



Minnesota Board of Water and Soil Resources.
Minutes.

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March 1998

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**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MARCH 25, 1998**

BOARD MEMBERS PRESENT:

Barb Uppgaard, Lee Coe, Paul Krabbenhoft, Darrell Bruggman, Barb Cobb, Allan Oehlke, Sharon Clark, Ginny Imholte, Glenn Annexstad, Marv Tripp, Jim Anderson, Kelli Johnson

BOARD MEMBERS ABSENT:

Kathleen Roer, Jim Dahlvang, Dwain Otte, Rod Sando, Peder Larson

OTHERS PRESENT:

Vern Johnson and Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Wayne Edgerton, Department of Natural Resources (DNR)
Rod Massey, Pollution Control Agency (PCA)
Kim Benson-Johnson, Department of Health (MDH)
Franklin Denn, Minnesota Association of Townships (MAT)

STAFF PRESENT:

Ron Harnack, Jim Birkholz, Phil Belfiori, Jim Haertel, Al Kean, John Jaschke, and Mary Jo Anderson

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Page Two

Vice-Chair Barb Uppgaard called the meeting to order at 9:00 a.m. in the absence of Chair Kathleen Roer.

98-19 **Adopt Agenda** - Moved by Barb Cobb, seconded by Lee Coe, to approve the agenda as presented. Motion passed on a voice vote.

Minutes of February 25, 1998 - A correction is needed on page six, regarding the MAWD summer tour -- it will be held June 26-27, in the Joe River, Two Rivers, and Roseau River. Also on page six, regarding upcoming meetings, it should read "southeastern" not southern eastern.

98-20 Moved by Lee Coe, seconded by Glenn Annexstad, to approve the minutes of February 25, 1998, as corrected. Motion passed on a voice vote.

Reports

Executive Director - Ron Harnack reported that the Environmental Quality Board (EQB) decided to move forward on the Generic Environmental Impact Statement (GEIS) regarding feedlots. Ron stated that an interagency advisory group has been organized, with oversight by EQB. BWSR staff Al Kean will sit on that interagency advisory group.

Ron reported that the legislative session is expected to adjourn by Easter. Ron gave a legislative update. He reported that the BWSR policy bill has been signed by the Governor.

Ron reported on the budget. He stated that the Senate decided to shift the obligation for RIM Reserve technical and professional services from the environmental supplemental budget bill into the capital budget bill. The supplemental bill includes portions of the lakeshed initiative; lakes assessment grant; updating the lake guidebooks; living snowfences. The Senate supplemental budget includes the dairy feedlot cost-share grants. Ron stated that there are three controversial issues: studs on snowmobiles, personal watercraft, and grants to county sheriffs' offices. The feedlot issue is the most significant controversial item; they are making some progress, but it's slow. The capital budget has just started this week; the Senate allocation comes out of the general fund; the House out of bonding. \$15M in the Senate for RIM Reserve/PWP; and \$10M in the House. \$3M in the Senate for road replacement and \$2M in the House. \$1M in the Senate for Lazarus Creek and zero in the House. \$500,000 for lakeshore easements in the House; \$300,000 for quad lakes in Faribault County in the House.

Ron reported that interagency meetings have been held regarding Devils Lake and the Garrison Diversion. The U.S. Army Corps of Engineers (USACE) will be receiving a joint letter, signed by DNR, PCA, MDH, and BWSR; addressing the emergency outlet concerns of the State of Minnesota.

Discussion followed on the feedlot issue.

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Committee Reports

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Cost-Share/Soil Conservation Committee - Barb Cobb reported on behalf of Dwain Otte, that the Cost-Share/Soil Conservation Committee met on February 25, to discuss service grants to SWCDs; revision of allocation formula; the consensus of parameters would not be changed unless there is an increase in the legislative appropriation.

Ron presented the "Draft Board Member Handbook." Board members will receive their copy at the April meeting.

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Jim Anderson, Minnesota Extension Service (MES), reported that MES/BWSR is in the process of hiring the environmental education position to be located in New Ulm. The position has been offered; hopeful for a positive response so we can move forward. Jim stated that a draft position description has been written for the metro joint MES/BWSR environmental education position. Ron suggested that the committee have discussions relating to what the other agencies are doing and try to coordinate where

Sharon Clark, Minnesota Department of Agriculture (MDA), reported that the Minnesota Food Code came into effect this week; which MDA and MDH adopted; the Minnesota Food Code is now on the website. Sharon stated that several farmers in the northwest are dealing with very difficult financial problems. MDA Commissioner Gene Hugoson will go before the Ways and Means Committee to discuss this and seek assistance for farmers. Sharon reported that wheat scab continues to hit the wheat growers. A hybrid seed that is scab resistant is needed to alleviate the scab problem. Sharon suggested that Ron Harnack call Wally Sparby, Farm Services Agency, to address this issue and how the RIM program may be of assistance to this problem. Sharon reported that an open house will be held on April 13 in Farmington to dedicate the consolidation of Dakota County SWCD, MES, FSA, and NRCS; now known as a Conservation Center.

Kelli Johnson, Minnesota Department of Health (MDH), reported that MDH omnibus bill began deliberations two days ago. Kelli reported that MDH is involved with the interagency group regarding the feedlot legislative issues. Kelli stated that a legislative change has been made so that MDH will receive EPA funds for safe drinking water.

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Wayne Edgerton, Department of Natural Resources (DNR), stated that the EQB, which Rod Sando chairs, ordered a GEIS regarding feedlot issues; a feedlot inventory will be one outcome. A series of meetings statewide will be held in late May to get input on feedlot GEIS and scoping issues. Wayne stated that the wolf management issues are addressed with the advisory group.

Committee Recommendations

98-21

Norman County and Roseau County Comprehensive Local Water Plans - Lee Coe reported that the northern review committee met to review the Norman County and Roseau County Comprehensive Local Water Plans, and recommends approval of the plans. Moved by Lee Coe, seconded by Ginny Imholte, to approve the Norman and Roseau County Comprehensive Local Water Plans. Motion passed on a voice vote.

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Blue Earth County Comprehensive Local Water Plan - Glenn Annexstad reported that the southern review committee met to review the Blue Earth County Comprehensive Local Water Plan. The subcommittee recommends approval of the plan. Glenn showed the maps used in the county to evaluate and assess feedlots and manure management in the county; if each county assessed their feedlots like Blue Earth County, the feedlot moratorium wouldn't be an issue. Moved by Glenn Annexstad, seconded by Allan Oehlke, to approve the Blue Earth County Comprehensive Local Water Plan. Motion passed on a voice vote.

Vice-Chair Uppgaard called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:20 a.m.

New Business

Total Maximum Daily Loads (TMDL) - Ron Harnack introduced Howard Markus, MPCA. Mr. Markus distributed informational materials regarding TMDLs. He gave an overview of the TMDLs and Clean Water Act, Section 303d; a schedule has been established for the state. Howard stated that the information is in the State Register and can be accessed through the web. It was decided that SWCDs should be aware of this and receive this information. The total maximum daily load equals the waste load allocation plus the load allocation plus the margin of safety. Howard will distribute colored maps to board members. Discussion followed. Vice-Chair Uppgaard thanked Howard Markus for coming in today to present this information.

Resolution Adopting the Permanent Wetland Conservation Act (WCA) Rules - John Jaschke reported that the Administrative Law Judge (ALJ) recommended the rule for adoption. Staff

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98-23**

prepared a resolution which adopts the rules as proposed and authorizes the Executive Director of BWSR to carry out further procedural matters needed to enact the Rules into permanent status before June 10, 1998. Moved by Allan Oehlke, seconded by Darrell Bruggman, that BWSR adopts the Wetland Conservation Act Rules as published in the State Register on January 12, 1998 and authorizes the Executive Director to complete the processes necessary to enact said Rules into permanent status before June 10, 1998. Motion passed on a voice vote.

98-24**

FY99 SWCD General Services Grant Allocation Policy - Jim Birkholz reported that 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 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 FY99, all SWCDs will each receive about \$20,165. Discussion followed. Moved by Ginny Imholte, ⁹¹ seconded by Barb Cobb, to adopt Option #2: to distribute entire \$303,000 equally among all ⁹² districts, with the stipulation that the division of any future increases will be decided at that later date. Discussion followed. Moved by Lee Coe, seconded by Darrell Bruggman, to amend the motion to drop the last portion of the motion. Amendment failed. Moved by Allan Oehlke, seconded by Lee Coe, to table the last portion of the motion until next month to rework the wording. Motion passed on a voice vote.

Advisory Comments

Ray Bohn, Minnesota Association of Watershed Districts (MAWD), reported that MAWD has been busy with legislative issues -- Bois de Sioux issue looks like it may happen in the Tax Conference Committee; the Wild Rice Watershed District has language in the Tax bill; Sauk River Watershed District has language on the House side to repair a dam. Ray reported that \$1.5M in the Senate, zero in the House for flood mitigation and ring diking. The contract language for watershed districts, in the BWSR bill, has been signed by the Governor. Ray stated that legislatively, MAWD is doing well. Ray reported that the MAWD summer tour is June 26-27; former Secretary Bob Berglund has been invited to be a guest speaker. Ray reported that Woody Love, current President of MAWD, was not reappointed to the board of managers for Hennepin County. Vern Johnson, Vice-President, is now the President of MAWD. Ray stated that there's a new petition for a watershed district in Ramsey County, MAWD is willing to help in anyway they can.

Vern Johnson requested to be on the agenda at an upcoming BWSR meeting to make an informational presentation on watershed districts.

Franklin Denn, Minnesota Association of Townships (MAT), reported that MAT has been busy during the legislative session. Township officials are attending short courses.

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Upcoming Meetings

The BWSR meeting and retreat will be held April 22-23 at the Riverwood Conference Center in Monticello.

Vice-Chair Uppgaard adjourned the meeting at 11:40 a.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barb Uppgaard".

Barb Uppgaard, Vice-Chair

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Resolution Adopting the Permanent Wetland Conservation Act (WCA) Rules - John Jaschke reported that the Administrative Law Judge (ALJ) supported the rule move forward for adoption. Staff prepared a resolution which adopts the rules as proposed and authorizes the Executive Director of BWSR to carry out further procedural matters needed to enact the Rules into permanent status before June 10, 1998. Moved by Allan Oehlke, seconded by Darrell Bruggman, that BWSR adopts the Wetland Conservation Act Rules as published in the State Register on January 12, 1998 and authorizes the Executive Director to complete the processes necessary to enact said Rules into permanent status before June 10, 1998. Motion passed on a voice vote.

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Franklin Denn, Minnesota Association of Townships (MAT), reported that MAT has been busy during the legislative session; and township officials are attending shortcourses.

Upcoming Meetings

BWSR meeting, April 22-23 retreat, Riverwood Conference Center, Monticello - strategic plan-what next

Vice-Chair Uppgaard adjourned at 11:40 a.m.

Respectfully submitted,

Barb Uppgaard, Vice-Chair

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Adopt Agenda - Moved by Barb Cobb, seconded by Lee Coe, to approve the agenda as presented. Motion passed on a voice vote.

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MF - you need to
go through in more
detail first.
There's some
things the don't
make any sense that
should be corrected
by checking the tape. Also
see edit.

edh

RON -
please review
& edit -
mja

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RIM Reserve
Tech & Plog
Services
Reserve/PWP

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through the web. It was decided that SWCDs should be aware of this and receive this information. The total maximum daily load equals the waste load allocation plus the load allocation plus the margin of safety. Howard will distribute colored maps to board members. Discussion followed. Vice-Chair Uppgaard thanked Howard Markus for coming in today to present this information.

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98-24 FY99 SWCD General Services Grant Allocation Policy - Jim Birkholz reported that 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 FY99, all SWCDs will each receive about \$20,165. Ginny Imholte stated that any increases will be decided at the time the increases may be available. Paul Krabbenhoft agreed with that. Moved by Ginny Imholte, seconded by Barb Cobb, to adopt Option #2, distribute entire \$303,000 equally among all 92 districts, with the stipulation that the division of any future increases will be decided at that later date. ~~Ren stated that it's BWSR's responsibility to build capacity at the SWCD level; equally does not build capacity; this needs to be addressed at future allocation increases; this is good to get this behind us and move forward.~~ Discussion followed. Moved by Lee Coe, seconded by Darrell Bruggman, to amend the motion to drop the last portion of the motion. Amendment failed. Allan Oehlke stated that ~~it needs to be clear and open for debate.~~ Moved by Allan Oehlke, seconded by Lee Coe, to table this issue until next month to rework the ~~wordage.~~ Motion passed on a voice vote.

Advisory Comments

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BWSR Meeting Minutes
March 25, 1998
Page Six

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vice chair

*current president
of MAWD*

Vern Johnson requested to be on the agenda at an upcoming BWSR meeting to make an informational presentation on watershed districts.

Franklin Denn, Minnesota Association of Townships (MAT), reported that MAT has been busy during the legislative session; and township officials are attending shortcourses.

Upcoming Meetings

BWSR meeting, April 22-23 retreat, Riverwood Conference Center, Monticello - strategic plan-what next

Vice-Chair Uppgaard adjourned at 11:40 a.m.

Respectfully submitted,

Barb Uppgaard, Vice-Chair

DRAFT

BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
MARCH 25, 1998

DRAFT

RECEIVED
APR 02 1998

BOARD MEMBERS PRESENT:

Barb Uppgaard, Lee Coe, Paul Krabbenhoft, Darrell Bruggman, Barb Cobb, Allan Oehlke, Sharon Clark, Ginny Imholte, Glenn Annexstad, Marv Tripp, Jim Anderson, Kelli Johnson

BOARD MEMBERS ABSENT:

Kathleen Roer, Jim Dahlvang, Dwain Otte, Rod Sando, Peder Larson

OTHERS PRESENT:

Vern Johnson and Ray Bohn, Minnesota Association of Watershed Districts (MAWD)
Wayne Edgerton, Department of Natural Resources (DNR)
Rod Massey, Pollution Control Agency (PCA)
Kim Benson-Johnson, Department of Health (MDH)
Franklin Denn, Minnesota Association of Townships (MAT)

STAFF PRESENT:

Ron Harnack, Jim Birkholz, Phil Belifiori, Jim Haertel, Al Kean, John Jaschke, and Mary Jo Anderson

Mary Jo - Sometimes
I just put a ? on a
phrase that I didn't
understand. R.H. will
help clarify.
Thanks!
Barb

Barb,
please review and
edit. Thanks!
Mary Jo

Vice-Chair Barb Uppgaard called the meeting to order at 9:00 a.m. ^{in the absence of} Chair Kathleen Roer ~~is on vacation, so Vice-Chair Uppgaard will chair the meeting today.~~

Adopt Agenda - Moved by Barb Cobb, seconded by Lee Coe, to approve the agenda as presented. Motion passed on a voice vote.

Minutes of February 25, 1998 - A correction is needed on page six, regarding the MAWD summer tour -- it will be held June 26-27, in the Joe River, Two Rivers, and Roseau River. Also on page six, regarding upcoming meetings, it should read "southeastern" not southern eastern. Moved by Lee Coe, seconded by Glenn Annexstad, to approve the minutes of February 25, 1998, as corrected.

Reports

Executive Director - Ron Harnack reported that the Environmental Quality Board (EQB) decided to move forward on the Generic Environmental Impact Statement (GEIS) regarding feedlots. Ron stated that an interagency advisory group will be organized, with oversight by EQB. BWSR staff Al Kean will sit on that interagency advisory group.

Ron reported that the legislative session is expected to adjourn before Easter. Ron gave a legislative update. He reported that the BWSR policy bill has been signed by the Governor. The bill includes metro water planning; watershed district hearings; Wetland Conservation Act amendments; the Watershed District Act, and a public waters wetland report done by BWSR in cooperation with DNR, needs to be completed by March 1, 1999.

Ron reported on the budget. He stated that the Senate decided to shift the obligation for the environmental supplemental budget bill into the supplemental bill. The BWSR's supplemental bill includes the lakeshed initiative; lakes assessment grant; updating the lake guidebooks; living snowfences. The Senate supplemental budget includes the dairy feedlot program. Ron stated that there are three controversial issues: studs on snowmobiles; personal watercraft, ^{and} grants to county sheriff's offices. The feedlot issue is the most significant controversial item; they are making some progress, but it's slow. The capital budget has just started this week; the Senate allocation comes out of ^{the} general fund; the House out of bonding. \$15M in Senate for RIM and PWP; and \$10M in the House. \$3M in Senate for road replacement and \$2M in House. \$1M in Senate for Lazarus Creek and 0 in the House. \$500,000 for lakeshore easements; \$300,000 for quad lakes in Faribault County.

Ron stated that an interagency meeting with the Joint Powers Board was held; two more meetings will be held to establish a pilot initiative.

on what? who? for what?

Diversion project?
Ron reported that interagency meetings have been held regarding Devils Lake and the Garrison Division. The U.S. Army Corps of Engineers (USACE) will be receiving a joint letter, signed by DNR, PCA, MDH, and BWSR; addressing the emergency outlet concerns that the State of Minnesota has objection to. The concern is ~~to set~~ *setting* a precedent.

Discussion followed on the feedlot issue.

Committee reports:

Dispute Resolution Committee (DRC) - Marv Tripp reported that there are no appeals pending.

Education and Public Relations Committee - Barb Uppgaard reported that the Education Committee will meet today after the BWSR meeting.

Cost-Share/Soil Conservation Committee - Barb Cobb reported on behalf of Dwain Otte, that the Cost-Share/Soil Conservation Committee met on February 25, to discuss service grants to SWCDs; revision of allocation formula; consensus of perimeters would not be changed unless there is an increase in the legislative appropriation. (*perimeters? I don't know!*)

Ron presented the "Draft Board Member Handbook." Chair Roer is reviewing the handbook; board members will receive their copy at the April meeting.

Agency Reports

Jim Anderson, Minnesota Extension Service (MES), reported that MES/BWSR is in the process of hiring the environmental education position to be located in New Ulm. The position has been offered; hopeful for a positive response so we can move forward. Jim stated that a draft position description has been written for the metro joint MES/BWSR environmental education position. Ron stated that it's good to coordinate positions with other agencies. This will be discussed at the retreat next month.

Sharon Clark, Minnesota Department of Agriculture (MDA), reported that the Minnesota Food Code came into effect this week; which MDA and MDH adopted; the Minnesota Food Code is now on the website. Sharon stated that several farmers in the northwest are dealing with very difficult financial problems. MDA Commissioner Gene Hugoson will go before the Ways and Means Committee to discuss this and address assistance to the problem. Sharon reported that wheat scab has hit the wheat growers. Sharon suggested that Ron Harnack call Wally Sparby, Farm Services Agency, to address this issue and how the RIM program may be of assistance to this problem. A hybrid seed that is scab resistant is needed to alleviate the scab problem. Sharon reported that an open house will be held on April 13 in Farmington to dedicate the consolidation of Dakota County SWCD, MES, FSA, and NRCS; now known as a Conservation Center.

Kelli Johnson, Minnesota Department of Health (MDH), reported that MDH omnibus bill began deliberations two days ago. Kelli reported that MDH is involved with the interagency group

regarding the feedlot legislative issues. Kelli stated that a legislative change has been made so that MDH will receive EPA funds for safe drinking water.

7
Rod Massey, Pollution Control Agency (PCA), reported that PCA is continuing with the reorganization structure, which should be done in July. PCA has been involved with legislative issues; an issue of importance is issue to work with other agencies regarding water quality standards. Rod stated that a meeting will be held tomorrow with state agencies and municipalities to discuss urban sprawl and wastewater treatment plants. Rod reported that PCA staff are now doing one permit per person per month on feedlots; unless the allocation changes to increase staff, that's where it's at.

Wayne Edgerton, Department of Natural Resources (DNR), stated that the EQB, which Rod Sando chairs, ordered a GEIS regarding feedlot issues; also an inventory of where we're at is needed. A series of meetings statewide will be held in beginning in late May to address these issues. Wayne stated that the wolf management issues will be addressed with the advisory group.

Committee Recommendations

Norman County and Roseau County Comprehensive Local Water Plans - Lee Coe reported that the northern review committee met to review the Norman County and Roseau County Comprehensive Local Water Plans, and recommends approval of the plans. Moved by Lee Coe, seconded by Ginny Imholte, to approve the Norman and Roseau County Comprehensive Local Water Plans. Motion passed on a voice vote.

Blue Earth County Comprehensive Local Water Plan - Glenn Annexstad reported that the southern review committee met to review the Blue Earth County Comprehensive Local Water Plan. The subcommittee recommends approval of the plan. Glenn showed the maps used in the county to evaluate and assess feedlots and manure management in the county; if each county assessed their feedlots like Blue Earth County, the feedlot moratorium wouldn't be an issue. Moved by Glenn Annexstad, seconded by Allan Oehlke, to approve the Blue Earth County Comprehensive Local Water Plan. Motion passed on a voice vote. Lee Coe suggested an educational session on the evaluation of feedlots.

Vice-Chair Uppgaard called for a break in the meeting at 10:05 a.m. The meeting reconvened at 10:20 a.m.

New Business

Total Maximum Daily Loads (TMDL) - Ron Harnack introduced Howard Markus, MPCA. Mr. Markus distributed informational materials regarding TMDLs. He gave an overview of the TMDLs and Clean Water Act, Section 303d. A schedule has been established to protect good watersheds. Howard stated that the information is in the State Register and can be accessed

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~~what next~~

Vice-Chair Uppgaard adjourned at 11:40 a.m.

