 8405.

Note! A copy of this JPB resolution, Exhibit A and copies of all individual county resolutions must be attached to the Challenge Grant application.

EXHIBIT A

COUNTIES PARTICIPATING IN THE JOINT POWERS BOARD (JPB) AUTHORIZING THEIR CHALLENGE GRANT TO BE ADMINISTERED BY THE JPB

Commissioner _____ offered the following resolution, No. _____, and moved its adoption.

Commissioner _____ seconded the adoption of the resolution and it was adopted on the vote shown herein.

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

County: _____
Commissioner:_____
County share of grant: $_____
Date: _____
Aye: ____ Nay: ____

(TITLE PAGE)

1999 CHALLENGE GRANT APPLICATION

Applicant_____

Fiscal Agent_____

Challenge Grant Type (check one) _____**BWSR LWRPMP**
_____**MPCA FEEDLOT**

Project Title_____
_____

Project Description_____
_____
_____
___

Amount Requested $_____

Local Lead Agency_____
Contact Person_____
_____
_____
_____
Phone #_____

** All applications, for both LWRPMP and Feedlot Challenge Grants, are to be submitted to your BWSR Board Conservationist by July 1, 1998. Late applications will receive lower funding priority. Do not send your applications to the MPCA or BWSR Central Offices. For LWRPMP Challenge Grants, **10** copies of your application must be submitted. For Feedlot Challenge Grants, **5** copies of your application must be submitted.

(EXAMPLE)

STORMY COUNTY
CHALLENGE GRANT APPLICATION

1. Executive Summary

The Stormy County Comprehensive Local Water Plan (CLWP) has identified on-site septic systems as a major cause of surface water and groundwater contamination. Problems associated with on-site septic systems in the County include failing systems, poor site location near lakes and streams, inadequate design, construction, and installation.

The purpose of the program for which funds are being applied for is to:

1. Develop and implement a countywide education and information program to inform residents of the threats to surface and groundwater from improperly designed, installed, or failing septic systems, and reasons for adoption of a countywide on-site wastewater treatment system ordinance. The Stormy County Extension will be the lead agency for this activity, the SWCD, and Planning and Zoning, will assist.

2. Hire a consultant to (a) develop a countywide on-site wastewater treatment system ordinance, (b) investigate potential enforcement and funding mechanisms and make recommendations to the County board, and (c) assist in public information meetings and hearings. The Stormy County Planning and Zoning Department will be the lead agency for this activity.

3. Identify and map areas in the county that are sensitive to groundwater contamination. This will be used to prioritize where activities resulting from adoption of a countywide on-site wastewater treatment system ordinance will take place. The Stormy County SWCD will be the lead agency for this activity.

The end result of this project will be increased water quality protection through the adoption and enforcement of a countywide on-site wastewater treatment system ordinance.

2. Workplan and Schedule

Activity #1. <u>Education and Information Program</u>

Components:

A. Extension will develop a plan for the overall information program and outline for public official meetings. Projected time commitment - 120 hours, activity timeline January '99 to December '99.

B. Mail special newsletter on "Water Quality and Your On-Site Septic System". Mailing will include all rural residents. Projected time commitment - 24 hours, activity timeline - January 1999.

C. Monthly articles for county newspapers. Projected time commitment - 16 hours, activity timeline January, February, March, and April 1999.

D. Hold four informational meetings for township and city officials. Projected time

commitment - 192 hours; 4 meetings, activity timeline - February and March 1999.

Activity #2. Ordinance Development and Review

Components

A. Develop and advertise RFP for consultant services to develop model ordinance, investigate and recommend enforcement and funding mechanisms and conduct public meetings. Projected time commitment - 40 hours, activity timeline - February, March, 1999.

B. Consultant to develop model ordinance and recommendations for funding and enforcement. Activity timeline - April to August, 1999.

C. County Board will convene 4 public meetings, consultant will present findings and run meetings. Activity timeline - July to October, 1999.

D. County Board to conduct public hearing and adopt ordinance. Activity timeline - November, December 1999.

Activity #3. Identification and Mapping of Sensitive Areas

Components

A. Using the Stormy County Technical Advisory Work Group to develop criteria for determining areas sensitive to surface water and groundwater contamination from on-site waste water treatment systems. Projected time commitment - 80 hours, activity timeline - June to December, 1999.

B. Contract with the Minnesota Land Management Information Center using EPPL7-GIS to develop a sensitivity model and maps. Activity timeline - January to April, 1999.