Respectfully submitted,

Barb Uppgaard, Vice-Chair

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:

<u>FOR</u>	<u>AGAINST</u>	<u>OPTION</u>
37	77	1. <u>Withhold \$76,000</u> to establish a leadership training program-- then distribute the <u>remaining \$227,000 equally</u> among all 91 districts.
76	40	2. Distribute entire <u>\$303,000 equally</u> among all 91 districts.
32	77	3. Withhold \$76,000 for leadership program and distribute remaining on a fair and equitable but not necessarily equal formula.
35	86	4. Withhold 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.

BOARD MEMBER RESOLUTION #98-23

Wetland Conservation Act (WCA) Rule Adoption

WHEREAS, the Board of Water and Soil Resources is required by Laws of Minnesota, Chapter 462, Section 39, to adopt permanent WCA Rules before June 10, 1998; and

WHEREAS, Administrative Law Judge, Allan Klein has recommended in his report dated March 12, 1998 that the proposed WCA Rules as published by the Board of Water and Soil Resources in the State Register on January 12, 1998 be adopted; and

WHEREAS, the proposed Rules are identical to those adopted in 1996 under the emergency/exempt Rule making provision and have been found acceptable to the great majority of those using and affected by them.

NOW, THEREFORE, the Board of Water and Soil Resources hereby adopts the Wetland Conservation Act Rules as published in the State Register on January 12, 1998 and authorizes the Executive Director to complete the processes necessary to enact said Rules into permanent status before June 10, 1998.

By *Kathleen Roer* - Vice Chair
Kathleen Roer, Board Chair

Date *3-25-98*



MEMO

March 20, 1998

To: Darrell Bruggman, Chair
BWSR Wetland Committee

From: John Jaschke, Wetland Conservation Act Program Manager **JA.**

RE: Wetland Conservation Act Rule Adoption

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

Attached is a draft Resolution adopting the Wetland Conservation Act Rules as proposed and supported by the Administrative Law Judge's report dated March 12, 1998. The Resolution adopts the Rules as proposed and authorizes the Executive Director of the Board to carry out further procedural matters needed to enact the Rules into permanent status before June 10, 1998. A copy of this memorandum and attachments is being distributed to the other Board members as well in case you or anyone else has questions about the draft Resolution, the Administrative Law Judge's report or the Rule adoption process. A final Resolution will be prepared for the March 25 Board meeting.

Attachments

c: Ron Harnack
Greg Larson
Mary Jo Anderson
BWSR Board Members

An equal opportunity employer

Printed on recycled paper

BOARD MEMBER RESOLUTION _____

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By _____
Kathleen Roer, Board Chair

Date _____

DRAFT



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

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.

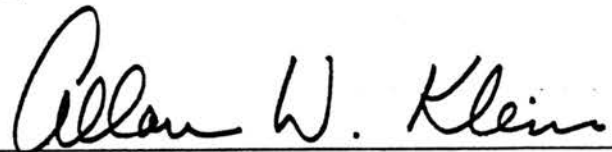
6. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Board from further modification of the proposed rules based upon an examination of the public comments, provided that no substantial change is made from 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
Administrative Law Judge

Reported: Tape Recorded;
No Transcript Prepared

What is the role of TMDLs in the 303d list?

- Purpose is to meet water quality standards in our rivers and lakes
- They have a regulatory 'hook' so they are popular with environmentalists
 1. 30 suits since 1986
 2. EPA has added many requirements to list as a result
 3. EPA must do the 303d list if states do not
 4. Money may follow the list

What could the future hold for the 303d list & TMDLs?

- Non-numeric use impairments may become more numerous on the list than numeric use impairments (e.g. fish advisories, habitat loss)
- The TMDL approval may become to mean not just creation, but also implementation

What are the implications for Minnesota?

- If we are forced to place all our resources into numeric restoration, we would have to de-emphasize protection and non-numeric issues
- If EPA/we are sued and lose, we could be forced to do very many TMDLs in a very short time with very poor data and no public participation, resulting in a very poor process that would meet the letter of the law
- Poorly done TMDLs will have a very large MOS, increasing costs and shrinking limits

How do watershed districts and BWSR fit in?

- Local water plans will feed into the basin planning process, including the 303d process, helping in problem identification, prioritization, and implementation

BWSR Presentation re 303d & TMDLs

What is the 303d list?

- Required by CWA Section 303d
- List of reaches with one or more impaired designated uses
- New requirements include need for prioritization and schedule (8-13 yrs)

What is the role of basin planning?

- Key functions are protection, restoration of 'non-numeric' uses, and restoration of 'numeric' uses (TMDLs work best for the last)
- The key steps to the process are data collection and assessment, prioritization, facilitation, restoration, and additional data collection & assessment

How do TMDLs fit into the picture?

- TMDL stands for Total Maximum Daily Load *•waste load allocation •load allocation*
- TMDLs are comprised of WLAs + LAs + MOS *•margin of safety*
- TMDLs are excellent tools for dealing with point sources; it is unclear how effective this tool will be for nonpoint source impacts
- HOWEVER, EPA is fully committed to using TMDLs for NPS problems

How do TMDLs work?

- One TMDL for each pollutant for each reach
- Identify all sources
- Identify the maximum load the resource can handle and still maintain its use
- Allocate among sources
- Develop an implementation plan

Page 1

problems could be solved in their areas. In this regard, citizens advisory boards and steering committees will be established in the future which will give that very important local input to this process. The end result of this extensive effort will be a consensus of all parties as to what needs to be done and what can be done to have all rivers and streams in southeast Utah in compliance with state water quality standards.

The first area to receive scrutiny will be the Price River system from Wellington to the mouth of the Green River. This area was chosen because the predominant landowner is the BLM. The BLM contact for this effort is Kerry Flood in Price. This will allow the program to get underway and give DWQ and BLM staff experience in approaching the problems in this segment of the river. The next area will be to move up the Price River to include the U.S. Forest Service lands. Other areas will then be addressed.

Overall management of the program in southeastern Utah is guided by Dr. William Moellmer, environmental scientist with the Utah Division of Water Quality. For further information you may contact him at: (801) 538-6329 or email him at: wmoellmer@deq.state.ut.us.

Point Source Plan Released

State and County Building
7:00 to 9:00 PM. 585 North
Main Cedar City, UT

Ogden February 17, 1998
Weber County Library
7:00 to 9:00 PM 2464 Jefferson Ave
Ogden, UT

Price February 19, 1998
Dept. of Work Force Services
7:00 to 9:00 PM 475 West Price River
Road Suite 256 Room 300
Price, UT

For a copy of the draft plan, call Rick Summers at (801) 538-6146 or Scott Burroughs at (801) 538-5457. Written requests for the plan or comments may be sent to:

Division of Water Quality
Attention: Rick Summers
288 North 1460 West
Box 144870
Salt Lake City, UT 84114-4870

TMDLs Approved for Three Utah Watersheds

The U.S. Environmental Protection Agency (EPA) has approved Total Maximum Daily Load (TMDL) standards for three Utah watersheds.

In a recent letter from the EPA regional office in Denver, CO. To Utah water quality officials, EPA approved Utah's TMDLs for Otter Creek, Chalk Creek and portions of the Bear River.

"All of the TMDLs approved in this correspondence call for nonpoint source controls to be put in place to achieve water quality goals," according to the letter. "We acknowledge the complexity of the programs associated with nonpoint source controls and the need to use a phased approach."

EPA also supports the use of voluntary, incentive-based methods to implement many aspects of the TMDLs.

TMDLs have become an important issue in recent years because of lawsuits filed by various environmental groups against EPA in at least 25 states. The suits stem from a provision in the Clean Water Act that allows private citizens to sue EPA for not upholding the legislation.

EPA is directed by the act to direct states to set and enforce water quality standards for all navigable waters. The problem is that many of the nation's waterways are not meeting the standards for their designated beneficial uses.

What are TMDLs?

"A TMDL is a study and a standard," said William O. Moellmer, Ph.D, Utah Division of Water Quality.

TMDL refers to the total maximum daily load of a given pollutant that a specific water body can tolerate and still meet its designated water quality standard. According to Moellmer, the TMDL study is used to arrive at a number or quantity of a pollutant that must be reduced. That number is the TMDL standard.

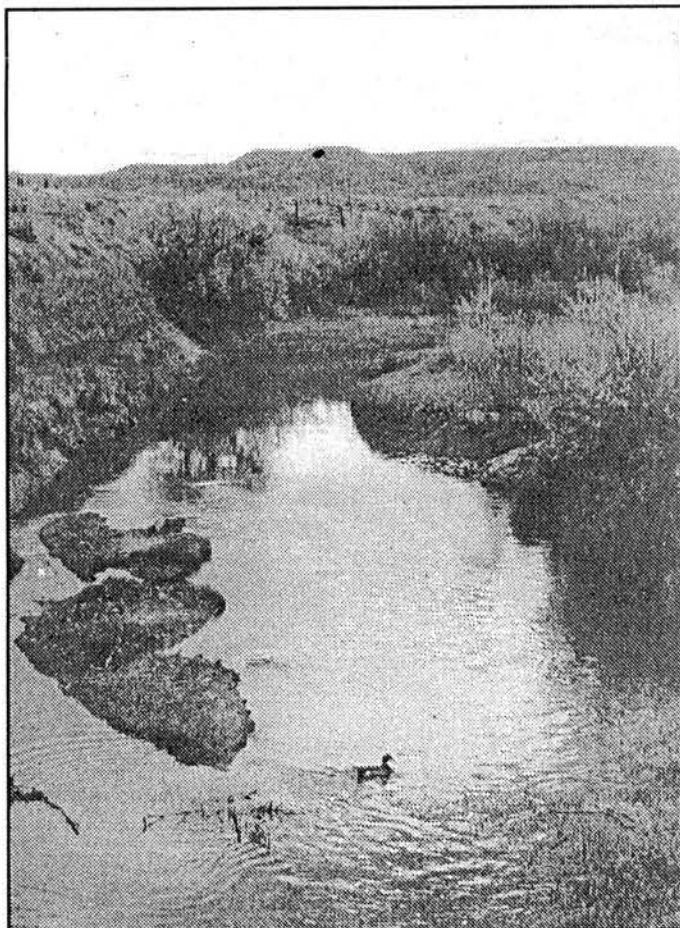
The Utah Division of Water Quality has set beneficial use classifications for waterways in the state. The allowable pollutants in a water body vary depending several factors including the designated uses. For example, there are more stringent standards for water that is intended for culinary use or contact recreation than there are for water used in agricultural or municipal irrigation.

Utah's Program

Utah's three approved nonpoint source TMDL standards were not written originally as TMDLs. As part of the Section 319 (of the Clean Water Act) nonpoint source water quality program in the state, Utah has written and had approved by EPA project implementation plans for demonstration projects in watersheds throughout the state. Unlike other states that have implemented one or two small demonstration projects in each of several watersheds, Utah's approach has been to conduct several demonstration projects each in just a few watersheds. In essence, Utah is taking a watershed approach to the Section 319 program. Because of that approach, studies have been conducted to determine

which pollutants are too high for that water body to meet its designated use classification. The project implementation plans under Section 319 then explain how those pollutants will be reduced to meet the standard.

According to EPA, many of the elements within the Section 319 project implementation plans help satisfy EPA's TMDL requirements.



Below the dam in Wellington is part of DWQ's Southwest

Draft 3/24/98

Meeting Record

Topic: Metro SWCD Joint Powers Capacity Building
Date: March 18, 1998
Time: 1:30 - 3:30
Location: BWSR Conference Room

Ron - you might want
to report to
the Board on this

Purpose of Meeting: To exchange information between state agencies on the current efforts of the seven metro Soil and Water Conservation Districts to expand and coordinate the delivery of local conservation program efforts. Discussion will focus on potential opportunities to share staff resources and coordinate program results with local and state agencies.

Attendance: Joe Newberg, Hennepin Conservation District
Gene Soderbeck, MPCA
Kathy Mogren, MPCA
Dennis Larson, MDOT
Wayne Edgerton, MDNR
Bruce Sandstrom, BWSR

Background of Meeting

Bruce S. provided an overview of the BWSR Nonpoint Engineering Assistance Program (NPEA) from a statewide and region wide perspective and how it is implemented through Soil and Water Conservation Districts (SWCDs). The program started in 1995 to provide state funding to 11 clusters of SWCDs that had joined together to provide engineering services to design agricultural Best Management Practices (BMPs) that are financed by the State Revolving Fund (SRF) nonpoint source pollution initiative. Each of the 11 clusters is bound by a joint powers agreement, whereby one of the member Soil and Water Conservation Districts serve as the fiscal and administrative agent for the joint powers board (JPB). Joint Powers Board 8 (JPB-8) is comprised of the seven SWCDs in the Seven County Metro Area. JPB-8 is also known as the Association of Metropolitan Soil and Water Conservation Districts (AMSWCD). Since 1995, the BWSR has annually distributed a total of \$1.01 million through individual grants each of the to the 11 JPBs. JPB 8 uses its grant to fund a registered engineer and an engineering technician. Attached is a map depicting the location of the 11 JPBs.

Joe Newberg, the Chair of JPB 8 and Supervisor of Hennepin SWCD, elaborated on the history of the JPB. While some of the members were skeptical of the shared engineering services provided by the JPB, all are now convinced that this approach is working very well. At a recent brainstorming session the JPB concluded that they should expand this concept of meeting the common needs for various other services where, alone, each SWCD couldn't afford to hire a full time staff person. Attached is a handout entitled "October 14 - Special Meeting of AMSWCD" that Joe provided to the group that depicts the specific areas of needs that all members agreed were common needs. Currently, JPB 8 is applying for a LCMR grant to provide funds to hire a

person to set up a stream bio-monitoring network for the seven county metro area. Much of the cost of the project is for supplies. The actual monitoring will be done by students who will be trained in the techniques for macro invertebrate monitoring. This project has been endorsed by MDNR and MPCA.

Wayne Edgerton felt that there may be some opportunities for the MDNR to share resources with JPB 8. Wayne urged to proceed fast so that if there any opportunities to build on the community based resource management concept, that there would be ample time to develop a budget proposal to coincide with the State's upcoming biennial budget process. If for example the DOW wanted to hire a staff person to assist landowners to promote restoration of shoreland vegetation, maybe by taking the community based approach and include that staff person in a request for budget increase, the chances of receiving funding might be enhanced if that staff be housed with the JPB 8 office. The JPB and member SWCDs already have the delivery structure in place for providing services to landowners in addition to access to cost share funding from various sources.

Dennis Larson stated that the MDOT needs enhanced GIS service for many programs, including trying to locate wetland mitigation sites and establishing a system for managing the 50,000 or so culverts in the metro area. MDOT needs to work with cities, SWCDs and watershed management organizations more closely to share data, reduce nonpoint source pollution, and better target where wetland mitigations take place. MDOT also has access to federal highway funds that could be used more creatively in cooperation with local governments. MDOT also has a depth of staff capacity in engineering and hydrology.

Gene Soderbeck and Kathy Mogren felt that there definitely needs to be greater effort in coordinating the water monitoring activities of all agencies and the need to place the data in formats that make it easier to share. Both felt, however, that since they are going through a major reorganization, they probably wouldn't be in a position to be of much assistance until the true costs of reorganization take place. MPCA would be interested in participating in further meetings on this topic to look for potential future opportunities for partnering with SWCDs.

The group agreed that two addition meetings need to be held and the list of attendees be expanded many-fold to make sure that each agency is well represented, especially from the regional staff level. The first meeting will be an all day meeting held on April 15 in the BWSR Conference Room and that it would be facilitated by an experienced facilitator. The purpose of that meeting is to brainstorm as many ideas as possible. The second meeting, if needed, would be to work out the details of any partnerships that make sense. The Met Council must be invited to participate as they are a major stakeholder in the nonpoint pollution abatement arena.

All in attendance agreed to gather a list of names from their agencies to invite to the April 15 meeting and provide it to Bruce.

Note: Jim Birkholz has agreed to facilitate the April 15 meeting.

Record of meeting prepared by Bruce Sandstrom, 3/24/98

BWSR'S CONSERVATION EASEMENT PROGRAM

Reinvest in Minnesota (RIM) Reserve & Permanent Wetland Preserve (PWP)

USDA Conservation Reserve Enhancement Program (CREP)

USDA Wetland Reserve Program (WRP)

Minnesota's* Investment	Federal Match** Accessed	Total Expenditures & Easement Acreage (approx.)	Federal Funds*** Available
<u>Governor's Rec.</u>			
\$16.8 million	\$18.6 million	\$35.4 million	\$24.98 million
8.4 CREP	12.6 CREP	(35,400 acres)	
2.0 WRP	6.0 WRP		
6.4 RIM/PWP			
 <u>Senate Rec.</u>			
\$15.0 million	\$17.25 million	\$32.25 million	\$24.98 million
7.5 CREP	11.25 CREP	(32,250 acres)	
2.0 WRP	6.0 WRP		
5.5 RIM/PWP			
 <u>House Rec.</u>			
\$10.0 million	\$10.5 million	\$20.5 million	\$24.98 million
5.0 CREP	7.25 CREP	(20,500 acres)	
1.0 WRP	3.0 WRP		
4.0 RIM/PWP			

* The current policy of BWSR allocates 50% of RIM funding to the Minnesota River Basin.

** Federal match is through the USDA Conservation Reserve Enhancement Program (CREP) and Wetland Reserves Program (WRP).

*** Match available is based on a federal commitment to match Minnesota's RIM program with CREP and WRP funds. With CREP, there is a 100,000 acre commitment through the year 2002. The available match/acres is split evenly over the next 3 bienniums. For CREP, every \$1 dollar of state money leverages \$1.5 dollars of federal money. For WRP, every \$1 dollar of state money leverages \$3 dollars of federal money. Average cost of perpetual easements are \$1,000/acre.

Needed technical, professional, and SWCD services for the biennium are \$2.454 million.

RIM RESERVE & PERMANENT WETLAND PRESERVES (PWP) CONSERVATION EASEMENTS

History: The Reinvest in Minnesota (RIM) Reserve Program was created in 1986 and has enrolled over 70,000 acres (including 16,000 acres of wetland restoration easements) at an investment of \$59 million dollars.

Purpose: The RIM Reserve Program was established to keep marginal agricultural land out of crop production, to protect and enhance soil and water quality and to support fish and wildlife habitats.

Eligible

Lands:

- * marginal agricultural cropland
- * riparian lands
- * wetland restoration areas
- * sensitive groundwater areas
- * other environmentally sensitive lands

Program

Objectives:

- * enroll an additional 22,800 acres into the program
- * enroll an additional 12,600 acres through the CREP program
- * target 50% of funds to the Minnesota River basin

Environmental

Benefits:

- * reduce nitrogen inputs by over 2.5 million pounds**
- * reduce phosphorous loading by over 1.3 million pounds**
- * reduce sediment from soil erosion by over 1.1 million tons**
- * creates 35,400 acres of permanent wildlife habitat
- * reduce flood damages with riparian land easements

Landowner

Demand: Landowner interest to enroll lands into the program has consistently out paced the dollars available to fund the requests by a 3:1 margin.

** Pollutant reduction estimates based on a 100,000 acre enrollment.

**Metropolitan Council***Working for the Region, Planning for the Future***Environmental Services**

March 20, 1998

Ron Harnack
Executive Director
Board of Soil and Water Resources
1 West Water Street, Suite 200
St. Paul, MN 55107

Dear Mr. Harnack:

I would like to acknowledge the Council's support of BWSR's legislative bonding request for funding of the statewide Reinvest In Minnesota (RIM) program. In the Minnesota River basin these funds will match federal Conservation Reserve Enhancement Program (CREP) funds to acquire long term easements to protect the riparian areas along the Minnesota River and its tributaries. These programs will help to prevent nonpoint pollution from entering the Minnesota River.

The Council has long been an advocate of having an equal partnership between point source pollution abatement and nonpoint pollution efforts. In many instances it is a more cost effective solution to have nonpoint pollution abated than having additional treatment requirements being placed on point source discharges. In the case of the Minnesota River in order to achieve the water quality standards for the river a joint effort of both point source cleanup and nonpoint source abatement are necessary. By funding the RIM program the state is leveraging millions of dollars of federal money to help clean up the Minnesota River. Cleaning up nonpoint pollution on the Minnesota River can dramatically reduce the costs of the Council in having to upgrade its treatment plants and save money for all rate payers in the Metropolitan area. Having a cleaner Minnesota River will also improve the water quality of the Mississippi River both in the metropolitan area as well as downstream in Lake Pepin. The Council is in full support of these efforts and encourages the state to fund this program.

Sincerely,

Keith Butleman, Director
Environmental Planning and Evaluation Department

KB:ts

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MINNESOTA RIVER BASIN JOINT POWERS BOARD

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March 23, 1998

Representative Henry Kalis
543 State Office Building
St. Paul, MN 55155-1206

Dear Representative Kalis:

As Co-Chair of the Omnibus Capital Budget Bill (HF3843), I am writing to express our group's support of the Reinvest in Minnesota (RIM) requested funding. The 37 County Minnesota River Basin Joint Powers Board has been very instrumental in securing federal dollars to create the Conservation Reserve Enhancement Program (CREP) which is a marriage between the federal Conservation Reserve Program (CRP) and RIM. This historic linkage between a strong and popular State program (RIM has enrolled over 70,000 acres in permanent easements and wetland restorations since 1986) and the nationally recognized CRP is "... by far the largest effort to restore a river in American history," according to Tim Searchinger an attorney for the Environmental Defense Fund who were architects of this concept.

Our group recognizes the leadership you have provided in helping to restore the Minnesota River and once again, we need to call upon you and your committee for assistance. Ron Harnack of BWSR and I have been in close contact concerning funding for RIM and know there is terrific interest in this voluntary program. However, we also recognize that it is difficult to determine just how much of the targeted first tier of floodplain land, estimated to be 100,000 acres, will be enrolled in the first year of the program.

This letter is to request that the Legislative Conference Committee on HF3843 keep the funding at the current Senate amount of \$15 M and then give us a year to determine how popular the CREP will be to landowners in the Minnesota River Basin. If this conservation program turns out to be the success we envision we will know after one (1) year and then can approach the Minnesota State Legislature next year for additional funding carrying with us more detail than we have to offer today.

Please consider this request and pass this along to each of the committee members.

Sincerely,

Stephen C. Hansen

The
Clara City

OPINIONS



Hawk Creek Journal

By John G. White



Non-Farmers Have Anted Up

Times are changing.

For years we've heard grumbling in the countryside from some farmers and landowners that if certain water quality and soil saving practices were going to be expected of them, then someone had better ante up. Saving one's soil for future crops, unborn generations and keeping various recipe ingredients of chemical soup from contaminating downstream water and groundwater weren't incentive enough for this minority of farmers.

Times are changing. Local, state and federal government, various agencies and grassroots political groups have started to ante up. But, will these selfish growers and landowners? Just in the past few weeks efforts to correct the ills on the demand side of positive conservation practices have been in the forefront of news. For several years farmers have had the state-wide Reinvest in Minnesota (RIM) and the Conservation Reserve Program (CRP) to help offset costs of setting riparian and other sensitive land aside.

Granted, some of these programs have been underfunded. Some complaints have been heard about permanent or long-term easements on that land, or not being able to plant payback crops on land enrolled in the CRP. Then a large portion of CRP fell victim to Gingrich's sword swath — that adverse concept of paying "farmers not to farm." Perhaps a more realistic spin on the concept was to pay "farmers not contribute to the pollution of streams and rivers."

Now, farmers living within the Minnesota River Basin have some legitimate financial tools to use thanks to the efforts of some forward looking people with an eye toward cleaning up the tributaries to and including the Minnesota River, even our own dear little Hawk Creek.

Some of this momentum was shoved in the right direction with the formation of the Minnesota River Joint Powers Board, a group comprised of officials of the 37 Minnesota counties in the Minnesota River watershed. This board is comprised of elected and appointed county officials, but is basically a political, lobbying and research extension of county commissioners.

Now, because of the Joint Powers Board, each watershed is going through an extensive voluntary monitoring of non-point runoff with an eye toward corrective measures that will reduce non-point pollution to the rivers. The Chippewa River Watershed Project (CRWP) is going into the monitoring phase this year. Close on the heels of CRWP is a study closer to home, the Hawk Creek Watershed Project. Both projects are largely supported by grants.

Farmers in the Hawk Creek watershed are being invited to an open house on March 19 at the Clara City Community Center to hear presentations on various aspects of the Hawk Creek project, and to have input on monitoring sites. This extremely important meeting should be well attended. Similar meetings will be held in

Kandiyohi and Renville Counties.

Last Thursday night Chippewa County celebrated the end of the first year of its Conservation Credit Initiative (CCI) program, which paid cooperating farmers a sliding scale of fees ranging from \$7 to \$3 per acre for following conservation-friendly tillage and/or waste management practices. The first year 15 farmers were chosen, and that number was doubled for 1998.

Just a week before, though, was the highlight of this spring's environmental enhancement sweepstakes, when several federal, state and local officials gathered at the Minnesota Valley Wildlife Refuge in Bloomington for the official signing of the Conservation Reserve Enhancement Program (CREP) partnership. CREP is a "marriage" of the Minnesota RIM program with the USDA's CRP program, offering voluntary long-term and permanent easements in the Minnesota River Basin on flood prone, wetland and potential wetland restoration areas, and other land prone to water erosion near and around the river and its tributaries.

Farmers enrolling land in CREP will receive a bonus payment (RIM-funded) followed by 15 years of annual payments (CRP-funded) that allows for 190,000 acres to be enrolled before September 30, 2002, with a total cost expected in the \$250 million range.

This past Saturday night at the annual CURE Banquet in Granite Falls, the architects of that work, Tim Searchinger, of the Environmental Defense Fund, and Rep. David Minge, one of the founders of CURE, explained their roles in putting CREP together, passed and funded. According to Searchinger, this is the start of something much larger.

CURE was one of the instrumental and collaborative groups involved in getting CREP passed. Others included the USDA, the Minnesota Board of Water and Soil Resources, the Minnesota Farm Service Agency Committee, the Joint Powers Board, the Minnesota Farmers Union, Coalition for a Clean Minnesota River, the Audubon Society, Pheasants Forever, the Environmental Defense Fund, the Izaak Walton Foundation, and Minnesota Clean Water Action.

Interestingly, CURE yearly presents its highly prestigious River Keeper award, and this year it presented the Tolkein Plate to Raymond's Don Knott. Knott, whose work on restoring the old Raymond Lake slough back to a 200 acre wetland, is using the wetland restoration to monitor runoff water, to enhance wildlife and wild bird populations, and as a side benefit, flood control. He said he did the work for kids — so they could enjoy some of the life he had as a child.

Antagonists toward such measures apparently don't think much about future generations. They think about monetary returns, and have complained loudly that outside interests have not backed their demands with green cash. Now that argument is also outdated.

WETLAND CONSERVATION ACT - ROAD REPLACEMENT STATUTE REQUIREMENTS

103G.222 sub 1(m) " *Except for state public transportation projects, for which the state department of transportation is responsible, the board must replace the wetlands drained or filled by public transportation projects on existing roads in critical rural and urban watersheds.* "

103G.222 sub 2 " *Road credit funding. At least 50 percent of money appropriated for road repair wetland replacement credit under this section must be used for wetland restoration in the seven-county metropolitan area.*

The Board shall give priority to restoration projects that will:

- (1) intensify land use that leads to more compact development or redevelopment;*
- (2) encourage public infrastructure investments which connect urban neighborhoods and suburban communities, attract private sector investment in commercial or residential properties adjacent to the public improvement; or*
- (3) complement projects receiving funding under section 473.253.*

103G.222 sub 1 (e) " *....., and wetlands impacted in the seven-county twin cities metropolitan area by public highways must be replaced:*

- (1) in the affected county, or, if no restoration opportunities exist in the county;*
- (2) in another seven-county twin cities metropolitan area county.*

The House and the Senate have different \$'s appropriated. House - \$2,000,000; Senate - \$3,000,000. Local governments report annually the wetlands impacted throughout the state. BWSR is obligated to provide the necessary mitigation. The estimated annual impacted wetlands is 426 acres per year costing \$3,170,000 per year, based on 1997 reporting. If the \$'s are not available to provide the required mitigation, the Wetland Conservation Act provisions requiring the state to provide the mitigation should be changed to: 1) require local governments to share in the mitigation costs; 2) allow half of the metro area mitigation to be done outside the seven-county metro area; or 3) eliminate the priority for \$'s to be used for redevelopment in the metro seven-county area. Any of these options would reduce the state's obligation and therefore reduce the required \$'s. However, all these issues were very hard fought issues during the 1996 revisions to the Wetland Conservation Act and may be very difficult changes to realize. The remaining alternative is for the state to carry a wetland mitigation deficit into the future. This could significantly impact wetland regulatory simplification with the federal government and put local governments road projects at risk to do site by site mitigation at local cost. Lastly, the appropriation could be considered an *annual* rather than a biennial appropriation and the remaining biennial needs deferred to next year.

Wetland Conservation Act - Public Road Wetland Replacement

The wetland conservation act requires the state to do the wetland mitigation associated with public road maintenance and improvements that impact wetlands. If the state does not have the \$'s to provide the mitigation, ie wetland replacement, no replacement will be done and significant wetland loss will result.

Annual Wetland Replacement is projected at 426 acres. [86 acres in seven county metro/340 acres outstate] For the biennium the total acreage requiring replacement is 852 acres.

The estimated cost for replacement is \$25,000/acre in the metro =	\$4,300,000
The estimated cost for replacement is \$3,000/acre outstate =	<u>\$2,040,000</u>
	\$6,340,000

Governor's Recommendation	\$5,830,000
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Prior appropriation	\$1,000,000 for 27 acres - metro urban renewal
	\$1,000,000 for 119 acres - metro 7 county
	<u>\$1,000,000</u> for 311 acres - outstate
Total:	\$3,000,000 for 457 acres state wide

1997 Public Road Impacts Projected

Total Impacts Projected - by Wetland Type in 7-County Metro Area

(Replacement Ratio = 2:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	2.648	0	5.296
2	12.027	0	24.054
3	15.607	0	31.214
4	5.045	0.32	9.77
5	1.235	0	2.47
6	2.83	0	5.66
7	0.506	0	1.012
?	3.35	0	6.7
Totals:	43.248	0.32	86.176

Total Wetland Impacts Projected - By Wetland Type in <50% Areas

(Replacement Ratio = 2:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	11.357	0.32	22.394
2	12.372	0	24.744
3	18.312	0	36.624
4	0.24	0	0.48
5	12.99	0	25.98
6	1.51	0	3.02
7	2.098	0	4.196
R4SBF(x)	0.156	0	0.312
R2UBG	1.4	0	2.8
?	23.466	0	46.932
Totals:	83.901	0.32	167.482

Total Wetland Impacts Projected - By Wetland Type in 50%-80% areas

(Replacement Ratio = 2:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	0.15	0	0.3
2	6.138	0	12.276
3	9.657	0	19.314
4	0.455	0	0.91
5	0.479	0	0.958
6	5.965	0	11.93
7	0.955	0	1.91
R2	0.25	0	0.5
?	5	0	10
Totals:	29.049	0	58.098

Total Wetland Impacts Projected - By Wetland Type in >80% areas

(Replacement Ratio = 1:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	1.798	0	1.798
2	46.238	14.45	31.788
3	8.797	0	8.797
4	0.38	0	0.38
6	56.259	15.15	41.109
7	29.459	0	29.459
?	1.04	0	1.04
Totals:	143.971	29.6	114.371

Statewide Impacts - 1997 Proj:	300.169	30.24	426.127
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1996 Public Road Impacts Reported

Total Impacts Reported - By Wetland Type in 7-County Metro Area

(Replacement Ratio = 2:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
3	0.165	0	0.33
R4	0.09	0	0.18
Totals:	0.255	0	0.51

Total Wetland Impacts Reported - By Wetland Type in < 50% Areas

(Replacement Ratio = 2:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	5.121	0	10.242
2	8.888	0	17.776
3	6.612	0	13.224
4	0.45	0	0.9
5	0.67	0	1.34
6	2.102	0	4.204
7	0.43	0	0.86
?	3.67	0	7.34
Totals:	27.943	0	55.886

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Total Wetland Impacts Reported - By Wetland Type in 50%-80% areas

(Replacement Ratio = 2:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	0.277	0	0.554
2	0.65	0	1.3
3	1.999	0	3.998
4	0.17	0	0.34
5	0.11	0	0.22
6	1.023	0	2.046
7	0.009	0	0.018
Totals:	4.238	0	8.476

Total Wetland Impacts Reported - By Wetland Type in >80% areas

(Replacement Ratio = 1:1)

Wetland Type	Acres Impacted	Site Specific Mitigation	Total Replacement Acres Needed
1	1.88	0	1.88
2	8.005	4.445	3.56
3	1.36	0	1.36
4	0.23	0	0.23
5	0	0	0
6	7.495	1.745	5.75
7	0.79	0.67	0.12
8	1.39	0	1.39
Totals:	21.15	6.86	14.29

Statewide Total - 1996 Reports: 53.586 6.86 79.162

Wetland Replacement Proposals for Public Road Impacts - 1997

Category: Urban Renewal (Total funds available: \$1 million)

Sponsor	Project Name	Co.	R/C*	NWC**		PVC***		Original Request	Funding Recom.	\$/Ac
				Ac.	Type	Ac.	Type			
MCDA	SEMI	Henn	R/C	2	complex	1	SW	\$333,000	\$322,000	\$107,333
St. Paul/CBE	Lower Phalen Cr.	Ramsey	R	13	1,2,4,6	2	5	\$333,000	\$322,000	\$21,467
Boys/Girls SP	Sackett Memorial	Ramsey	R	0		3	6,3	\$33,000	\$33,000	\$11,000
St. Paul	Ames Lake	Ramsey	R	5.82	2,3,4	0		\$333,000	\$323,000	\$55,498
TOTALS:				20.82		6		\$1,032,000	\$1,000,000	\$37,286

Category: 7-County Metro Area (Total funds available: \$1 million)

Sponsor	Project Name	Co.	R/C*	NWC**		PVC***		Original Request	Funding Recom.	\$/Ac
				Ac.	Type	Ac.	Type			
RCWD/Walls	Walls Bro. Home Farm	Anoka	R	10.1	2,3	17.5	2,3, Buff	\$750,000	\$432,900	\$15,685
Chanhassen	W/L Rest 1a	Carver	R/C	8	2	42	3,4, Buff	\$265,810	\$265,810	\$5,316
Chanhassen	W/L Rest 2d	Carver	R/C	20	3,4	7	3,4, Buff	\$257,010	\$257,010	\$9,519
Dakota SWCD	Fredrickson/Thompson	Dakota	R	8.86	2,3,4	6.14	Buffer	\$239,500	\$163,290	\$10,886
TOTALS:				46.96		72.64		\$1,512,320	\$1,119,010	\$9,356

Total/Metro-wide:	67.78 NWC**	78.64 PVC***	146.42 Acres
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Total funds available for following two categories = \$1 million

Category: Critical Areas Outside 7-County Metro Area: <50% Areas

Sponsor	Project Name	Co.	R/C*	NWC**		PVC***		Original Request	Funding Recom.	\$/Ac
				Ac.	Type	Ac.	Type			
Rochester	W/L Rest cc-3b	Olmsted	R/C	24	2,3	2	1,2	\$221,200	\$221,200	\$8,508
Dodge SWCD	Marshall Johnson	Dodge	R	65	1,2,3	10	buffer	\$651,000	\$277,000	\$3,693
Grant County	Swenson Rest.	Grant	R	18.5	3,4	5	buffer	\$80,586	\$39,000	\$1,660
Polk SWCD	Vesledahl Forms	Polk	R	100	?	50	buffer	\$750,000	\$250,000	\$1,667
TOTALS:				207.5		67		\$1,702,786	\$787,200	\$2,868
Overall Total:				274.5						

Category: Critical Areas Outside 7-County Metro Area: 50 to 80% and >80% Areas

Sponsor	Project Name	Co.	R/C*	NWC**		PVC***		Original Request	Funding Recom.	\$/Ac
				Ac.	Type	Ac.	Type			
DNR Wildlife	Aurzada Prairie	Todd	R	12	1,2	25	1,2,3	\$82,900	\$82,900	\$2,241
TOTALS:				12		25		\$82,900	\$82,900	\$2,241
Overall Total:				37						

Total \$ Outside Metro = \$870,100

Grand Total = 457.9 acres

*R/C - Indicates whether the project would consist of restoration, creation, or both.

**NWC = New Wetland Credits

***PVC = Public Value Credits, which may be used for replacement above the first 1:1

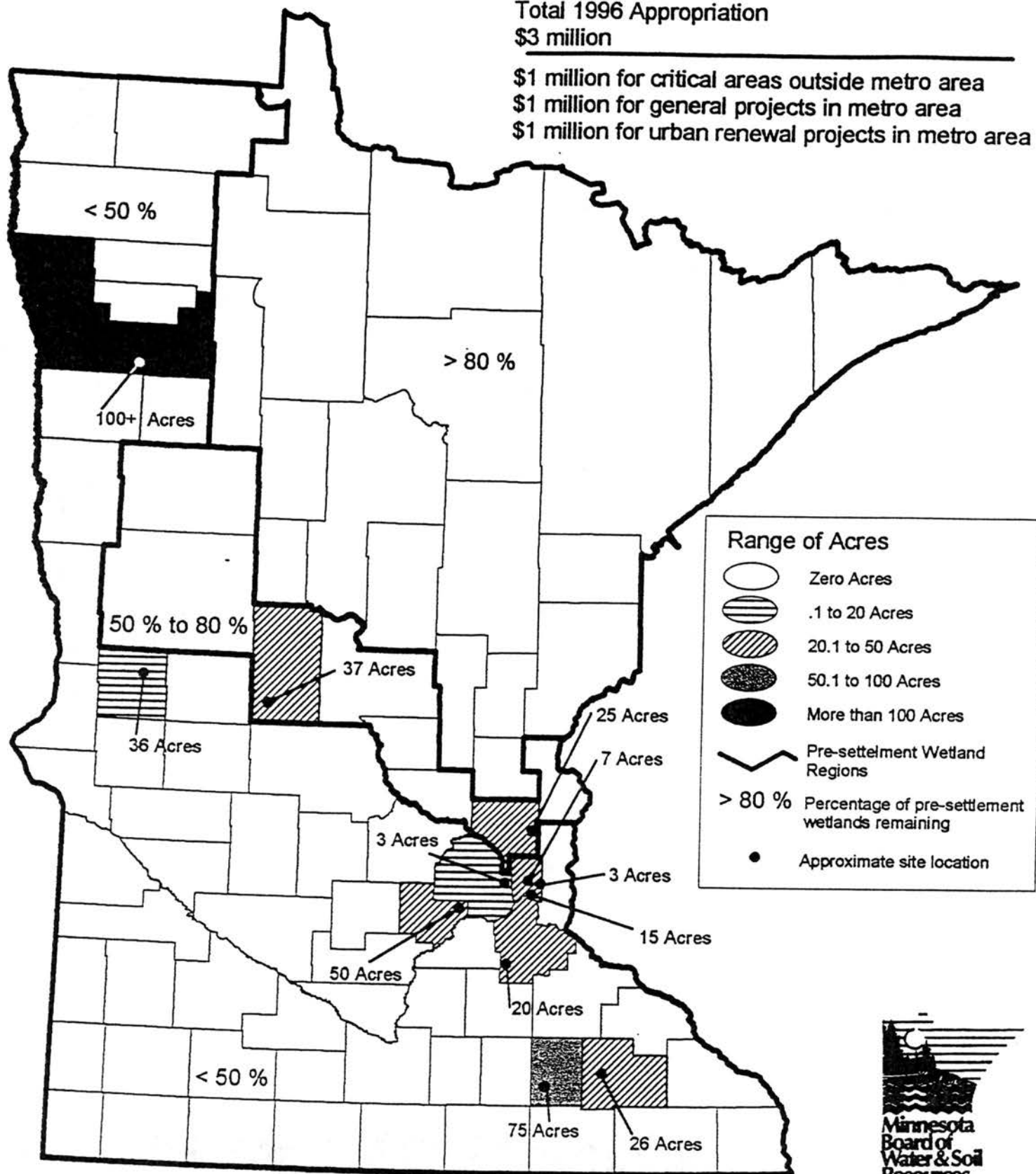
Wetland Replacement Sites for Mitigating Public Road Impacts 1997 Program Sites

Total 1996 Appropriation
\$3 million

\$1 million for critical areas outside metro area

\$1 million for general projects in metro area

\$1 million for urban renewal projects in metro area



ENVIRONMENT AND AGRICULTURE BUDGET
1998 SUPPLEMENTAL (\$thousands)