3. Budget

	Work Item	Local Share	Grant	Total
Activity #1: Education & Information Component				
A.	Program Development - 120 hours @ $12.50/hr (in-kind Ext.)	1,500.00		1,500.00
B.	Newsletter - 24 hrs. @ $12.50/hr (in-kind Ext.) $1,220 printing & mailing ($520 cash contrib. Crystal Lake Assoc.)	820.00	700.00	1,520.00
C.	Monthly Feature Articles - 16 hours @ $12.50/hr (in-kind Ext.)	200.00		200.00
D.	Public Informational Meetings 192 hrs @ 15.00/hr (in-kind Ext. - 80 hrs) SWCD - 80 hrs, P&Z - 32 hrs) 4 mtgs. @ 250/mtg.	2,880.00	1,000.00	3,880.00
Activity #2: Ordinance Development Component				
A.	RFP Development - 40 hrs. @ $20.00 hour (in-kind P&Z - 30 hrs, Co. Attorney - 10 hrs)	800.00		800.00
B.	Contract to Develop Ordinance		5,000.00	5,000.00

C.	Public Information Meetings 4 mtgs. @ $250/mtg		1,000.00	1,000.00
D.	Adopt Ordinance public hear., notices, publishing	1,500.00		1,500.00
Activity #3:	I.D. and Mapping Sensitive Areas			
Component				
A.	Delineation & Mapping Criteria 80 hrs. @ $12.50/hr (in-kind SWCD) materials - $400.00	1,400.00		1,400.00
B.	Develop Sensitivity Model & Maps		1,400.00	1,400.00
	TOTALS	9,100.00	9,100.00	18,200.00

4. Challenge Grant Request $9,100.00

5. Distribution of Local Share of Project

The local share for this project equals $9,100.00. It will be provided to the project as in-kind labor by the SWCD, Extension Office, and the County Planning and Zoning Department in the amounts listed in the budget. The Crystal Lake Association has donated $520.00 to the project.

6. Relationship of Grant Request to Priority Implementation Items in the Comprehensive Local Water Plan

This grant proposal is directly related to the Stormy County CLWP in implementing the following goal, objective, and action in the Plan.

Goal: STRATEGY FOR PREVENTING POLLUTION FROM INDIVIDUAL SEPTIC SYSTEMS (page 25 CLWP)

Objective #1. Implement a comprehensive program to prevent groundwater and surface water contamination by the effluent of individual septic systems.

Action #2. Adopt and enforce a Countywide On-Site Septic Wastewater Treatment System Ordinance that protects groundwater in the County while minimizing costs to the individual landowner.

7. Description of How Cooperation With Adjacent Counties and Water management Organizations Has Been Secured (if applicable)

Not applicable

8. Description of Local Support and Interagency Cooperation

Because this initiative has resulted from the CLWP we are confident that a good deal of public support already exists as evidenced by the cash contribution from the Crystal Lake Association. Part of the proposed project will be to develop additional citizen support.

Interagency cooperation is excellent as evidenced by the project participants. Overall coordination

for the project will be by the Stormy County Water Planning Coordinator. Additional coordination and guidance will be provide by the Stormy County Water Planning Taskforce.

9. Description of How the Challenge Grant Complements the LWP Base Grant

The initiatives identified in this challenge grant application are also listed in the Stormy County Base Grant application. Funding of this project will allow the County to begin implementation of all its 1999 priorities.

10. Is Partial Funding Acceptable

Yes, partial funding of this proposal is possible, however, Stormy County feels that the highest level of success and ease of implementation will occur with full funding.

Project Components - Priority Order and Funding

Priority #1 - Activities 1 and 2		
Total Cost	=	15,400.00
- local share		-7,700.00
BWSR Grant	=	7,700.00
Priority #2 - Activity 3		
Total Cost	=	2,800.00
- local share		-1,400.00
BWSR Grant	=	1,400.00

11. Responsibilities Proposed to be Contracted With Other Local Units of Government

Lead agencies and their responsibilities are listed in the workplan, schedule, and budget (items 2 and 3 above).

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CRITERIA FOR DETERMINING ELIGIBLE LOCAL MATCH

LOCAL MATCH

Challenge grants require a minimum 1 to 1 local match. Therefore each applicant must end the 2-year grant period with a local match totaling the amount of the BWSR grant. Local match can be comprised of either cash or in-kind contributions. Up to 50% of the local match can be federal cash or in-kind contributions. State funds cannot be used as local match.

CASH CONTRIBUTIONS

All cash contributions from local sources are eligible. For purposes of this Challenge Grant, a local source is considered a county, city, township, SWCD, local Extension, watershed districts, private foundations, non-profit groups, federal sources, and private or civic clubs making a cash contribution to the project.

Up to one-half of the local match can be federal funds. This means that a portion of cash contributions from federal agencies are eligible.