CONFERENCE COMMITTEE
SENATE PROPOSAL 1

GOVERNOR'S BUDGET			Agency / item	SENATE ALLOCATIONS			SEN PROPOSAL 1			HOUSE O/(U) S. P. 1			HOUSE ALLOCATIONS		
FY 1998	FY 1999	98 & 99		FY 1998	FY 1999	98 & 99	FY 1998	FY 1999	98 & 99	FY 1998	FY 1999	98 & 99	FY 1998	FY 1999	98 & 99
180	50 500	180 50 500	Pollution Control Agency												
			County Feedlot Grants		400	400		400	400		(400)	(400)			
			Fish Research Grant		50	50		50	50		(50)	(50)			
			WIF Administration	180		180	180		180	(180)		(180)			
			ISTS Grants								750	750		750	750
			Cost-Benefit Analysis of Rules		50	50		50	50					50	50
			Frog Investigation		500	500		500	500		(125)	(125)		375	375
			Federal Clean Water Prog		300	300		300	300		(300)	(300)			
			Lake Monitoring Assessmt								200	200		200	200
180	550	730	total	180	1,300	1,480	180	1,300	1,480	(180)	75	(105)		1,375	1,375
1,500		1,500	Minnesota Zoo												
			Operating Deficiency	1,500		1,500	1,500		1,500	(1,000)		(1,000)	500		500
476 360 250 300 600 500 500 200 450 300	300	300	Dept of Natural Resources												
			Flood Hazard Mitigation		1,600	1,600		1,525	1,525		(1,495)	(1,495)		30	30
			Well Sealing on DNR-mgd lands	476		476	476		476				476		476
			State Park Bldg Operations		110	110		210	210		290	290		500	500
			RIM Crit Hab Match		190	190		250	250	250	(250)		250		250
			White Pine Mmt	180	120	300	180	120	300	(180)		(180)		120	120
			State Forest Rec Areas	270	230	500	270	230	500	480	(230)	250	750		750
			RIM Wildlife Dev/Hab Imp		250	250		250	250	200	(250)	(50)	200		200
			SNAs and Prairie Banks		250	250		400	400	500	(150)	350	500	250	750
			Metro Greenways	100	200	300	100	200	300	(100)	140	40		340	340
			Trail Acqu/Devel/Beltmt		300	300		400	400	700	(400)	300	700		700
			Stream Prot/Restor	100	200	300	300	200	500	(300)	300			500	500
			Minerals Coop Research								53	53		53	53
			Forest Land Repair							75		75	75		75
			Swan Lake WMA							155		155	155		155
			Accel Wldlf Hab Mmt & Inv	2,140		2,140	1,950		1,950	(1,950)		(1,950)			
			Whitewater Trail				100		100				100		100
			Linwood Drainage System							100		100	100		100
			Conservation Partners	200		200	200		200	(200)		(200)			
			Customer Svc Data Access	1,000	190	1,190	1,000	190	1,190	(1,000)	(190)	(1,190)			
			Sauk Dam							300		300	300		300
			Mississippi River Sediment							350		350	350		350

ENVIRONMENT AND AGRICULTURE BUDGET
1998 SUPPLEMENTAL (\$thousands)

CONFERENCE COMMITTEE
SENATE PROPOSAL 1

GOVERNOR'S BUDGET			Agency / item	SENATE ALLOCATIONS			SEN PROPOSAL 1			HOUSE O/(U) S. P. 1			HOUSE ALLOCATIONS		
FY 1998	FY 1999	98 & 99		FY 1998	FY 1999	98 & 99	FY 1998	FY 1999	98 & 99	FY 1998	FY 1999	98 & 99	FY 1998	FY 1999	98 & 99
150	150		Forestry Info Mmt	30	170	200	30	170	200	300		300	300		300
			Outdoor Skills							(30)	(170)	(200)			
			Ecosystem Based Wkshp				50		50				50		50
			Acquatic Plant Restor								200	200		200	200
250	250		Local Initiative Grants Admin		125	125		125	125	(125)	(125)				
			Lake Ecosystem Monitoring							300	300		300		300
			Lake Classification System							200	200		200		200
			Lake Watershed Boundaries							500	500		500		500
			Develpmt Effects on Lks							300	300		300		300
			St Croix Valley Heritage Ctr	75		75	75		75	(75)		(75)			
			Swede Hollow Grant					100	100					100	100
			Brownfields				50	50	100				50	50	100
			Aquatic Plant Manual								200	200		200	200
			RIM License Plate Promo		25	25		25	25	(25)	(25)				
			Forest Resources Council					150	150	50	50			200	200
8,626	300	8,926	total	4,571	3,960	8,531	4,781	4,595	9,376	(425)	(752)	(1,177)	4,356	3,843	8,199
3,200	3,200		Bd of Water and Soil Res	1,700		1,700									
830	830		RIM Res Admn, Prof/Tech Svcs	630		630									
			Local Govt Road Repl							200		200	200		200
			Quad Lakes								1,000	1,000		1,000	1,000
			Shoreland/Watershed BMPs		2,000	2,000		1,650	1,650	(1,650)	(1,650)				
			Dairy Water Quality Grants								1,460	1,460		1,460	1,460
			Local Water Plng Grants							200		200	200		200
			MN Extension Guidance											100	100
			Living Snow Fences					100	100						
4,030	4,030		total	2,330	2,000	4,330		1,750	1,750	400	810	1,210	400	2,560	2,960
75	250	325	Dept of Agriculture	110	250	360	110	250	360	(50)	(45)	(95)	60	205	265
25	325	350	Gypsy Moth Response	25	325	350	25	325	350	(25)	(325)	(350)			
	75	75	State Meat Inspection		75	75		75	75					75	75
			Farmer's Market Nutrition Prog		25	25		25	25		(25)	(25)			
			Livestock Depredation Pmts					50	50					50	50
			Beaver Damage Grants												
			Milk Mkt Litigation	150		150	100		100				100		100

CONFERENCE COMMITTEE
SENATE PROPOSAL 1

TARGET: 17,243
diff: 2,318

TARGET: 17,243
diff:

TARGET: 17,243
diff: (2,318)

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE FINANCE
FY98-99 SUPPLEMENTAL APPROPRIATIONS HF3799(SF3353)
(\$'s in thousands)

	A	B	C	N	O	P	R	S	T	X	Y	Z	AB	AC	AD	AF	AG	AH	AN	AO	AP
1				House Recommendation			House Recommendation			Senate Recommendation			Senate Recommendation			common \$'s			common \$'s		
2	Agency/Project	Fund	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	
3																					
4	Pollution Control Agency																				
5	County Feedlot Grants	GEN								400	400	400	400	800						0	
6	Fish Research Grant	GEN		0	0					50	50			0		0	0			0	
7	* WIF Administration	GEN	0		0	0	0	0	180		180	0	0	0	0		0			0	
8	ISTS grants	GEN	0	750	750	0	0	0							0	0	0			0	
9	Cost Benefit Analysis	GEN	0	50	50	0	0	0	0	50	50	0	0	0	0	50	50			0	
10	Frog Investigation	GEN	0	375	375	0	0	0	0	500	500	0	0	0	0	375	375			0	
11	Federal Clean Water Prog	GEN								300	300	300	300	600						0	
12	Lake monitoring assessm	GEN		200	200	200	200	400								0	0			0	
13																					
14	PCA Total(by fund)	GEN	0	1,375	1,375	200	200	400	180	1,300	1,480	700	700	1,400	0	425	425	0	0	0	
15					1,375			400			1,480			1,400			425			0	
16																					
17	MN Zoo																				
18	Operations Deficiency	GEN	500	0	500	0	0	0	1,500	0	1,500	0	0	0	500	0	500	0	0	0	
19																					
20	MN Zoo Total(by fund)	GEN	500	0	500	0	0	0	1,500	0	1,500	0	0	0	500	0	500	0	0	0	
21					500			0			1,500			0			500			0	
22																					
23	Dept. of Natural Resources																				
24	Flood Hazard Mitigation	GEN	0	30	30	0	0	0	0	1,600	1,600	1,600	1,600	3,200		30	30			0	
25	* Well Sealing	GEN	476	0	476	0	0	0	476	0	476	0	0	0	476		476			0	
26	* State Park Ops & Resourc	GEN	0	500	500	500	500	1,000	0	110	110	110	110	220		110	110	110	110	220	
27	* RIM-Critical Habitat Match	GEN	250	0	250	0	0	0	0	190	190	190	190	380			0			0	
28	* White Pine Management	GEN	0	120	120	120	120	240	180	120	300	120	120	240		120	120	120	120	240	
29	* Forest Rec Facility Rehab	GEN	750	0	750	0	0	0	270	230	500	230	230	460	270		270			0	
30	* RIM-Wildlife Dev	GEN	200	0	200	0	0	0	0	250	250	250	250	500			0			0	
31	* SNA's and Prairie Bank	GEN	500	250	750	250	250	500	0	250	250	250	250	500		250	250	250	250	500	
32	* Metro Greenway's	GEN	0	340	340	140	140	280	100	200	300	200	200	400		200	200	140	140	280	
33	* Trail Amenities	GEN	700	0	700	0	0	0	0	300	300	300	300	600			0			0	
34	* Stream Protection	GEN	0	500	500	200	200	400	100	200	300	200	200	400		200	200	200	200	400	
35	Minerals coop. research	GEN	0	53	53	53	53	106	0		0	0	0	0			0			0	
36	Forest land repair	GEN	75		75	0	0	0	0		0	0	0	0			0			0	
37	* Accel. Wildlife Habitat Mgt	GEN	0	0	0	0	0	0	2,140	0	2,140	0	0	0			0			0	
38	Swan Lake WMA	GEN	155		155	0	0	0									0			0	
39	Miss. whitewater trail	GEN	100		100	0	0	0	100		100	0	0	0	0		0			0	

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE FINANCE
 FY98-99 SUPPLEMENTAL APPROPRIATIONS HF3799(SF3353)
 (\$'s in thousands)

	A	B	C	N	O	P	R	S	T	X	Y	Z	AB	AC	AD	AF	AG	AH	AN	AO	AP
1				House Recommendation			House Recommendation			Senate Recommendation			Senate Recommendation			common \$'s			common \$'s		
2	Agency/Project	Fund	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	
3																					
40	Linwood drainage system	GEN	100		100	0	0	0										0			0
41	conservation partners	GEN							200		200			0							0
42	* Customer Service and Dat	GEN	0	0	0	0	0	0	1,000	190	1,190	190	190	380				0			0
43	Sauk Dam	GEN	300		300	0	0	0										0			0
44	Miiss River Sed	GEN	350		350	0	0	0										0			0
45	Forestry Info Mgmt	GEN	300		300	0	0	0										0			0
46	Enhance and Promote out	GEN	0	0	0	0	0	0	30	170	200	170	170	340				0			0
47	Ecosystem based worksh	GEN	50		50	0	0	0										0			0
48	Aquatic Plant restoration	GEN		200	200													0			0
49	* Local Initiative Grants	GEN	0	0	0	0	0	0	0	125	125	125	125	250				0			0
50	Lake ecosystem monitorin	GEN		300	300	300	300	600										0			0
51	Lake classification system	GEN		200	200	0	0	0										0			0
52	Lake watershed boundarie	GEN		500	500	0	0	0										0			0
53	development effect on lak	GEN		300	300	0	0	0										0			0
54	St. Croix Valley Heritage	GEN							75		75			0				0			0
55	Swede Hollow grant	GEN		100	100	0	0	0										0			0
56	Brownfields	GEN	50	50	100	0	0	0										0			0
57	Aquatic plant manual	GEN		200	200	0	0	0										0			0
58	Forest Resources council	GEN		200	200	0	0	0										0			0
59	RIM License Plate promo	GEN								25	25	25	25	50							0
60																					
61	DNR Total(by fund)	GEN	4,356	3,843	8,199	1,563	1,563	3,126	4,671	3,960	8,631	3,960	3,960	7,920	746	910	1,656	820	820	1,640	
62					8,199			3,126			8,631			7,920			1,656			1,640	
63																					
64	Board of Water and Soil Resources																				
65	* RIM Reserve	GEN	0	0	0	0	0	0	1,700	0	1,700	0	0	0				0			0
66	* Local Road Replacement	GEN	0	0	0	0	0	0	630	0	630	0	0	0				0			0
67	Quad Lakes	GEN	200		200	0	0	0										0			0
68	Shoreland/watershed BMP	GEN	0	1,000	1,000	0	0	0										0			0
69	Dairy Water Quality Grts	GEN								2,000	2,000	2,000	2,000	4,000				0			0
70	Local water planning grts	GEN	0	1,460	1,460	0	0	0										0			0
71	MN extension guidance	GEN	200		200	0	0	0										0			0
72	Living snow fences	GEN		100	100	0	0	0										0			0
73																					
74	BOWSR Total(by fund)	GEN	400	2,560	2,960	0	0	0	2,330	2,000	4,330	2,000	2,000	4,000	0	0	0	0	0	0	
75					2,960			0			4,330			4,000			0			0	

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE FINANCE
FY98-99 SUPPLEMENTAL APPROPRIATIONS HF3799(SF3353)
(\$'s in thousands)

	A	B	C	N	O	P	R	S	T	X	Y	Z	AB	AC	AD	AF	AG	AH	AN	AO	AP
1				House Recommendation			House Recommendation			Senate Recommendation			Senate Recommendation			common \$'s			common \$'s		
2	Agency/Project	Fund		FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01
3																					
76																					
77	Agriculture Department																				
78	Gypsy Moth Response	GEN		60	205	265	205	205	410	110	250	360	250	250	500	60	205	265	205	205	410
79	Meat Inspection	GEN		0	0	0	0	0	0	25	325	350	675	675	1,350			0			0
80	Farmer's Market Nutrition	GEN		0	75	75	75	75	150	0	75	75	75	75	150		75	75	75	75	150
81	Livestock depredation Pmt	GEN									25	25	25	25	50						0
82	Beaver Damage grt inc	GEN			50	50	0	0	0		0	0	0	0	0			0			0
83	Milk market litigation	GEN		100	0	100	0	0	0	150	0	150	0	0	0	100		100			0
84	Dairy Diagnostics	GEN									2,000	2,000	2,000	2,000	4,000						0
85	RFA Value-added process	GEN								200		200			0						0
86	MN grown	GEN									535	535			0						0
87	Coop grant Progran	GEN								0	160	160	160	160	320						0
88	market champ	GEN		0	250	250	250	250	500						0			0			0
89	Passing on the farm	GEN			50	50	50	50	100		25	25			0		25	25			0
90	Manure digester	GEN			250	250	0	0	0						0			0			0
91	Cider technology	GEN								50		50			0						0
92	Wolf Depredation study	GEN								25		25			0						0
93	Ethanol Expansion	GEN		0	0	0	1,162	4,090	5,252	0	0	0	6,192	6,171	12,363			0	1,162	4,090	5,252
94																					
95	Agriculture Total(by fund)	GEN		160	880	1,040	1,742	4,670	6,412	560	3,395	3,955	9,377	9,356	18,733	160	305	465	1,442	4,370	5,812
96						1,040			6,412			3,955			18,733			465			5,812
97																					
98	other																				
99	Attorney General-feedlots	GEN			100	100	0	0	0									0			0
100	U of M-hog facilities	GEN			650	650	0	0	0									0			0
101	BD of Animal Health-John	GEN								30	160	190	160	160	320						0
102	Forest Resource Council	GEN								0	150	150	150	150	300						0
103																					
104	Other Total	GEN		0	750	750	0	0	0	30	310	340	310	310	620	0	0	0	0	0	0
105						750			0			340			620			0			0
106	ENVIRONMENT FINANCE TOTAL(by fund)																				
107		GEN		5,416	9,408	14,824	3,505	6,433	9,938	9,271	10,965	20,236	16,347	16,326	32,673	1,406	1,640	3,046	2,262	5,190	7,452
108						14,824			9,938			20,236			32,673			3,046			7,452
109																					
110	Revenue changes																				
111	State Meat Inspection	GEN		0	0	0	0	0	0	12	163	175	337	338	675			0			

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE FINANCE
 FY98-99 SUPPLEMENTAL APPROPRIATIONS HF3799(SF3353)
 (\$'s in thousands)

	A	B	C	N	O	P	R	S	T	X	Y	Z	AB	AC	AD	AF	AG	AH	AN	AO	AP	
1				House Recommendation			House Recommendation			Senate Recommendation			Senate Recommendation			common \$'s				common \$'s		
2	Agency/Project		Fund	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	FY98	FY99	FY98-99	FY00	FY01	FY00-01	
3																						
112		OEA loan conversion	GEN	(25)	(50)	(75)	(50)	(50)	(100)									0				
113		Ethanol development trans	GEN								400	400										
114		Timber permits	GEN	(12)	(14)	(26)	(14)	(14)	(28)									0				
115		general fund total	GEN	(37)	(64)	(101)	(64)	(64)	(128)	12	563	575	337	338	675	0	0	0	0	0	0	
116												575			675			0			0	
117																						
118		Field citations	ENV	0	0	0	0	0	0	0	40	40	0	0	0			0				
119		Feedlot permit surcharge	ENV		400	400	400	400	800									0				
120		increased feedlot permits	ENV	0	403	403	599	795	1,394									0				
121		Waste tech. license	ENV			0	5	1	6									0				
122		Timber permit extensions	SR	(14)	(12)	(26)	(12)	(12)	(24)									0				
123		Timber permit extensions	G&F	(3)	(3)	(6)	(3)	(3)	(6)									0				
124		Timber permit extensions	PSF	(37)	(33)	(70)	(33)	(33)	(66)									0				
125		PWC certificate	NRF	0	100	100	150	100	250									0				
126		PWC fee	NRF	0	284	284	300	313	613		284	284	300	313	613			0				
127		PWC fines	NRF	6	15	21	23	23	46									0				
128		Non Resident Snowmobile	NRF	0	0	0	0	0	0	0	0	0	0	0	0			0				
129																						
130	Net effect to the Gen fund			5,453	9,472	14,925	3,569	6,497	10,066	9,259	10,402	19,661	16,010	15,988	31,998	1,406	1,640	3,046	2,262	5,190	7,452	
131						14,925			10,066			19,661			31,998			3,046			7,452	
132																						
133		General Fund Target							23,000						23,000			17,243			23,000	
134																						
135	over/(under) target								(12,934)						8,998			(14,197)			(15,548)	
136																						
137																						
138	Notes:																					
139	Items marked by (*) were in Gov's capital budget.																					

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

15.49 Sec. 8. NATURAL RESOURCES

15.50 Subdivision 1. To the
 15.51 commissioner of natural resources
 15.52 for the purposes specified
 15.53 in this section 110,491,000

15.54 Subd. 2. State Park and Recreation
 15.55 Area Building Rehabilitation and
 15.56 Statewide Asset Preservation 7,000,000
 16.1 To design, renovate, construct, or add
 16.2 to state park buildings and office
 16.3 facilities throughout the state,
 16.4 according to the management plan
 16.5 required in Minnesota Statutes, chapter
 16.6 86A. The commissioner shall determine
 16.7 project priorities as appropriate based
 16.8 upon need.

16.9 Subd. 3. State Park and Recreation
 16.10 Area Building Development 5,535,000
 16.11 To design, construct, furnish, and
 16.12 equip new buildings and associated
 16.13 utilities in the state park system,
 16.14 according to the management plan
 16.15 required in Minnesota Statutes, chapter
 16.16 86A. \$4,250,000 of this amount is for
 16.17 the development of a visitor center at
 16.18 Itasca State Park; \$700,000 is for the
 16.19 construction of a visitor center at
 16.20 Mystery Cave in Forestville State Park.

16.21 Subd. 4. State Park and Recreation
 16.22 Area Betterment and Rehabilitation 3,000,000
 16.23 To upgrade, repair, or rehabilitate
 16.24 improvements of a capital nature at
 16.25 state park and recreation area
 16.26 facilities throughout the state,
 16.27 including, but not limited to, resource

14.6 Sec. 8. NATURAL RESOURCES

14.7 Subdivision 1. To the
 14.8 commissioner of natural resources
 14.9 for the purposes specified
 14.10 in this section. 119,050,000

14.11 Subd. 2. Statewide Asset
 14.12 Preservation 2,282,000
 14.13 For repair and renovation of the
 14.14 department of natural resources land,
 14.15 buildings, or other improvements of a
 14.16 capital nature throughout the state.
 14.17 The commissioner shall determine
 14.18 project priorities as appropriate based
 14.19 upon need.

14.26 Subd. 4. State Park and Recreation
 14.27 Area Building Rehabilitation 4,255,000
 14.28 To design, repair, rehabilitate,
 14.29 construct, or add to state park
 14.30 buildings throughout the state,
 14.31 according to the management plan
 14.32 required in Minnesota Statutes, chapter
 14.33 86A. The commissioner shall determine
 14.34 project priorities as appropriate based
 14.35 upon need.

14.20 Subd. 3. Office Facility
 14.21 Consolidation 7,391,000
 14.22 To acquire land, design, construct,
 14.23 furnish, and equip offices and service
 14.24 facilities at consolidated office sites
 14.25 in Windom and Tower.

14.36 Subd. 5. State Park and Recreation
 14.37 Area Building Development 4,585,000
 14.38 To design, construct, furnish, and
 14.39 equip new buildings and associated
 14.40 utilities in the state park system,
 14.41 according to the management plan
 14.42 required in Minnesota Statutes, chapter
 14.43 86A.

14.44 Subd. 6. State Park and Recreation
 14.45 Area Betterment and Rehabilitation 2,021,000
 14.46 To upgrade, repair, or rehabilitate
 14.47 improvements of a capital nature at
 14.48 state park and recreation area
 14.49 facilities throughout the state,
 14.50 including, but not limited to, resource

HOUSE LANGUAGE (H3843-1)

16.28 management projects, trail
 16.29 rehabilitation, campground
 16.30 rehabilitation, and road and bridge
 16.31 repair. The commissioner shall
 16.32 determine project priorities as
 16.33 appropriate based upon need.

18.33 Subd. 15. State Park and
 18.34 Recreation Area Acquisition 2,000,000
 18.35 For acquisition from willing sellers of
 18.36 private lands within state park and
 18.37 recreation area boundaries established
 18.38 by law. The commissioner shall
 18.39 determine project priorities as
 18.40 appropriate based upon need.

19.33 Subd. 19. Metro Regional Park
 19.34 Acquisition and Betterment 15,500,000
 19.35 (a) \$9,000,000 is for payment to the
 19.36 metropolitan council established under
 19.37 Minnesota Statutes, section 473.123.
 19.38 The commissioner shall pay the amount
 19.39 on a reimbursement basis to the
 19.40 metropolitan council upon receipt of a
 19.41 certified copy of a council resolution
 19.42 requesting payment. The appropriation
 19.43 must be used to pay the cost of
 19.44 acquisition and betterment by the
 19.45 metropolitan council and local
 19.46 government units of regional recreation
 19.47 open space lands in accordance with the
 19.48 council's policy plan as provided in
 19.49 Minnesota Statutes, section 473.315.
 19.50 \$840,000 of this appropriation may be
 19.51 used by the metropolitan council to
 19.52 reimburse Washington county for
 19.53 acquiring St. Croix Bluffs Regional
 19.54 Park in 1997. This appropriation must
 19.55 not be used for research, planning,
 19.56 administration, or tax equivalency
 19.57 payments.

19.58 (b) \$3,500,000 is for a grant to the
 19.59 metropolitan council to predesign and
 19.60 design, and for site preparation and
 19.61 construction of utility infrastructure
 19.62 for the Como Park Education Resource
 19.63 Center. This appropriation is
 19.64 contingent on the city of St. Paul
 19.65 maintaining Como Park, including the
 20.1 zoo and conservatory, as a free
 20.2 attraction for the life of the bonds.
 20.3 The city may, however, charge a fee for

SENATE LANGUAGE (S3388-1)

14.51 management projects, trail
 14.52 rehabilitation, campground
 14.53 rehabilitation, and road and bridge
 14.54 repair. The commissioner shall
 14.55 determine project priorities as
 14.56 appropriate based upon need.

14.57 Subd. 7. State Park and
 14.58 Recreation Area Acquisition 2,500,000
 15.1 For acquisition from willing sellers of
 15.2 private lands within state park and
 15.3 recreation area boundaries established
 15.4 by law. The commissioner shall
 15.5 determine project priorities as
 15.6 appropriate based upon need.

15.7 Subd. 8. Metro Regional Park
 15.8 Acquisition and Betterment 9,825,000
 15.9 For payment to the metropolitan
 15.10 council. The commissioner shall pay
 15.11 the amount on a reimbursement basis to
 15.12 the metropolitan council upon receipt
 15.13 of a certified copy of a council
 15.14 resolution requesting payment. The
 15.15 appropriation must be used to pay the
 15.16 cost of rehabilitation, acquisition,
 15.17 and development by the council and
 15.18 local government units of regional
 15.19 recreational open-space lands in
 15.20 accordance with the council's policy
 15.21 plan as provided in Minnesota Statutes,
 15.22 section 473.315. This appropriation
 15.23 must not be used for research,
 15.24 planning, administration, or tax
 15.25 equivalency payments. This
 15.26 appropriation may be used for the
 15.27 purchase of homes only if the purchases
 15.28 are included in the work program
 15.29 required by law and they are expressly
 15.30 approved by the legislative commission
 15.31 on Minnesota resources.
 15.32 \$840,000 of this appropriation may be
 15.33 used by the metropolitan council to
 15.34 reimburse Washington county for
 15.35 acquiring St. Croix Bluffs regional
 15.36 park in 1997.

20.34 Subd. 28. Como Park Education Resource Center 500,000
 20.35 For a grant to the city of St. Paul for
 20.36 initial construction costs for the Como
 20.37 Park education resource center. This
 20.38 appropriation is not available until
 20.39 the commissioner has determined that
 20.40 the necessary additional financing to
 20.41 complete a fully functional project, in
 20.42 the amount of at least \$500,000, has
 20.43 been committed from nonstate sources.
 20.44 The center must report to the chair of

HOUSE LANGUAGE (H3843-1)

20.4 use of the Como Park golf course and
 20.5 special event facility rentals at the
 20.6 park, including the zoo and
 20.7 conservatory.

20.8 (c) \$3,000,000 is for a grant to the
 20.9 metropolitan council for capital
 20.10 expenditures necessary to carry out the
 20.11 Harriet Island Redevelopment in
 20.12 accordance with the Lilydale/Harriet
 20.13 Island master plan. This appropriation
 20.14 is not available until the commissioner
 20.15 determines that an equal amount has
 20.16 been committed from nonstate sources.

22.12 Subd. 28. Dam Improvements 1,300,000
 22.13 For the emergency repair,
 22.14 reconstruction, or removal of publicly
 22.15 owned dams. \$300,000 of this
 22.16 appropriation is for the Sauk River Dam
 22.17 and \$100,000 of this appropriation is
 22.18 for the Rapidan Dam.

16.34 Subd. 5. Flood Hazard
 16.35 Mitigation Grants 15,000,000
 16.36 For the flood hazard mitigation grant
 16.37 program to local government units for
 16.38 publicly owned capital improvements to
 16.39 prevent or alleviate flood damages
 16.40 under Minnesota Statutes, section
 16.41 103F.161. The city of Marshall must
 16.42 hold a referendum prior to accessing
 16.43 grants under this appropriation.
 16.44 Grants under this subdivision are
 16.45 exempt from the requirements of
 16.46 Minnesota Statutes, section 16B.335.

SENATE LANGUAGE (S3388-1)

20.45 the senate environment and agriculture
 20.46 budget division, the chair of the house
 20.47 environment and agriculture finance
 20.48 committee, and the chairs of the senate
 20.49 and house environment and natural
 20.50 resources policy committees as soon as
 20.51 the center has secured half of the
 20.52 total project costs from nonstate
 20.53 sources.

15.37 Subd. 9. Dam Improvements 1,000,000
 15.38 For the emergency repair,
 15.39 reconstruction, or removal of publicly
 15.40 owned dams throughout the state. Up to
 15.41 \$300,000 of this appropriation is for a
 15.42 grant to the city of Appleton for
 15.43 removal of a dam located on the Pomme
 15.44 de Terre river in Swift county. The
 15.45 commissioner shall determine remaining
 15.46 project priorities as appropriate based
 15.47 upon need as provided in Minnesota
 15.48 Statutes, section 103G.511.

15.49 Subd. 10. Flood Hazard
 15.50 Mitigation Grants 38,200,000
 15.51 For the flood hazard mitigation grant
 15.52 program to local government units for
 15.53 capital improvements to prevent or
 15.54 alleviate flood damages under Minnesota
 15.55 Statutes, section 103F.161, including
 15.56 \$1,500,000 for the construction of ring
 15.57 dikes. The commissioner shall
 15.58 determine project priorities as
 15.59 appropriate based upon need. As soon
 15.60 as the United States Army Corps of
 15.61 Engineers section 205 flood control
 15.62 study for the city of Breckenridge is
 15.63 complete, the commissioner shall make a
 16.1 recommendation to the legislature for
 16.2 the funding necessary to complete flood
 16.3 hazard mitigation efforts in the city.
 16.4 This appropriation contains the amount
 16.5 necessary to fully fund the state share
 16.6 of the East Grand Forks project. Grants
 16.7 under this subdivision are exempt from
 16.8 the requirements of Minnesota Statutes,
 16.9 section 16B.335.

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

17.1 Subd. 8. Forest Road and
 17.2 Bridge Projects 2,000,000
 17.3 For reconstruction, resurfacing,
 17.4 replacement, or construction of other
 17.5 improvements of a capital nature to
 17.6 state forest roads and bridges
 17.7 throughout the state. The commissioner
 17.8 shall determine project priorities as
 17.9 appropriate based upon need. Of this
 17.10 amount, \$500,000 may be used for forest
 17.11 roads in northern Minnesota peat areas.

18.41 Subd. 16. Forestry Land Acquisition 800,000
 18.42 To acquire private lands from willing
 18.43 sellers within established boundaries
 18.44 of state forests throughout the state.
 18.45 The commissioner shall determine
 18.46 project priorities as appropriate based
 18.47 upon need.

17.12 Subd. 9. Forestry Recreation
 17.13 Facilities 1,000,000
 17.14 For improvements of a capital nature to
 17.15 rehabilitate, improve, or develop
 17.16 forestry recreation facilities
 17.17 throughout the state. The commissioner
 17.18 shall determine project priorities as
 17.19 appropriate based upon need.

16.47 Subd. 6. RIM Critical
 16.48 Habitat Match 4,500,000
 16.49 \$4,000,000 is for the critical habitat
 16.50 private sector matching account under
 16.51 Minnesota Statutes, section 84.943; and
 16.52 \$500,000 is for acquisition and wetland
 16.53 restoration under the North American
 16.54 Waterfowl Management Plan. The
 16.55 commissioner shall determine project
 16.56 priorities as appropriate based upon
 16.57 need.

16.10 Subd. 11. Forest Road and
 16.11 Bridge Projects 1,000,000
 16.12 For reconstruction, resurfacing,
 16.13 replacement, or construction of
 16.14 improvements of a capital nature to
 16.15 state forest roads and bridges
 16.16 throughout the state. The commissioner
 16.17 shall determine project priorities as
 16.18 appropriate based upon need.

16.19 Subd. 12. Forestry Land Acquisition 800,000
 16.20 To acquire private lands from willing
 16.21 sellers within established boundaries
 16.22 of state forests throughout the state.
 16.23 The commissioner shall determine
 16.24 project priorities as appropriate based
 16.25 upon need.

16.26 Subd. 13. Forestry Recreation
 16.27 Facilities 750,000
 16.28 For improvements of a capital nature to
 16.29 rehabilitate, improve, or develop
 16.30 forestry recreation facilities
 16.31 throughout the state. The commissioner
 16.32 shall determine project priorities as
 16.33 appropriate based upon need.

16.34 Subd. 14. RIM Wildlife Management Areas,
 16.35 Critical Habitat, and North American
 16.36 Waterfowl Management Plan 8,841,000
 16.37 \$1,000,000 of this appropriation is to
 16.38 acquire land for wildlife management
 16.39 areas under Minnesota Statutes, section
 16.40 97A.135; \$7,341,000 is for the critical
 16.41 habitat private sector matching account
 16.42 under Minnesota Statutes, section
 16.43 84.943; and \$500,000 is for acquisition
 16.44 and wetland restoration under the North
 16.45 American Waterfowl Management Plan.
 16.46 The commissioner shall determine
 16.47 project priorities as appropriate based
 16.48 upon need.

*** NEXT SENATE ENTRY FROM ENV. SUPP ***

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3353-2)

16.58 Subd. 7. White Pine Management 300,000
 16.59 For planting of stands of white pine
 16.60 and management of white pine resources.

3.56 \$180,000 in fiscal year 1998 and
 3.57 \$120,000 in fiscal year 1999 is for
 3.58 increased public involvement in white
 3.59 pine management planning and to
 3.60 accelerate white pine management on
 3.61 state forest lands. This appropriation
 3.62 is available until June 30, 1999.

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3353-2)

*** NEXT HOUSE ENTRY FROM ENV. SUPP ***

HOUSE LANGUAGE (UES3353-2)

SENATE LANGUAGE (S3353-2)

3.17 \$120,000 in fiscal year 1999 is to
 3.18 accelerate white pine management on
 3.19 state forest lands.

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

21.32 Subd. 24. RIM Fish Hatchery Rehabilitation 500,000
 21.33 For improvements of a capital nature to
 21.34 rehabilitate, improve, or develop fish
 21.35 culture facilities.

16.49 Subd. 15. RIM Fish Hatchery
 16.50 Rehabilitation 1,300,000
 16.51 For improvements of a capital nature to
 16.52 rehabilitate, improve, or develop fish
 16.53 culture facilities.

17.20 Subd. 10. RIM Wildlife,
 17.21 Habitat Improvements 2,000,000
 17.22 For improvements of a capital nature to
 17.23 develop, protect, or improve wildlife
 17.24 management areas and other state lands
 17.25 throughout the state. The commissioner
 17.26 shall determine project priorities as
 17.27 appropriate based upon need.

16.54 Subd. 16. RIM Wildlife,
 16.55 Habitat Improvements 3,000,000
 16.56 For improvements of a capital nature to
 16.57 develop, protect, or improve wildlife
 16.58 management areas and other state lands
 16.59 throughout the state. The commissioner
 17.1 shall determine project priorities as
 17.2 appropriate based upon need.

17.3 Subd. 17. Stream Protection
 17.4 and Restoration 1,500,000
 17.5 For the acquisition of easements and
 17.6 aquatic management areas on streams for
 17.7 fisheries management purposes, and
 17.8 stream restoration on portions of the
 17.9 Whitewater river and Sandy river.

17.28 Subd. 11. Scientific and Natural Area and
 17.29 Prairie Bank Acquisition and Improvement 4,000,000
 17.30 To acquire land related to scientific
 17.31 and natural areas and prairie bank
 17.32 easements and for development,
 17.33 protection, or improvements of a
 17.34 capital nature to scientific and
 17.35 natural areas throughout the state.
 17.36 \$2,800,000 is for scientific and
 17.37 natural area acquisition, \$400,000 is
 17.38 for scientific and natural area
 17.39 restoration and development, and
 17.40 \$800,000 is for Prairie Bank
 17.41 easements. The commissioner shall
 17.42 determine project priorities as
 17.43 appropriate based upon need.

17.10 Subd. 18. Scientific and Natural Area and
 17.11 Prairie Bank Acquisition and Improvement 2,300,000
 17.12 \$1,500,000 of this appropriation is to
 17.13 acquire land related to scientific and
 17.14 natural areas pursuant to Minnesota
 17.15 Statutes, section 84.033; \$400,000 is
 17.16 for acquisition of prairie bank
 17.17 easements pursuant to Minnesota
 17.18 Statutes, section 84.96; and \$400,000
 17.19 is for development, protection, or
 17.20 improvements of a capital nature to
 17.21 scientific and natural areas throughout
 17.22 the state. Scientific and natural area
 17.23 acquisition that is consistent with the
 17.24 greenways and natural areas
 17.25 collaborative must be given priority
 17.26 for funding. The commissioner shall
 17.27 determine other project priorities as
 17.28 appropriate based upon need.

17.44 Subd. 12. Metro Greenways
 17.45 and Natural Areas 8,000,000
 17.46 To acquire natural areas and greenways
 17.47 in the metro region through purchase of

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

17.48 conservation easements or fee
 17.49 acquisition. The commissioner shall
 17.50 determine project priorities as
 17.51 appropriate based upon need and shall
 17.52 consult with representatives of local
 17.53 units of government, nonprofit
 17.54 organizations, and other interested
 17.55 parties.

17.56 Subd. 13. Water Access
 17.57 Acquisition and Development 3,500,000
 17.58 For public water access acquisition
 17.59 development and rehabilitation on lakes
 17.60 and rivers and for fishing piers and
 18.1 shoreline access, to be divided equally
 18.2 between projects within and projects
 18.3 outside the seven-county metropolitan
 18.4 area.

18.5 Subd. 14. Trail Acquisition
 18.6 and Development 12,200,000
 18.7 For acquisition and development of a
 18.8 capital nature on state trails as
 18.9 specified in Minnesota Statutes,
 18.10 section 85.015. Projects include
 18.11 \$500,000 for the Willard Munger Trail,
 18.12 \$860,000 for the Root River Trail,
 18.13 \$140,000 for the Lanesboro Trailhead of
 18.14 the Root River Trail, \$1,600,000 for
 18.15 the Luce Line, \$500,000 for the
 18.16 Heartland Trail, \$2,650,000 for the
 18.17 Paul Bunyon Trail, \$1,200,000 for the
 18.18 Goodhue Pioneer Trail, \$900,000 for the
 18.19 Blazing Star Trail, \$1,500,000 for the
 18.20 Blufflands Trail development, and
 18.21 \$350,000 for the Gateway Trail. The
 18.22 commissioner shall determine additional
 18.23 project priorities as appropriate based
 18.24 upon need. \$2,000,000 of this
 18.25 appropriation is for the state
 18.26 targeting accessible recreation trails
 18.27 (START) project to complete the trail
 18.28 survey, prioritizing, and
 18.29 preengineering work for all 100 major
 18.30 recreation areas and to improve
 18.31 accessibility in up to 35 of these

17.29 Subd. 19. Accelerated Wildlife
 17.30 Habitat Management 1,100,000
 17.31 For wildlife habitat improvement. Of
 17.32 this amount, \$900,000 is for winter
 17.33 wildlife habitat improvement for
 17.34 pheasants and other grassland wildlife
 17.35 in key farmland areas and \$200,000 is
 17.36 for brushland and forest habitat
 17.37 renewal for sharp-tailed grouse and
 17.38 other species of birds dependent on
 17.39 open brushlands in forest areas.

17.40 Subd. 20. Water Access
 17.41 Acquisition and Development 1,000,000
 17.42 For public water access acquisition
 17.43 development and rehabilitation on lakes
 17.44 and rivers, including boat access
 17.45 through the provision of fishing piers
 17.46 and shoreline access.

17.47 Subd. 21. Trail Acquisition
 17.48 and Development 9,500,000
 17.49 For acquisition and development of a
 17.50 capital nature on state trails as
 17.51 specified in Minnesota Statutes,
 17.52 section 85.015. The commissioner shall
 17.53 determine project priorities as
 17.54 appropriate based upon need.
 17.55 \$1,500,000 of this appropriation is for
 17.56 the state targeting accessible
 17.57 recreation trails (START) project to
 17.58 complete the trail survey,
 17.59 prioritizing, and preengineering work
 17.60 for all 100 major recreation areas and
 17.61 to improve accessibility in up to 35 of
 18.1 these areas. This appropriation
 18.2 includes money for an alternate trail
 18.3 surface on the Heartland trail and for
 18.4 acquisition of the extension of the
 18.5 Blufflands trail from Preston to
 18.6 Forestville state park and the Blazing
 18.7 Star trail.

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

18.32 areas.

*** NEXT ENTRY FROM HOUSE ENV. SUPP ***

HOUSE LANGUAGE (UES3353-2)

SENATE LANGUAGE (S3388-1)

4.14 \$100,000 in fiscal year 1998 is to:
 4.15 (1) conduct engineering and hydraulic
 4.16 studies in conjunction with the
 4.17 proposed development of an urban
 4.18 whitewater trail along the Mississippi
 4.19 river in the lower St. Anthony falls
 4.20 area below the stone arch bridge in
 4.21 Minneapolis; and
 4.22 (2) examine the economic impact, market
 4.23 use potential, public safety concerns,
 4.24 environmental considerations, and land
 4.25 and water use impacts of the proposed
 4.26 Mississippi urban whitewater trail.
 4.27 In fulfilling the duties under the
 4.28 preceding paragraph, the commissioner
 4.29 must coordinate and work with affected
 4.30 local, state, and federal governments
 4.31 and interested citizen groups,
 4.32 including, but not limited to, the
 4.33 National Park Service, the United
 4.34 States Army Corps of Engineers, the
 4.35 University of Minnesota, the Minnesota
 4.36 historical society, the metropolitan
 4.37 parks and open space commission, the
 4.38 Minneapolis park board, and the
 4.39 Mississippi Whitewater Park Development
 4.40 Corporation. The commissioner must
 4.41 report to the senate and house
 4.42 environmental finance committees by
 4.43 March 1, 1999, on the findings from the
 4.44 studies required in the preceding
 4.45 paragraph.

18.8 Subd. 22. Mississippi Whitewater
 18.9 Trail 100,000
 18.10 For engineering and hydraulic studies
 18.11 in conjunction with the proposed
 18.12 development of an urban whitewater
 18.13 trail along the Mississippi river in
 18.14 the lower St. Anthony Falls area below
 18.15 the stone arch bridge in Minneapolis
 18.16 and to examine the economic impact,
 18.17 market use potential, public safety
 18.18 concerns, environmental considerations,
 18.19 and land and water use impacts of the
 18.20 proposed Mississippi Whitewater trail.
 18.21 The commissioner must coordinate and
 18.22 work with affected local, state, and
 18.23 federal governments and interested
 18.24 citizen groups, including, but not
 18.25 limited to, the National Park Service,
 18.26 the United States Army Corps of
 18.27 Engineers, the University of Minnesota,
 18.28 the Minnesota historical society, the
 18.29 metropolitan parks and open space
 18.30 commission, the Minneapolis park board,
 18.31 and the Mississippi Whitewater Park
 18.32 Development Corporation. The
 18.33 commissioner must report to the senate
 18.34 environment and agriculture budget
 18.35 division and the house environment,
 18.36 natural resources, and agriculture
 18.37 finance committee by November 1, 1999,
 18.38 on the findings from the studies
 18.39 required under this subdivision. This
 18.40 appropriation is available until June
 18.41 30, 1999.