IN-KIND CONTRIBUTIONS

In-kind contributions are generally considered those contributions of personnel, supplies, and equipment that support a project, as opposed to cash contributions which are used to purchase professional services and equipment for the project, etc..

Local Staff - All time spent on Challenge Grant activities during normal working hours and after working hours (night mtgs. & overtime) is eligible as local match. The amount should be based on actual salary plus a reasonable amount for overhead (office, fringe benefits, etc.). A portion of federal staff time may be eligible as local match.

Elected Officials and Appointed Citizens - Time spent at meetings such as hearings and task force meetings is an eligible local match. In figuring this match, we suggest applying a standard per-diem rate for all members.

Volunteers - The time, mileage and expenses of local volunteers is eligible as a local in-kind contribution. The dollar amount claimed should be based on local labor rates or what you would have to pay if that person was contracted to do the work. Documentation of volunteer time, mileage, and expenses is required, therefore some type of reporting system is reccomended.

Mileage - This should represent actual reimbursement for mileage for both staff and members for attending meetings and activities that can be directly related to the Challenge Grant.

Supplies & Equipment - Any supplies or equipment used or expended for purposes of implementing the proposal can be considered an eligible local match.

ANSWERS TO FREQUENTLY ASKED CHALLENGE GRANT QUESTIONS

Can there be several projects within one application proposal?
An application proposal may contain several closely related project components that are necessary to accomplish the overall project goal. Projects that are not closely related or dependant on each other should be submitted in separate applications.

Can the same application be submitted for funding from the LWRPMP and Feedlot Challenge Grant Programs?
No. A similar application received from the same geographical area will be disqualified from funding consideration.

Are cost share projects eligible for Challenge Grant funding?
Cost share projects are eligible for LWRPMP Challenge Grant funding, but are not eligible for Feedlot Challenge Grant Program funding.

Can project expenses that are incurred prior to Challenge Grant funding be used as match or be paid by Grant funds?
No. Match and Grant funds can only be used during the grant period October 1, 1998 - September 30, 2000.

Can Challenge Grant funds be used to employ staff?
Yes, but the state assumes no obligation as to their performance, and employment after the end of the grant period (September 30, 2000) or Grant funds have been expended, whichever comes first.

After the Grant period is over, what will happen to equipment or supplies purchased with Challenge Grant funds?
The applicant may retain equipment or supplies purchased with Challenge Grant funds so long as the equipment or supplies are used for LWRPMP activities.

When will successful Challenge Grant applicants receive funds?
The designated fiscal agent of successful Challenge Grant applications will receive funding checks in about seven to ten days after signed grant agreements are returned to the BWSR.

Who can be contacted to respond to any additional guidance needed to submit an application?
Any questions or concerns should be directed to your Board Conservationist. You should discuss your project with your Board Conservationist before submitting it to them.

What are my chances of being funded?
Challenge Grants in recent years have been very competitive. Approximately 1 out of every 3.5 applications are full or partially funded.

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Evaluation Profile
LWRPMP CHALLENGE GRANT PROGRAM
1999