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

20.29 Subd. 22. Regional Trails 7,700,000
 20.30 For grants to the metropolitan council
 20.31 for acquisition and development of a
 20.32 capital nature of trail connections in
 20.33 the metropolitan area as specified in
 20.34 this subdivision. The purpose of the
 20.35 grants is to improve trails in the
 20.36 metropolitan park and open space system
 20.37 and connect them with existing state
 20.38 and regional trails.
 20.39 The funds shall be allocated by the
 20.40 commissioner as follows:
 20.41 (1) \$1,892,000 is allocated to Ramsey
 20.42 county as follows:
 20.43 (i) \$1,342,000 to complete two miles of

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

20.44 trails between Rice Creek Chain of
 20.45 Lakes Park Reserve and Long Lake
 20.46 Regional Park;
 20.47 (ii) \$400,000 to complete six miles of
 20.48 trails between the Burlington Northern
 20.49 Regional Trail and Bald Eagle-Otter
 20.50 Lake Regional Park;
 20.51 (iii) \$150,000 to complete a one-mile
 20.52 connection between Birch Lake and the
 20.53 Lake Tamarack segment of Bald
 20.54 Eagle-Otter Lake Regional Park; and
 20.55 (iv) \$500,000 to acquire real property
 20.56 and design and construct or renovate
 20.57 recreation facilities along the
 20.58 Mississippi River in cooperation with
 21.1 the city of St. Paul;
 21.2 (2) \$1,325,000 is allocated to Dakota
 21.3 county to connect the Lake Byllesby
 21.4 Regional Park to the Cannon Valley
 21.5 Trail;
 21.6 (3) \$1,400,000 is allocated to Anoka
 21.7 county as follows:
 21.8 (i) \$1,100,000 to construct a
 21.9 pedestrian tunnel under Highway 65 on
 21.10 the Rice Creek West Regional Trail in
 21.11 the city of Fridley;
 21.12 (ii) \$300,000 to construct a pedestrian
 21.13 bridge on the Mississippi River
 21.14 Regional Trail crossing over
 21.15 Mississippi Street in the city of
 21.16 Fridley; and
 21.17 (4) \$1,880,000 is allocated to the
 21.18 suburban Hennepin regional park
 21.19 district as follows:
 21.20 (i) \$1,380,000 to connect North
 21.21 Hennepin Regional Trail to Luce Line
 21.22 State Trail and Wirth-Memorial Parkway
 21.23 Regional Trail; and
 21.24 (ii) \$500,000 to acquire land and
 21.25 easements for the Hutchinson Spur.

18.48 Subd. 17. Lake Superior
 18.49 Safe Harbors
 18.50 For acquisition, design, and
 18.51 development of safe harbors and public
 18.52 accesses on Lake Superior. \$150,000 is
 18.53 for Taconite Harbor, \$1,500,000 is for
 18.54 Two Harbors, and \$150,000 is for Knife
 18.55 River. This appropriation is not
 18.56 available until an equal amount in
 18.57 federal matching funds has been
 18.58 committed. This appropriation is
 18.59 exempt from the requirements of
 18.60 Minnesota Statutes, section 16B.335.

20.17 Subd. 20. Lake Superior Zoo
 20.18 For a grant to the city of Duluth for
 20.19 capital improvements to the animal care

1,800,000

1,300,000

18.42 Subd. 23. Lake Superior
 18.43 Safe Harbors
 18.44 For acquisition, design, and
 18.45 development of safe harbors and public
 18.46 accesses on Lake Superior at Taconite
 18.47 Harbor, Two Harbors, and Knife river.
 18.48 This appropriation is intended to
 18.49 maximize federal matching funds from
 18.50 the United States Army Corps of
 18.51 Engineers.

5,150,000

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

20.20 center, including veterinary hospital,
 20.21 laboratory, clinic, and quarantine
 20.22 area, and the childrens' zoo at the
 20.23 Lake Superior Zoological Garden.

18.61 Subd. 18. Local Initiative Grants
 19.1 For matching grants to be provided to
 19.2 local units of government for
 19.3 acquisition, development, or renovation
 19.4 of a capital nature of local parks,
 19.5 trails, and natural and scenic areas.
 19.6 Recipients must provide a match of at
 19.7 least one-half of total eligible
 19.8 project costs. The commissioner shall
 19.9 make payment to local units of
 19.10 government upon receiving documentation
 19.11 of reimbursable expenditures. The
 19.12 commissioner shall determine project
 19.13 priorities as appropriate based upon
 19.14 need.
 19.15 \$4,100,000 of this appropriation is for
 19.16 grants to units of government to
 19.17 acquire and develop outdoor recreation
 19.18 areas.
 19.19 \$1,000,000 of this appropriation is for
 19.20 cooperative trail grants of up to
 19.21 \$50,000 per project to acquire or
 19.22 construct trail linkages between
 19.23 communities, trails, and parks.
 19.24 \$4,000,000 of this appropriation is for
 19.25 trail grants for the following locally
 19.26 funded publicly owned trails serving
 19.27 multiple communities: \$1,600,000 for
 19.28 Beaver Island Trail in Stearns County,
 19.29 \$1,600,000 for Skunk Hollow Trail in
 19.30 Yellow Medicine and Chippewa Counties,
 19.31 and \$800,000 for Unity Trail in
 19.32 Faribault County.

8,100,000

18.52 Subd. 24. Local Initiative Grants
 18.53 For matching grants to be provided to
 18.54 local units of government to purchase
 18.55 interests in land, development, or
 18.56 renovation of a capital nature of local
 18.57 parks, trails, and natural and scenic
 18.58 areas. Recipients must provide a match
 18.59 of at least one-half of total eligible
 18.60 project costs. The commissioner shall
 18.61 make payment to local units of
 18.62 government upon receiving documentation
 18.63 of reimbursable expenditures. The
 18.64 commissioner shall determine project
 18.65 priorities as appropriate based upon
 19.1 need.
 19.2 \$1,000,000 of this appropriation is for
 19.3 grants to units of government to
 19.4 acquire and develop outdoor recreation
 19.5 areas.
 19.6 \$1,000,000 of this appropriation is for
 19.7 cooperative trail grants of up to
 19.8 \$50,000 per project for trail linkages
 19.9 between communities, trails, and parks.
 19.10 \$2,500,000 of this appropriation is for
 19.11 regional trail grants under Minnesota
 19.12 Statutes, section 85.019, subdivision
 19.13 4b. Priority shall be given to
 19.14 matching funds for an ISTE grant.
 19.15 \$500,000 of this appropriation is for
 19.16 the cost of development and acquisition
 19.17 of the Southwest regional trail in the
 19.18 city of St. Louis Park. The trail must
 19.19 connect the Minneapolis regional trail
 19.20 system at Cedar Lake park to the
 19.21 Hennepin parks regional trail system at
 19.22 the Hopkins trail head. This
 19.23 appropriation is not available until
 19.24 the commissioner has determined that
 19.25 the necessary additional financing to
 19.26 complete a fully functional project, in
 19.27 the amount of at least \$500,000, has
 19.28 been committed from nonstate sources.
 19.29 \$1,500,000 of this appropriation is for
 19.30 grants to units of government to
 19.31 acquire and better natural and scenic
 19.32 areas under Minnesota Statutes, section
 19.33 85.019, subdivision 4a. Acquisition
 19.34 that is consistent with the greenways
 19.35 and natural areas collaborative must be
 19.36 given priority for funding.
 19.37 Grants under this subdivision are
 19.38 exempt from the requirements of
 19.39 Minnesota Statutes, section 16B.335.

6,500,000

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

21.36 Subd. 25. Environmental Learning
 21.37 Centers 2,150,000
 21.38 \$800,000 of this appropriation is for a
 21.39 grant to independent school district
 21.40 No. 621, Mounds View, to renovate the
 21.41 Laurentian environmental learning
 21.42 center located in the Superior National
 21.43 Forest. This portion of the
 21.44 appropriation must not be used to
 21.45 expand the bed capacity of the center.
 21.46 It may be used to renovate and replace
 21.47 existing facilities.

21.48 \$1,350,000 of this appropriation is for
 21.49 a grant to Kandiyohi county to
 21.50 construct a trailhead at the Prairie
 21.51 Woods environmental learning center.
 21.52 This portion of the appropriation may
 21.53 not be used for overnight facilities.

20.24 Subd. 21. Sand Dunes State
 20.25 Forest Center 150,000
 20.26 For predesign and design of an office
 20.27 facility/visitor center in Sand Dunes
 20.28 State Forest.

21.26 Subd. 23. Ramsey Mill Pond 56,000
 21.27 This appropriation is for use as a
 21.28 critical habitat match to acquire 90
 21.29 acres of land adjacent to the Ramsey
 21.30 mill pond wildlife management area in
 21.31 Mower county.

21.54 Subd. 26. Willernie Erosion Control 100,000
 21.55 For a grant to the city of Willernie
 22.1 for publicly owned capital improvements
 22.2 to forestall erosion from a natural
 22.3 waterway. This appropriation must be
 22.4 equally matched by nonstate funds.

22.5 Subd. 27. Hartley Nature Center 1,000,000
 22.6 For a grant to the city of Duluth for
 22.7 the purpose of constructing capital
 22.8 improvements to the Hartley Nature
 22.9 Center. This appropriation is not
 22.10 available until an equal amount has
 22.11 been committed from nonstate sources.

19.40 Subd. 25. Laurentian
 19.41 Environmental Center 800,000
 19.42 For a grant to independent school
 19.43 district No. 621, Mounds View, for
 19.44 capital improvements at the Laurentian
 19.45 Environmental Learning Center,
 19.46 including remodeling of existing
 19.47 buildings, construction of new
 19.48 buildings, demolition, and access
 19.49 improvements for people with
 19.50 disabilities. \$300,000 of this
 19.51 appropriation is available
 19.52 immediately. The balance is available
 19.53 to the extent matched by money from
 19.54 other sources.

19.55 Subd. 26. International Wolf Center 350,000
 19.56 For capital improvements to the
 19.57 International Wolf Center, including
 19.58 repair of grounds and buildings,
 19.59 improvements to the heating and
 19.60 ventilation system, the wolf enclosure,
 19.61 and the children's exhibit room, and

20.1	added facilities for vehicle garaging	
20.2	and a workshop.	
20.3	Subd. 27. Savage Water	
20.4	Supply System	2,000,000
20.5	For a grant to the city of Savage for a	
20.6	water supply system. The system must	
20.7	implement uniform demand management	
20.8	measures and provide for alternative	
20.9	sustainable water sources while	
20.10	protecting the Savage Fen wetland	
20.11	complex and the water resources of the	
20.12	aquifers. Conservation and demand	
20.13	reduction measures must be adopted.	
20.14	The system may be constructed under	
20.15	authority of Minnesota Statutes,	
20.16	section 471.59, 471.591, or other law.	
20.17	The alternative sources of water must	
20.18	be approved by the commissioner and	
20.19	comply with permit requirements under	
20.20	Minnesota Statutes, chapter 103G. This	
20.21	appropriation may not be used to pay	
20.22	for more than 50 percent of the	
20.23	additional costs incurred for	
20.24	protection of the Savage Fen, as	
20.25	determined by the commissioner.	
20.26	No later than June 30, 1998, the	
20.27	commissioner of finance shall transfer	
20.28	\$2,000,000 of the unencumbered balance	
20.29	in the once-through cooling conversion	
20.30	loan account from funds credited to the	
20.31	account under Minnesota Statutes,	
20.32	section 103G.271, subdivision 6,	
20.33	paragraph (g), to the general fund.	
20.54	Subd. 29. Work Program	
20.55	The commissioner must submit a work	
20.56	program and semiannual progress reports	
20.57	in the form determined by the	
20.58	legislative commission on Minnesota	
20.59	resources and request its	
20.60	recommendation before spending any	
20.61	money appropriated by subdivision 4, 5,	
20.62	6, 7, 8, 12, 13, 14, 15, 16, 17, 18,	
20.63	19, 20, 21, 22, 23, 24, 25, 26, 28, or	
21.1	30 of this section. The commission's	
21.2	recommendation is advisory only.	
21.3	Failure to respond to a request within	
21.4	60 days after receipt is a positive	
21.5	recommendation. Work programs	
21.6	involving land acquisition must include	
21.7	a land acquisition plan.	

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

*** NEXT GRANT H=ADMIN COMM'R; S=DNR COMM'R ***

25.8	Subd. 5. Bald Eagle Center	500,000	21.8	Subd. 30. American Bald	
25.9	For a grant to the city of Wabasha for		21.9	Eagle Center	500,000
25.10	design and construction of the American		21.10	For a grant to the city of Wabasha to	
25.11	bald eagle center. The city of Wabasha		21.11	construct the American Bald Eagle	
25.12	may enter into a lease or management		21.12	Center. This appropriation is not	
25.13	agreement with a nonprofit corporation		21.13	available until the commissioner has	
25.14	under Minnesota Statutes, section		21.14	determined that the necessary	
25.15	16A.695. This appropriation is not		21.15	additional financing to complete a	
25.16	available until an equal amount has		21.16	fully functional project, in the amount	
25.17	been committed from nonstate sources.		21.17	of at least \$500,000, has been	
			21.18	committed from nonstate sources.	

HOUSE LANGUAGE (H3843-1)

23.46 Subd. 2. RIM and PWP
 23.47 Conservation Easements
 23.48 This appropriation is for the following
 23.49 purposes:
 23.50 (1) to acquire conservation easements
 23.51 from landowners on marginal lands to
 23.52 protect soil and water quality and to
 23.53 support fish and wildlife habitat as
 23.54 provided in Minnesota Statutes, section
 23.55 103F.515; and
 23.56 (2) to acquire perpetual conservation
 23.57 easements on existing type 1, 2, 3, and
 24.1 6 wetlands, adjacent lands, and for the
 24.2 establishment of permanent cover on
 24.3 adjacent lands, in accordance with
 24.4 Minnesota Statutes, section 103F.516.

10,000,000

SENATE LANGUAGE (S3388-1)

22.42 Subd. 2. RIM and PWP
 22.43 Conservation Easements
 22.44 This appropriation is for the following
 22.45 purposes:
 22.46 (1) to acquire conservation easements
 22.47 from landowners on marginal lands to
 22.48 protect soil and water quality and to
 22.49 support fish and wildlife habitat as
 22.50 provided in Minnesota Statutes, section
 22.51 103F.515; and
 22.52 (2) to acquire perpetual conservation
 22.53 easements on existing type 1, 2, 3, and
 22.54 6 wetlands, adjacent lands, and for the
 22.55 establishment of permanent cover on
 22.56 adjacent lands, in accordance with
 22.57 Minnesota Statutes, section 103F.516.
 22.58 Up to \$250,000 may be used for the
 22.59 acquisition of flood storage easements
 23.1 that allow haying, grazing, or other
 23.2 activities approved by the board when
 23.3 the flood storage is not needed, and
 23.4 for the cost of constructing related
 23.5 dikes and other structures necessary to
 23.6 maintain water in the flood storage
 23.7 easement areas. Up to ten percent of
 23.8 the appropriation may be used for
 23.9 professional and technical services
 23.10 related to acquisition of the easement.
 23.11 The board, in consultation with the
 23.12 commissioner of natural resources, must
 23.13 select at least two local government
 23.14 units for participation in the flood
 23.15 storage easement pilot program based on
 23.16 the potential and need for flood water
 23.17 storage in the local area. The board
 23.18 may acquire the easement directly or
 23.19 provide grants to the local government
 23.20 units for their acquisition of
 23.21 easements that conform with the
 23.22 requirements established by the board.
 23.23 A conservation easement must be for at
 23.24 least ten years. The board or the
 23.25 local government unit must make the
 23.26 following payments to the landowner for
 23.27 the conservation easement and agreement:
 23.28 (1) to establish conservation practices
 23.29 required by the easement, up to 75
 23.30 percent of the total eligible cost, not
 23.31 to exceed an average of \$75 per acre;
 23.32 and
 23.33 (2) 25 percent of the payment rate for
 23.34 20-year easements acquired under
 23.35 Minnesota Statutes, section 103F.515;
 23.36 or
 23.37 (3) an alternative payment system for
 23.38 easements as may be determined by the
 23.39 board, in consultation with the
 23.40 commissioner of natural resources.

15,000,000

• Sen. Stumpf's language
 The severe flooding in the
 Red River Valley has got
 creative ways to keep water
 on the land & provide
 gradual release w/o

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

24.5	Subd. 3. Local Government	
24.6	Road Replacement	
24.7	To acquire land for wetlands or restore	2,000,000
24.8	wetlands to be used to replace wetlands	
24.9	drained or filled as a result of the	
24.10	repair, maintenance, or rehabilitation	
24.11	of existing roads, as provided in	
24.12	Minnesota Statutes, section 103G.222,	
24.13	subdivision 1, paragraph (m).	
24.14	Subd. 4. Quad-Lakes Restoration	300,000
24.15	For a grant to the Faribault county	
24.16	soil and water conservation district	
24.17	for the quad-lakes restoration project	
24.18	in Faribault and Blue Earth counties.	
24.19	Subd. 5. Lakeshore Easements	500,000
24.20	To acquire conservation easements for	
24.21	sensitive shoreland and riparian areas	
24.22	on lakes.	

23.41	By January 15, 2000, the board, in
23.42	conjunction with the commissioner of
23.43	natural resources, shall report to the
23.44	senate environment and agriculture
23.45	budget division and the house
23.46	environment, natural resources, and
23.47	agriculture finance committee on the
23.48	acquisition of easements under this
23.49	paragraph. The report must include an
23.50	analysis of the benefit to expansion of
23.51	the program in other areas of the state
23.52	that are prone to flooding and on the
23.53	adequacy of payments under the pilot
23.54	program.
23.55	Subd. 3. Local Government
23.56	Road Replacement
23.57	To acquire land, including related
23.58	wetland credits, and restore and create
23.59	wetlands for the replacement of
23.60	wetlands drained or filled by public
23.61	transportation projects on existing
23.62	roads as required by Minnesota
23.63	Statutes, section 103G.222, subdivision
23.64	1, paragraph (m).
24.1	The purchase price paid for acquisition
24.2	of land, fee or perpetual easement,
24.3	shall be the amount deemed reasonable
24.4	by the board. The board may enter into
24.5	agreements with the federal government,
24.6	other state agencies, political
24.7	subdivisions, and nonprofit
24.8	organizations or fee owners for
24.9	acquisition of land and restoration and
24.10	creation of wetlands with funds
24.11	provided by this appropriation.
24.12	Acquisition of or the conveyance of
24.13	land may be in the name of the
24.14	political subdivision. The
24.15	requirements of Minnesota Statutes,
24.16	sections 16B.07, 16B.19, and 177.41 to
24.17	177.44 shall not apply to agreements
24.18	for reimbursement of reasonable costs
24.19	incurred by a private fee owner or
24.20	nonprofit organization.

3,000,000

*- rider language
recmd'd by board counsel.
- provide greater
flexibility to effectively
achieve the wetland
replacement.
\$ more cost-effective*

HOUSE LANGUAGE (H3843-1)

SENATE LANGUAGE (S3388-1)

24.21	Subd. 4. Area II Minnesota	
24.22	River Basin Grant-in-Aid Program	1,000,000
24.23	For grants to assist local governments	
24.24	in acquiring and constructing	
24.25	floodwater retention systems in area II	
24.26	of the Minnesota river basin. Projects	
24.27	may include flood control reservoirs,	
24.28	road retention structures, and other	
24.29	floodwater mitigation improvements.	
24.30	This appropriation must be matched by	
24.31	at least \$333,000 from nonstate	
24.32	sources. Grants under this subdivision	
24.33	are exempt from the requirements of	
24.34	Minnesota Statutes, section 16B.335.	
24.35	Subd. 5. Work Program	
24.36	The board must submit a work program	
24.37	and semiannual progress reports in the	
24.38	form determined by the legislative	
24.39	commission on Minnesota resources and	
24.40	request its recommendation before	
24.41	spending any money appropriated by this	
24.42	section. The commission's	
24.43	recommendation is advisory only.	
24.44	Failure to respond to a request within	
24.45	60 days after receipt is a positive	
24.46	recommendation. Work programs	
24.47	involving land acquisition must include	
24.48	a land acquisition plan.	
24.49	Sec. 12. AGRICULTURE	500,000
24.50	For a grant to a political subdivision	
24.51	that is chosen as a site for a soybean	
24.52	oilseed processing and refining	
24.53	facility, constructed by a	
24.54	Minnesota-based cooperative. This	
24.55	appropriation is for site preparation,	
24.56	predevelopment, and other	
24.57	infrastructure improvements, including	
24.58	public and private utility	
24.59	improvements, that are necessary for	
24.60	development of the oilseed processing	
24.61	and refining facility. This	
24.62	appropriation is available until	
24.63	December 31, 2000.	
24.64	Sec. 13. MINNESOTA ZOOLOGICAL	
25.1	GARDENS	3,200,000
25.2	To the Minnesota zoological gardens for	
25.3	design, repair, and reconstruction of	
25.4	roadways, pathways, parking lots,	
25.5	outdoor lighting, and public plaza	
25.6	areas. This appropriation is exempt	
25.7	from the requirements of Minnesota	
25.8	Statutes, section 16B.335.	

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

SEN
SAMS
Dilla
Loury
BOB
Morse

HS
Munger
Peterson
McCollum
Holston
Ostby ff

1.1 A bill for an act
1.2 relating to the organization and operation of state
1.3 government; appropriating money for environmental,
1.4 natural resource, and agricultural purposes; providing
1.5 for regulation of certain activities and practices;
1.6 amending Minnesota Statutes 1996, sections 3.737,
1.7 subdivisions 1, 4, and by adding a subdivision;
1.8 41A.09, subdivision 1a; 84.83, subdivision 3; 84.871;
1.9 84.943, subdivision 3; 86B.415, by adding a
1.10 subdivision; 97A.037, subdivision 1; 97A.245;
1.11 103C.315, subdivision 4; 103F.155, subdivision 2;
1.12 103F.161, subdivision 2; 103G.271, subdivision 6;
1.13 115B.175, subdivision 3; and 116.07, subdivision 4h;
1.14 116.49, by adding a subdivision; Minnesota Statutes
1.15 1997 Supplement, sections 17.101, subdivision 5;
1.16 41A.09, subdivision 3a; 84.8205; 84.86, subdivision 1;
1.17 and 97A.485, subdivision 6; repealing Minnesota
1.18 Statutes 1997 Supplement, section 85.015, subdivision
1.19 1c; Laws 1991, chapter 275, section 3.

1.20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.21 Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]

1.22 The sums in the columns headed "APPROPRIATIONS" are
1.23 appropriated from the general fund, or another named fund, to
1.24 the agencies and for the purposes specified in this act to be
1.25 available for the fiscal years indicated for each purpose. The
1.26 figures "1997," "1998," and "1999," where used in this act, mean
1.27 that the appropriation or appropriations listed under them are
1.28 available for the year ending June 30, 1997, June 30, 1998, or
1.29 June 30, 1999, respectively.

1.30 SUMMARY BY FUND			
1.31		1998	1999
1.32	General Fund	\$ 9,171,000	\$ 2,965,000
2.1	APPROPRIATIONS		
2.2	Available for the Year		
2.3	Ending June 30		
2.4		1998	1999
2.5	Sec. 2. POLLUTION CONTROL		
2.6	AGENCY	180,000	1,300,000

2.7 \$400,000 in fiscal year 1999 is added
2.8 to the appropriation for county feedlot
2.9 program grants in Laws 1997, chapter
2.10 216, section 2, subdivision 2. In
2.11 fiscal year 1999 delegated counties
2.12 shall be eligible to receive a grant of
2.13 either: \$40 multiplied by the number

1.1 A bill for an act
1.2 relating to the organization and operation of state
1.3 government; appropriating money for environmental,
1.4 natural resource, and agricultural purposes; providing
1.5 for regulation of certain activities and practices;
1.6 amending Minnesota Statutes 1996, sections 28A.04,
1.7 subdivision 1; 35.82, subdivision 2; 41A.09,
1.8 subdivision 1a; 84.871; 84.943, subdivision 3;
1.9 86B.313, subdivision 3, and by adding subdivisions;
1.10 86B.415, by adding a subdivision; 89A.03, subdivision
1.11 1; 90.193; 92.46, by adding a subdivision; 93.002,
1.12 subdivision 1; 103F.155, subdivision 2; 103F.161,
1.13 subdivision 2; 103G.271, subdivision 6; 116.011;
1.14 116.07, by adding a subdivision; 308A.131, subdivision
1.15 1; and 308A.705, subdivision 3; Minnesota Statutes
1.16 1997 Supplement, sections 28A.08, subdivision 3;
1.17 41A.09, subdivision 3a; 115.55, subdivision 5a;
1.18 116.07, subdivision 7; 116.18, subdivision 3c; and
1.19 308A.705, subdivision 1; proposing coding for new law
1.20 in Minnesota Statutes, chapters 17; 85; 86B; and 116;
1.21 proposing coding for new law as Minnesota Statutes,
1.22 chapter 18G.

1.23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.24 Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]

1.25 The sums in the columns headed "APPROPRIATIONS" are
1.26 appropriated from the general fund, or another named fund, to
1.27 the agencies and for the purposes specified in this act to be
1.28 available for the fiscal years indicated for each purpose. The
1.29 figures "1998" and "1999," where used in this act, mean that the
1.30 appropriation or appropriations listed under them are available
1.31 for the year ending June 30, 1998, or June 30, 1999,
1.32 respectively.

1.33 SUMMARY BY FUND			
1.34		1998	1999
2.1	General Fund	\$5,416,000	\$9,408,000
2.2	APPROPRIATIONS		
2.3	Available for the Year		
2.4	Ending June 30		
2.5		1998	1999
2.6	Sec. 2. POLLUTION CONTROL		
2.7	AGENCY	-0-	1,375,000

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

2.14 of livestock or poultry farms with
2.15 sales greater than \$10,000, as reported
2.16 in the 1992 Census of Agriculture,
2.17 published by the United States Bureau
2.18 of Census; or \$50 multiplied by the
2.19 number of feedlots with greater than
2.20 ten animal units, as determined by a
2.21 level 2 or level 3 feedlot inventory
2.22 conducted in accordance with the
2.23 Feedlot Inventory Guidebook published
2.24 by the board of water and soil
2.25 resources, dated June 1991.

2.26 \$50,000 in fiscal year 1999 is for the
2.27 bioaccumulative residues research
2.28 program at the University of
2.29 Minnesota-Duluth to analyze fish
2.30 contaminants, including researching the
2.31 presence of selenium in fish samples.
2.32 As a condition of this grant, the
2.33 University of Minnesota-Duluth must
2.34 submit a work program and submit
2.35 semiannual progress reports as provided
2.36 in Minnesota Statutes, section 116P.05,
2.37 subdivision 2, paragraph (c).

2.38 \$180,000 in fiscal year 1998 is for the
2.39 cost of administering the wastewater
2.40 infrastructure program. This
2.41 appropriation is available until June
2.42 30, 2002.

2.43 \$50,000 in fiscal year 1999 is for a
2.44 scoping study for a cost-benefit model
2.45 to analyze the costs of water quality
2.46 standards. This is a one-time
2.47 appropriation.

2.48 \$500,000 in fiscal year 1999 is for
2.49 further investigation of malformed
2.50 frogs in Minnesota. This is a one-time
2.51 appropriation.

2.30 \$750,000 is for grants to local units
2.31 of government for the individual sewage
2.32 treatment system program under
2.33 Minnesota Statutes, section 116.18,
2.34 subdivision 3c.

2.8 \$50,000 is for a scoping study for a
2.9 cost-benefit model to analyze the costs
2.10 of water quality standards. This is a
2.11 one-time appropriation.

2.12 \$375,000 is for acceleration of
2.13 research being conducted on deformities
2.14 and possible causes found in
2.15 amphibians. The funding must be shared
2.16 with the departments of agriculture,
2.17 natural resources, and health and with
2.18 the appropriate University of Minnesota
2.19 departments. \$39,000 of the
2.20 appropriation must be shared with
2.21 Hamline University for its friends of
2.22 the frog program. The money must be
2.23 used for research and monitoring of
2.24 amphibian deformities, including, but
2.25 not limited to, a possible groundwater

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

2.52 \$300,000 is for expansion of permitting
 2.53 activities under the federal Clean
 2.54 Water Act that affect feedlots in
 2.55 excess of 1,000 animal units.

2.56 The appropriation in Laws 1997, chapter
 2.57 216, section 15, subdivision 14,
 2.58 paragraph (c), for monitoring and
 2.59 research regarding the effects of
 2.60 endocrine-disrupting chemicals is
 2.61 available until June 30, 2000.

2.62 Sec. 3. ZOOLOGICAL BOARD 1,500,000

3.1 \$1,500,000 is for zoo operations. This
 3.2 is a one-time supplemental
 3.3 appropriation. By September 1, 1998,
 3.4 the board shall report to the governor,
 3.5 the chair of the senate environment and
 3.6 agriculture budget division, and the
 3.7 chair of the house environment, natural
 3.8 resources and agriculture finance
 3.9 committee on recommendations to
 3.10 internally manage the effects of
 3.11 lowered attendance projections and
 3.12 methods for improving attendance
 3.13 forecasting.

3.14 Sec. 4. NATURAL RESOURCES 4,571,000 3,960,000

3.15 \$1,600,000 in fiscal year 1999 is for
 3.16 flood-related activities in the
 3.17 division of waters. \$200,000 of this
 3.18 appropriation is for alternative flood
 3.19 control measures beneficial to the
 3.20 environment, such as culvert-downsizing
 3.21 on man-made waterways and wetland
 3.22 restoration. \$10,000 of this
 3.23 appropriation is for a grant to the
 3.24 Marine-on-St. Croix watershed
 3.25 management organization for engineering
 3.26 analysis of flooding problems along
 3.27 Twin Lake. Notwithstanding Minnesota
 3.28 Statutes, section 103F.161, subdivision
 3.29 2, paragraph (c), this appropriation
 3.30 may be combined with a flood hazard
 3.31 mitigation grant previously awarded to
 3.32 the watershed management organization.

2.26 surface water interconnection. The
 2.27 money may be used as a match for any
 2.28 federal dollars available. This is a
 2.29 one-time appropriation.

2.35 \$200,000 is for technical assistance
 2.36 for lake monitoring, assessment, and
 2.37 analysis.

2.38 The availability of the appropriation
 2.39 in Laws 1997, chapter 216, section 15,
 2.40 subdivision 14, paragraph (c), to
 2.41 monitor and research the effects of
 2.42 endocrine disrupting chemicals in
 2.43 surface waters is extended to June 30,
 2.44 2000.

2.45 Sec. 3. ZOOLOGICAL BOARD 500,000 -0-

2.46 \$500,000 is for zoo operations. This
 2.47 is a one-time supplemental
 2.48 appropriation. By September 1, 1998,
 2.49 the board shall report to the governor,
 2.50 the chair of the senate environment and
 2.51 agriculture budget division, and the
 2.52 chair of the house environment, natural
 2.53 resources, and agriculture finance
 2.54 committee on recommendations to
 2.55 internally manage the effects of
 2.56 lowered attendance projections and
 2.57 methods for improving attendance
 2.58 forecasting.

2.59 Sec. 4. NATURAL RESOURCES 4,356,000 3,843,000

2.60 \$30,000 in fiscal year 1999 is for a
 3.1 grant under Minnesota Statutes, section
 3.2 103F.161, to the Chisago Lake
 3.3 improvement district for improvements
 3.4 to the outlet project.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

3.33 \$75,000 of this appropriation is for a
3.34 grant under Minnesota Statutes, section
3.35 103F.161, to Swift county for
3.36 improvements at Lake Oliver. \$75,000
3.37 of this appropriation is for a grant to
3.38 the city of Willernie under Minnesota
3.39 Statutes, section 103F.161, to
3.40 forestall erosion from a natural
3.41 waterway that threatens residences.
3.42 The city shall work with the
3.43 commissioner to develop an appropriate
3.44 plan for control of the erosion.

3.45 \$476,000 in fiscal year 1998 is for
3.46 sealing inactive wells on state-owned
3.47 land. The commissioner shall determine
3.48 project priorities as appropriate based
3.49 upon need. This appropriation is
3.50 available until June 30, 2002.

3.51 \$110,000 in fiscal year 1999 is for
3.52 state park operations.

3.53 \$190,000 in fiscal year 1999 is for
3.54 population and habitat objectives of
3.55 the nongame wildlife management program.

3.56 \$180,000 in fiscal year 1998 and
3.57 \$120,000 in fiscal year 1999 is for
3.58 increased public involvement in white
3.59 pine management planning and to
3.60 accelerate white pine management on
3.61 state forest lands. This appropriation
3.62 is available until June 30, 1999.

3.63 \$270,000 in fiscal year 1998 and
3.64 \$230,000 in fiscal year 1999 is for
4.1 improvement of camper safety and
4.2 security in state forest campgrounds
4.3 and to make repairs to selected state
4.4 forest campgrounds.

4.5 \$250,000 in fiscal year 1999 is for
4.6 operational costs related to wildlife
4.7 management at the area level.

4.8 \$250,000 in fiscal year 1999 is for the
4.9 interpretation, management, and
4.10 monitoring of scientific and natural
4.11 areas.

4.12 \$100,000 in fiscal year 1998 and
4.13 \$200,000 in fiscal year 1999 is for
4.14 technical assistance and grants to
4.15 assist local government units and
4.16 organizations in the metropolitan area

3.8 \$476,000 in fiscal year 1998 is for
3.9 sealing inactive wells on state-owned
3.10 land. The commissioner shall determine
3.11 project priorities as appropriate based
3.12 upon need. This appropriation is
3.13 available until expended.

3.5 \$500,000 in fiscal year 1999 is for
3.6 operations at Fort Snelling park and
3.7 for resource protection.

3.14 \$250,000 in fiscal year 1998 is for
3.15 population and habitat objectives of
3.16 the nongame wildlife management program.

3.17 \$120,000 in fiscal year 1999 is to
3.18 accelerate white pine management on
3.19 state forest lands.

3.20 \$750,000 in fiscal year 1998 is for
3.21 improvement of camper safety and
3.22 security in state forest campgrounds
3.23 and to make repairs to selected state
3.24 forest campgrounds.

3.25 \$200,000 in fiscal year 1998 is for
3.26 operational costs related to wildlife
3.27 management at the area level.

3.28 \$500,000 in fiscal year 1998 and
3.29 \$250,000 in fiscal year 1999 are for
3.30 the interpretation, management, and
3.31 monitoring of scientific and natural
3.32 areas.

3.33 \$340,000 in fiscal year 1999 is for
3.34 technical assistance and grants to
3.35 assist local government units and
3.36 organizations in the metropolitan area
3.37 to acquire and develop natural areas

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

4.17 to acquire and develop natural areas
4.18 and greenways.

4.19 \$300,000 in fiscal year 1999 is for
4.20 state trail maintenance and amenities.

4.21 \$100,000 in fiscal year 1998 and
4.22 \$200,000 in fiscal year 1999 is for
4.23 further work to develop protected water
4.24 flow recommendations on Minnesota
4.25 streams and for support of river
4.26 restoration expertise and its
4.27 application to the Whitewater river and
4.28 Sandy river.

*In-stream
flow*

4.29 \$2,140,000 in fiscal year 1998 is for
4.30 wildlife habitat improvement, wildlife
4.31 population surveys, monitoring, private
4.32 lands cost-sharing for wildlife habitat
4.33 and forest stewardship, and project
4.34 grants to local governments and private
4.35 organizations to enhance fish,
4.36 wildlife, and native plant habitats.
4.37 Of this amount, \$750,000 is for brush
4.38 land and forest habitat renewal for
4.39 sharp-tailed grouse and other species
4.40 of birds dependent on open brush lands
4.41 in forest areas by providing financial
4.42 and technical assistance to landowners
4.43 as well as brush land renewal on public
4.44 lands; \$575,000 is for wildlife habitat

3.38 and greenways.

3.39 \$700,000 in fiscal year 1998 is for
3.40 state trail maintenance and amenities.
3.41 \$250,000 of this amount is for
3.42 improvements including trail
3.43 connections, lighting, and landscaping
3.44 related to the trail bridge over
3.45 Highway 36 in North St. Paul.

3.46 \$500,000 in fiscal year 1999 is for
3.47 further work to develop protected water
3.48 flow recommendations on Minnesota
3.49 streams and for support of river
3.50 restoration. \$300,000 of this amount
3.51 is for stream protection on Brown's
3.52 Creek in Washington county.

3.53 \$53,000 in fiscal year 1999 is for
3.54 minerals cooperative environmental
3.55 research. \$26,500 is available only as
3.56 matched by \$1 of nonstate money for
3.57 each \$1 of state money. This
3.58 appropriation is added to the
3.59 appropriation in Laws 1997, chapter
3.60 216, section 5, subdivision 2. The
4.1 appropriation is available until
4.2 September 30, 1999.

4.10 \$75,000 in fiscal year 1998 is to
4.11 repair state forest land in Morrison,
4.12 Mille Lacs, Kanabec, and Crow Wing
4.13 counties.

4.46 \$155,000 in fiscal year 1998 is for
4.47 development and maintenance of habitat
4.48 and facilities, and data management
4.49 system development at Swan Lake
4.50 wildlife management area.

*Low Phosphorus
for 6-0783*

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

4.45 improvements through cost-sharing and
 4.46 technical assistance to private
 4.47 landowners; \$400,000 is for forest
 4.48 stewardship improvements through
 4.49 cost-sharing and technical assistance
 4.50 to private landowners; and \$400,000 is
 4.51 for wildlife population surveys,
 4.52 monitoring, evaluation, and constituent
 4.53 surveys. This appropriation is
 4.54 available until June 30, 2000.

SENATE LANGUAGE (S3388-1)

HOUSE LANGUAGE (UES3353-2)

*** FROM SECTION 8 ***

18.8 Subd. 22. Mississippi Whitewater
 18.9 Trail 100,000

18.10 For engineering and hydraulic studies
 18.11 in conjunction with the proposed
 18.12 development of an urban whitewater
 18.13 trail along the Mississippi river in
 18.14 the lower St. Anthony Falls area below
 18.15 the stone arch bridge in Minneapolis
 18.16 and to examine the economic impact,
 18.17 market use potential, public safety
 18.18 concerns, environmental considerations,
 18.19 and land and water use impacts of the
 18.20 proposed Mississippi Whitewater trail.
 18.21 The commissioner must coordinate and
 18.22 work with affected local, state, and
 18.23 federal governments and interested
 18.24 citizen groups, including, but not
 18.25 limited to, the National Park Service,
 18.26 the United States Army Corps of
 18.27 Engineers, the University of Minnesota,
 18.28 the Minnesota historical society, the
 18.29 metropolitan parks and open space
 18.30 commission, the Minneapolis park board,
 18.31 and the Mississippi Whitewater Park
 18.32 Development Corporation. The
 18.33 commissioner must report to the senate
 18.34 environment and agriculture budget
 18.35 division and the house environment,
 18.36 natural resources, and agriculture
 18.37 finance committee by November 1, 1999,
 18.38 on the findings from the studies
 18.39 required under this subdivision. This
 18.40 appropriation is available until June
 18.41 30, 1999.

4.14 \$100,000 in fiscal year 1998 is to:

4.15 (1) conduct engineering and hydraulic
 4.16 studies in conjunction with the
 4.17 proposed development of an urban
 4.18 whitewater trail along the Mississippi
 4.19 river in the lower St. Anthony falls
 4.20 area below the stone arch bridge in
 4.21 Minneapolis; and
 4.22 (2) examine the economic impact, market
 4.23 use potential, public safety concerns,
 4.24 environmental considerations, and land
 4.25 and water use impacts of the proposed
 4.26 Mississippi urban whitewater trail.
 4.27 In fulfilling the duties under the
 4.28 preceding paragraph, the commissioner
 4.29 must coordinate and work with affected
 4.30 local, state, and federal governments
 4.31 and interested citizen groups,
 4.32 including, but not limited to, the
 4.33 National Park Service, the United
 4.34 States Army Corps of Engineers, the
 4.35 University of Minnesota, the Minnesota
 4.36 historical society, the metropolitan
 4.37 parks and open space commission, the
 4.38 Minneapolis park board, and the
 4.39 Mississippi Whitewater Park Development
 4.40 Corporation. The commissioner must
 4.41 report to the senate and house
 4.42 environmental finance committees by
 4.43 March 1, 1999, on the findings from the
 4.44 studies required in the preceding
 4.45 paragraph.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

4.55 \$200,000 in fiscal year 1998 is added
4.56 to the appropriation in Laws 1997,
4.57 chapter 216, section 15, subdivision 4,
4.58 paragraph (c), clause (4), for the
4.59 statewide conservation partners program.

4.60 \$1,000,000 in fiscal year 1998 and
4.61 \$190,000 in fiscal year 1999 is to
4.62 enhance customer service and data
4.63 access through the collaborative use of
5.1 technology, improve communication with
5.2 citizens and stakeholders, and provide
5.3 technical assistance and data delivery
5.4 to citizens and local government.
5.5 \$465,000 of this appropriation is for
5.6 the Minnesota Environmental/Natural
5.7 Resource Electronic Library (MENREL) to
5.8 accelerate the development of
5.9 integrated and indexed environmental
5.10 and geographic data catalogs,
5.11 cross-agency search and retrieval, and
5.12 content-rich libraries of environmental
5.13 data and information. \$725,000 of this
5.14 appropriation is for improving citizen
5.15 access through the Internet to
5.16 environmental and geographic data
5.17 including the capability of producing
5.18 customized maps and reports.

4.51 \$100,000 is for a grant to the township
4.52 of Linwood in Anoka county to construct
4.53 a surface water drainage system to
4.54 control water pollution. This
4.55 appropriation is available until
4.56 expended.

4.57 \$300,000 in fiscal year 1998 is for a
4.58 grant to the Sauk river watershed
4.59 district for renovation of the Sauk
4.60 river dam. The grant must not exceed
4.61 50 percent of the cost of the project.
4.62 This appropriation is available until
5.1 expended.

5.2 \$350,000 in fiscal year 1998 is to
5.3 serve as the state match to federal
5.4 money to remove surplus sediment along
5.5 the east bank of the Mississippi river
5.6 at Little Falls. The commissioner must
5.7 coordinate and work with the United
5.8 States Army Corps of Engineers on this
5.9 project. This appropriation is
5.10 available until expended.

5.11 \$300,000 in fiscal year 1998 is for a
5.12 forestry information management system
5.13 to improve the timber sale program.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

5.19 \$30,000 in fiscal year 1998 and
5.20 \$170,000 in fiscal year 1999 is for
5.21 expansion of the "Becoming an Outdoors
5.22 Woman Program," and for a position to
5.23 coordinate shooting range development
5.24 on a statewide basis. Of this amount,
5.25 \$35,000 is available to match an equal
5.26 amount of nonstate money for shooting
5.27 range partnership agreements.

5.28 \$125,000 in fiscal year 1999 is for
5.29 local initiatives grants program
5.30 administration.

5.31 The appropriations in Laws 1996,
5.32 chapter 407, section 3, for the Iron
5.33 Range off-highway vehicle recreation
5.34 area are available until June 30, 2000.