CRITERIA	4. Excellent	3. Very Good	2. Good	1. Satisfactory	0. Unsatisfactory
1.WATER PLAN PRIORITY: Does the proposal start up or accelerate the implementation of the CLWP(s) activities and the tie-in to local priorities?	Project is fully supported by plan(s). Activities identified in plan assessments, goals/objectives/actions and is identified as a high priority.	Project is largely supported by plan(s). Activity is identified in goals/objectives/actions and identified as a high priority.	Project is supported by plan(s). Activity is identified in plan as a priority action.	Project is mentioned in plan(s).	Project or activity is not identified in plan(s).
2. ADMINISTRATION: Ability of the applicant(s) to successfully administer and implement the LWRPMP funded Challenge Grant	Proposal identifies both the LGU and staff responsible for the project. Staff and LGU experience and past accomplistments are an excellent match for the project.	Proposal identifies both staff and LGU responsible for the project. Staff and LGU experience and past accomplishments are a good match for the project.	Proposal identifies either the staff or LGU responsible for the project. Staff and/or LGU experience and past accomplishments are adequate for the project.	Proposal identifies the LGU involved in the project, but gives no indication as to ability to successfully complete the project.	Proposal does not identify the staff or LGU responsible for the project, and gives no indication of applicants ability to successfully complete the project.
3. LOCAL SUPPORT: Participation of local units of government. Does the proposal clearly describe strong local support and inter-agency cooperation?	The proposal clearly identifies a high degree of both local support and interagency cooperation.	The proposal identifies local support and inter-agency cooperation.	The proposal identifies local support. Inter-agency cooperation is not applicable to the success of the proposal and its activities.	The proposal mentions local support or inter-agency cooperation, but fails to identify specific groups or agencies.	No mention is made of local support or interagency cooperation that is necessary for successful completion of the project or activities identified in the proposal.
4. AREA PRIORITIES: Multi-county cooperation and regional priorities. Based on whether the proposal demonstrates multi-county efforts, and/or addresses regional water resource priorities.	The proposal includes both multi-county efforts and addresses a regional water resources priority	The proposal includes a multi-county effort, but does not address a regional priority.	The proposal is not for a multi-county project or activity, but addresses a regional priority.	The proposal is not a multi-county project or activity, but partially addresses a regional priority.	The proposal is not a multi-county project or activity, nor does it address a regional priority.
5. LONG TERM COMMITTMENT: Does the proposal indicate a commitment to programs or activities that are long term in scope and nature or will result in future programs or activities.	The proposal clearly indicates how the program or activities will result in an exceptional degree of long term commitment to effective water protection and management.	The proposal indicates how the program or activities will result in a high degree of long term commitment to water protection and management.	The proposal indicates how the program or activities will result in some degree of long term commitment to water protection and management.	The proposal indicates some degree of long term commitment, but does not indicate how it will be achieved.	The proposal makes no long term commitment to water protection and management.
6. USE OF LOCAL PROGRAMS AND METHODS: Does the proposal make effective use of local programs and methods to protect and manage water and related land resources?	The proposal makes full use of and builds on the capabilities of existing local programs.	The proposal makes full use of existing local programs and builds on the capabilities of existing local programs in a limited fashion.	The proposal makes full use of existing local programs.	The proposal makes limited use of existing local programs.	The proposal indicates no use or recognition of existing local programs or methods.
7. FEDERAL AND STATE efforts. Does the proposal identify and complement the efforts of existing federal, state or local resource management programs in the county or region?	The proposal clearly identifies and complements all appropriate federal and state programs related to the proposed programs and activities.	The proposal identifies and complements many of the appropriate federal and state programs related to the proposed programs and activities.	The proposal identifies and complements some federal and state programs related to the proposed programs and activities.	The program or activity contained in the proposal has no federal or state counterpart program in existence.	Complementary federal or state programs exist, but the proposal does not identify them.

Evaluation Profile
LWRPMP CHALLENGE GRANT PROGRAM
1999

CRITERIA	4. Excellent	3. Very Good	2. Good	1. Satisfactory	0. Unsatisfactory
8. OFFICIAL CONTROLS: Does the proposal result in acceleration of local efforts to adopt, administer and enforce official controls to protect and manage water and related land resources?	The proposal will result in a significant acceleration of local efforts to adopt, administer and enforce local official controls.	The proposal will result in accelerated efforts to adopt, administer and enforce official and local controls.	The proposal will result in some acceleration of local efforts to adopt, administer and enforce local official controls.	Proposal may accelerate the adoption, administration or enforcement of local official controls.	The proposal does not indicate an initiative to accelerate efforts to adopt, administer or enforce official controls.
9. WATERSHED BASED PROJECT: Is the proposed project based on hydrologic boundaries?	Project Activities clearly target and benefit a watershed and waterbody exclusively.	Project targets a defined watershed only.	Project activities are generally related to a watershed.	Watershed benefits are a secondary goal of the project.	The project is not watershed related.
10. OVERALL STRENGTH OF THE PROPOSAL'S WORK PLAN: Based on the review of whether or not the actions/activities, timeframes and lead agency(s) are realistic.	The proposal is extremely strong, realistic, focused and shows well defined activities, timeframes and lead agency(s).	The proposal is realistic and gives good definition of activities, timeframes and lead agency(s).	The proposal is acceptable and identifies activities, time frames and lead agency(s).	Identifies activities, timeframes and lead agency(s).	An inadequate proposal, not realistic, does not include adequate information concerning activities, timeframes or the lead agency(s).
11. OVERALL STRENGTH OF THE PROPOSAL'S BUDGET: Based on the feasibility of the proposed budget cost detail.	Excellent fit between the work to be accomplished and dollars budgeted. The budget is well detailed and demonstrates extensive planning. All costs are directly related to the project.	Good fit between the work to be accomplished and the dollars budgeted. The budget is adequately detailed and expenditures are related to the work to be done.	All significant expenditures are itemized and matched to the work to be done.	The budget is reasonable. Some significant entries should have been itemized. Unforseen contingencies might arise that are not covered by the budget.	The fit between tasks and expenditures is unreasonable. Some costs are excluded or not directly related to the proposal.