5.35 \$75,000 in fiscal year 1998 is for a
5.36 grant to the St. Croix Valley Heritage
5.37 Coalition, Inc. for the St. Croix
5.38 Valley Heritage Center.

5.14 forest development model, and fire
5.15 management.

5.16 \$50,000 in fiscal year 1998 is for
5.17 ecosystem-based management workshops
5.18 for teams of local officials, natural
5.19 resource managers, and citizens.

5.20 \$200,000 in fiscal year 1999 is for
5.21 aquatic plant restoration. This is a
5.22 one-time appropriation, available until
5.23 expended.

5.24 \$300,000 in fiscal year 1999 is for
5.25 long-term monitoring of lake ecosystems.

6.6 The appropriations in Laws 1996,
6.7 chapter 407, section 3, for the Iron
6.8 Range off-highway vehicle recreation
6.9 area are available until June 30, 2000.

5.26 \$200,000 in fiscal year 1999 is for an
5.27 enhanced lake classification system to
5.28 provide comprehensive lake
5.29 descriptions. This is a one-time
5.30 appropriation, available until expended.

5.31 \$500,000 in fiscal year 1999 is to
5.32 identify lake watershed boundaries for
5.33 lakes greater than 100 acres in a
5.34 geographic information system format.
5.35 This is a one-time appropriation,
5.36 available until expended.

5.37 \$300,000 in fiscal year 1999 is to
5.38 develop methodologies to assess the
5.39 cumulative effects of development on
5.40 lakes. This is a one-time
5.41 appropriation, available until expended.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

5.39 The appropriation in Laws 1997, chapter
5.40 216, section 5, subdivision 4, for
5.41 grants to local community forest
5.42 ecosystem health programs is available
5.43 until June 30, 2000.

5.44 \$25,000 in fiscal year 1999 is for
5.45 promotion and enhanced public awareness
5.46 of the RIM critical habitat license
5.47 plate program.

5.48 Sec. 5. BOARD OF WATER AND
5.49 SOIL RESOURCES

2,330,000

2,000,000

5.50 \$1,700,000 in fiscal year 1998 is for
5.51 professional and technical services
5.52 necessary to administer the RIM and PWP
5.53 conservation easement programs. This
5.54 appropriation is available until June
5.55 30, 2002. Any unexpended balance
5.56 remaining in this appropriation may be
5.57 used for RIM easement acquisition.

5.58 \$630,000 in fiscal year 1998 is for
5.59 professional and technical services to
5.60 administer the local government road
5.61 replacement program. This
5.62 appropriation is available until June
6.1 30, 2002. Any unexpended balance
6.2 remaining in this appropriation may be
6.3 used for RIM easement acquisition.

5.42 \$100,000 is for a grant to the Upper
5.43 Swede Hollow Association for
5.44 improvements in and around Swede Hollow
5.45 Park. The appropriation shall be used
5.46 for plantings, tuckpointing,
5.47 improvements to railway trestles, trail
5.48 repair, reconstruction of the pond
5.49 outlet, and other trail improvements.

5.50 \$50,000 in fiscal year 1998 and \$50,000
5.51 in fiscal year 1999 are for an
5.52 agreement with the College of
5.53 Architecture and Landscape Architecture
5.54 to develop environmental brownfields
5.55 mitigation strategies.

5.56 \$200,000 in fiscal year 1999 is for
5.57 publication of an aquatic plant
5.58 identification manual. This is a
5.59 one-time appropriation, available until
5.60 expended.

6.1 The appropriation in Laws 1997, chapter
6.2 216, section 5, subdivision 4, for
6.3 grants to local community forest
6.4 ecosystem health programs is available
6.5 until June 30, 2000.

6.10 Sec. 5. BOARD OF WATER AND
6.11 SOIL RESOURCES

400,000

2,560,000

6.12 \$200,000 in fiscal year 1998 is for a
6.13 grant to the Faribault county soil and
6.14 water conservation district for the
6.15 quad-lakes restoration project in

*aquatic plants pellets -
How does this compare to Federal
document for wetlands??*

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

6.4 \$2,000,000 in fiscal year 1999 is for
 6.5 grants to soil and water conservation
 6.6 districts for cost-sharing contracts
 6.7 for water quality management on dairy
 6.8 facility feedlots. This appropriation
 6.9 is available until expended.

• fencing
 • buffers
 • diversions
 • storage
 • application

6.16 Faribault and Blue Earth counties and
 6.17 is available until expended.

6.18 \$1,000,000 in fiscal year 1999 is for
 6.19 shoreland and watershed best management
 6.20 practices cost-share to protect
 6.21 watershed and riparian areas.

priority lakes defined
 in local water plans.
 Water quality & habitat
 enhancement.

6.22 \$1,460,000 in fiscal year 1999 is for
 6.23 grants to counties and local water
 6.24 planning agencies for lake assessment
 6.25 activities.

priority lakes from local
 water plans.

6.26 \$200,000 in fiscal year 1998 is for a
 6.27 grant to the University of Minnesota
 6.28 extension service to improve existing
 6.29 Minnesota extension guidance and guide
 6.30 books. This is a one-time
 6.31 appropriation, available until expended.

update & enhance Ht mngmt
 guidance publications to
 assist lake associations & local govt.

6.32 \$100,000 in fiscal year 1999 is for a
 6.33 pilot grant program to soil and water
 6.34 conservation districts for cost-sharing
 6.35 contracts with landowners to establish
 6.36 and maintain plantings of trees,
 6.37 shrubs, and grass strips that are
 6.38 native species of a local ecotype for
 6.39 the primary purpose of controlling snow
 6.40 deposition for the benefit of public
 6.41 transportation. The board, in
 6.42 consultation with the Minnesota
 6.43 Association of Soil and Water
 6.44 Conservation Districts, shall select at
 6.45 least five districts for participation
 6.46 in the pilot program. Up to 20 percent
 6.47 of the appropriation may be used for
 6.48 the technical and administrative
 6.49 expenses of soil and water conservation
 6.50 districts to implement this paragraph.
 6.51 The board shall enter into grant
 6.52 agreements to accomplish the transfer
 6.53 of funds to soil and water conservation
 6.54 districts and to establish guidelines
 6.55 to implement this paragraph.
 6.56 Cost-sharing contracts between soil and
 6.57 water conservation districts and
 6.58 landowners may provide for annual
 6.59 payments to landowners for
 6.60 maintenance. This appropriation is
 6.61 available until spent.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

6.10 Sec. 6. AGRICULTURE 560,000 3,395,000

6.11 \$110,000 in fiscal year 1998 and
 6.12 \$250,000 in fiscal year 1999 is for
 6.13 expansion of efforts to prevent the
 6.14 establishment and spread of gypsy moths
 6.15 in Minnesota.

6.16 \$25,000 in fiscal year 1998 and
 6.17 \$325,000 in fiscal year 1999 is for a
 6.18 state meat inspection program.

6.19 \$75,000 in fiscal year 1999 is for
 6.20 additional matching funds for the WIC
 6.21 coupon program.

6.22 \$25,000 in fiscal year 1999 is for
 6.23 additional livestock depredation
 6.24 payments pursuant to Minnesota
 6.25 Statutes, section 3.737.

6.26 Any unencumbered balance from the
 6.27 appropriation in Laws 1997, chapter
 6.28 216, section 7, subdivision 4, for
 6.29 beaver damage control grants for the
 6.30 first year of the biennium is available
 6.31 for the second year of the biennium.

6.32 \$150,000 in fiscal year 1998 is added
 6.33 to the appropriation in Laws 1997,
 6.34 chapter 216, section 7, subdivision 4,
 6.35 to accomplish reform of the federal
 6.36 milk market order system and for legal
 6.37 actions opposing the Northeast Dairy
 6.38 Compact. This appropriation is
 6.39 available until June 30, 1999.

6.40 \$2,000,000 in fiscal year 1999 is added
 6.41 to the appropriation for dairy
 6.42 diagnostic teams in Laws 1997, chapter
 6.43 216, section 7, subdivision 2.

6.44 \$200,000 in fiscal year 1998 is for
 6.45 transfer to the value-added
 6.46 agricultural product revolving fund
 6.47 under Minnesota Statutes, section
 6.48 41B.046.

6.49 \$535,000 in fiscal year 1999 is for a
 6.50 pilot program to expand the concept of
 6.51 the Minnesota grown program and is
 6.52 available until June 30, 2000. The
 6.53 program is to assist low-income
 6.54 families in accessing nutritious and
 6.55 affordable food and to promote economic
 6.56 development by creating new markets and
 6.57 food distribution systems. \$35,000 of
 6.58 this appropriation is for costs of

6.62 Sec. 6. AGRICULTURE 160,000 880,000

7.1 \$60,000 in fiscal year 1998 and
 7.2 \$205,000 in fiscal year 1999 are for
 7.3 expansion of efforts to prevent the
 7.4 establishment and spread of gypsy moths
 7.5 in Minnesota.

7.6 \$75,000 in fiscal year 1999 is for
 7.7 additional matching funds for the WIC
 7.8 coupon program.

7.9 \$50,000 in fiscal year 1999 is added to
 7.10 the appropriation in Laws 1997, chapter
 7.11 216, section 7, subdivision 4, for
 7.12 beaver damage control grants.

7.13 \$100,000 in fiscal year 1998 is added
 7.14 to the appropriation in Laws 1997,
 7.15 chapter 216, section 7, subdivision 4,
 7.16 to accomplish reform of the federal
 7.17 milk market order system and for legal
 7.18 actions opposing the Northeast Dairy
 7.19 Compact.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

6.59 administration. \$175,000 of this
6.60 appropriation is for payment to the
7.1 Sustainable Resources Center for the
7.2 costs of administering the pilot
7.3 program. \$325,000 of this
7.4 appropriation is for food coupons. The
7.5 coupons shall be distributed and
7.6 administered according to this section,
7.7 subject to the approval of the
7.8 commissioner of agriculture.

7.9 The Sustainable Resources Center, in
7.10 conjunction with the Minnesota food
7.11 association, and subject to the
7.12 approval of the commissioner of
7.13 agriculture, shall select up to two
7.14 urban and up to two rural communities
7.15 as locations for activities that will
7.16 serve as models for sustainable
7.17 community food systems. These
7.18 activities shall include but are not
7.19 limited to:

7.20 (1) conducting food system assessments
7.21 in each community to identify assets
7.22 and needs;

7.23 (2) supporting the creation of producer
7.24 distribution networks to establish
7.25 direct links to low-income consumers;
7.26 and

7.27 (3) working with food processing plants
7.28 in the selected community to develop
7.29 the support services needed to make
7.30 entry-level jobs accessible to
7.31 low-income people.

7.32 During calendar year 1999, the
7.33 commissioner of agriculture, within the
7.34 funds available, shall issue coupons to
7.35 eligible individuals. The coupons must
7.36 be issued in a one-time allocation
7.37 designated for use in each month of the
7.38 one-year period following the date of
7.39 issue. Eligible individuals may
7.40 receive up to \$100 in coupons per year,
7.41 subject to the limitation that
7.42 additional eligible individuals who
7.43 reside in the same household may
7.44 receive up to \$20 in coupons per year,
7.45 up to a maximum of \$200 per household
7.46 per year. Eligible individuals include
7.47 individuals who are residents of the
7.48 communities in the pilot project and
7.49 are eligible for the Minnesota grown
7.50 coupons under this section. Eligible
7.51 individuals include:

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

7.52 (1) legal noncitizens who are eligible
7.53 for food programs under Minnesota
7.54 Statutes, chapter 256D or 256J; and

7.55 (2) individuals receiving food stamps.

7.56 The amount of the Minnesota grown
7.57 coupons must be excluded as income
7.58 under the AFDC, refugee cash
7.59 assistance, general assistance, MFIP,
7.60 MFIP-R, MFIP-S, food stamp programs,
7.61 state housing subsidy programs,
7.62 low-income energy assistance programs,
7.63 and other programs that do not count
8.1 food stamps as income. Counties must
8.2 apply to the commissioner to
8.3 participate in the Minnesota grown
8.4 coupon program.

8.5 The coupons must be clearly labeled as
8.6 redeemable only for products licensed
8.7 to use the Minnesota grown logo or
8.8 labeling statement under Minnesota
8.9 Statutes, section 17.102. Coupons may
8.10 be redeemed by farmers, custom meat
8.11 processors, community-supported
8.12 agriculture farms, and other entities
8.13 approved by the commissioner of
8.14 agriculture. The person accepting the
8.15 coupon is responsible for its
8.16 redemption only on products licensed to
8.17 use the Minnesota grown logo or
8.18 labeling statement. The commissioner
8.19 must receive and reimburse all valid
8.20 coupons redeemed pursuant to this
8.21 section.

8.22 The commissioner may establish criteria
8.23 for vendor eligibility and may enforce
8.24 the Minnesota grown coupon program
8.25 according to Minnesota Statutes,
8.26 sections 17.982 to 17.984.

8.27 \$160,000 in fiscal year 1999 is for
8.28 value-added agricultural product
8.29 processing and marketing grants under
8.30 Minnesota Statutes, section 17.101,
8.31 subdivision 5. This appropriation and
8.32 the appropriation in Laws 1997, chapter
8.33 216, section 7, subdivision 3, for
8.34 grants under Minnesota Statutes,
8.35 section 17.101, subdivision 5, are
8.36 available until June 30, 2001.

7.20 \$250,000 in fiscal year 1999 is for a
7.21 grant to the Market Champ, Inc. board.

SENATE LANGUAGE (S3353-2)

8.37 \$25,000 in fiscal year 1999 is for the
8.38 Passing on the Farm Center established
8.39 in Minnesota Statutes, section 17.985.
8.40 This appropriation is in addition to
8.41 the appropriations in Laws 1997,
8.42 chapter 216, section 7, subdivision 4.

8.43 \$50,000 in fiscal year 1998 is for a
8.44 grant to the University of Minnesota
8.45 for investigation, screening, and a
8.46 survey of existing research into the
8.47 design and development of low-cost
8.48 alternatives to pasteurization that
8.49 provide comparable bacteria count
8.50 reduction in fruit juice. The
8.51 commissioner must report to the chair
8.52 of the house environment, natural
8.53 resources, and agriculture finance
8.54 committee and the chair of the senate
8.55 environment and agriculture budget
8.56 division by January 15, 1999, regarding
8.57 the results of the research and with a
8.58 recommendation for further action.

8.59 \$25,000 in fiscal year 1998 is for a
8.60 grant to the University of Minnesota to
8.61 study the cause of depredation on farms
8.62 suffering significant wolf depredation
8.63 problems. This appropriation is
8.64 available until June 30, 1999.

9.1 As a condition of receiving state
9.2 funds, the ethanol production plant in
9.3 St. Paul must provide year-round public
9.4 access to the well that was publicly
9.5 accessible when the plant was a brewery.

HOUSE LANGUAGE (UES3353-2)

7.22 \$50,000 in fiscal year 1999 is for the
7.23 Passing on the Farm Center established
7.24 in Minnesota Statutes, section 17.985.
7.25 This appropriation is in addition to
7.26 appropriations in Laws 1997, chapter
7.27 216, section 7, subdivision 4.

7.28 \$250,000 in fiscal year 1999 is to
7.29 expand the shared savings loan program
7.30 under Minnesota Statutes, section
7.31 17.115, to include a program of
7.32 revolving loans for demonstration
7.33 projects of farm manure digester
7.34 technology. Notwithstanding the
7.35 limitations of Minnesota Statutes,
7.36 section 17.115, subdivision 2,
7.37 paragraphs (b) and (c), loans under
7.38 this program are no-interest loans in
7.39 principal amount not to exceed \$250,000
7.40 and may be made to any resident of this
7.41 state. Loans for one or more projects
7.42 must be made only after the
7.43 commissioner seeks applications. Loans
7.44 under this program may be used as a
7.45 match for federal loans or grants.
7.46 Money repaid from loans must be
7.47 returned to the revolving fund for
7.48 future projects.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

- 9.8 voting members, appointed by the governor.
 9.9 (b) The members of the board shall be:
 9.10 (1) four representatives of small family farmers with under
 9.11 250 sows;
 9.12 (2) two representatives of purebred swine producers;
 9.13 (3) two members of the Minnesota Pork Producers
 9.14 Association;
 9.15 (4) two appropriate representatives of the pork industry;
 9.16 (5) two members of the meat packing industry;
 9.17 (6) two members representing the University of Minnesota;
 9.18 (7) two members representing Minnesota state colleges and
 9.19 universities;
 9.20 (8) the commissioner of agriculture; and
 9.21 (9) the majority and minority leaders of the senate, the
 9.22 speaker of the house of representatives, and the minority leader
 9.23 of the house of representatives, or their designees.
 9.24 Members listed in clauses (1) to (5) must be recommended by the
 9.25 president of the University of Minnesota or a designee of the
 9.26 president, in consultation with the chairs of the senate and
 9.27 house of representatives committees with jurisdiction over
 9.28 agricultural policy and finance issues.
 9.29 (c) Meetings of the board are subject to section 471.705.
 9.30 Subd. 4. [BYLAWS.] Bylaws of Market Champ, Inc. must
 9.31 provide for the qualification and removal of directors and for
 9.32 filling vacancies on the board in a manner not inconsistent with
 9.33 this section.
 9.34 Subd. 5. [ARTICLES OF INCORPORATION.] The articles of
 9.35 incorporation of Market Champ, Inc. must be filed with the
 9.36 secretary of state under chapter 317A and must be consistent
 10.1 with this section.
 10.2 Subd. 6. [AUDIT.] Market Champ, Inc. shall contract with
 10.3 the legislative auditor to perform audits and must report the
 10.4 results to the legislature.
 10.5 Subd. 7. [REPORT.] The board of directors of Market Champ,
 10.6 Inc. shall submit an annual report on the activities of Market
 10.7 Champ, Inc. by January 15 of each year to the appropriations,
 10.8 finance, and agriculture committees of the legislature and to
 10.9 the governor. The report must include a description of the
 10.10 corporation's activities for the past year, a list of all
 10.11 contracts entered into by the corporation, and a financial
 10.12 report of revenues and expenditures of the corporation.
 10.13 Subd. 8. [EXPIRATION.] The board of directors of Market
 10.14 Champ, Inc. expires on June 30, 2003.

HOUSE LANGUAGE (UES3353-2)

SENATE LANGUAGE (S3109-3)

- 1.28 Section 1. Minnesota Statutes 1996, section 18C.141, is
 1.29 amended to read:
 1.30 18C.141 [SOIL AND MANURE TESTING LABORATORY CERTIFICATION.]
 1.31 Subdivision 1. [PROGRAM ESTABLISHMENT.] The commissioner
 1.32 shall establish a program to certify the accuracy of analyses
 1.33 from soil and manure testing laboratories and promote
 1.34 standardization of soil and manure testing procedures and
 1.35 analytical results.
 2.1 Subd. 2. [CHECK SAMPLE SYSTEM.] (a) The commissioner shall
 2.2 institute a system of check samples that requires a laboratory
 2.3 to be certified to analyze at least four two multiple soil or

SENATE LANGUAGE (S3109-3)

HOUSE LANGUAGE (UES3353-2)

2.4 manure check samples during the calendar year. The samples must
2.5 be supplied by the commissioner or by a person under contract
2.6 with the commissioner to prepare and distribute the samples.
2.7 (b) Within 30 days after the laboratory receives check
2.8 samples, the laboratory shall report to the commissioner the
2.9 results of the analyses for all requested elements or compounds
2.10 or for the elements or compounds the laboratory makes an
2.11 analytical determination of as a service to others.
2.12 (c) The commissioner shall compile analytical data
2.13 submitted by laboratories and provide laboratories submitting
2.14 samples with a copy of the data without laboratory names or code
2.15 numbers.
2.16 (d) The commissioner may conduct check samples on
2.17 laboratories that are not certified.
2.18 Subd. 3. [ANALYSES REPORTING STANDARDS.] (a) The results
2.19 obtained from soil, manure, or plant analysis must be reported
2.20 in accordance with standard reporting units established by the
2.21 commissioner by rule. The standard reporting units must conform
2.22 as far as practical to uniform standards that are adopted on a
2.23 regional or national basis.
2.24 (b) If a certified laboratory offers a recommendation, the
2.25 University of Minnesota recommendation or that of another land
2.26 grant college in a contiguous state must be offered in addition
2.27 to other recommendations, and the source of the recommendation
2.28 must be identified on the recommendation form. If relative
2.29 levels such as low, medium, or high are presented to classify
2.30 the analytical results, the corresponding relative levels based
2.31 on the analysis as designated by the University of Minnesota or
2.32 the land grant college in a contiguous state must also be
2.33 presented.
2.34 Subd. 4. [REVOCATION OF CERTIFICATION.] If the
2.35 commissioner determines that analysis being performed by a
2.36 laboratory is inaccurate as evidenced by check sample results,
3.1 the commissioner may deny, suspend, or revoke certification.
3.2 Subd. 5. [CERTIFICATION FEES.] (a) A laboratory applying
3.3 for certification shall pay an application fee of \$100 and a
3.4 certification fee of \$100 before the certification is issued.
3.5 (b) Certification is valid for one year and the renewal fee
3.6 is \$100. The commissioner shall charge an additional
3.7 application fee of \$100 if a certified laboratory allows
3.8 certification to lapse before applying for renewed certification.
3.9 (c) The commissioner shall notify a certified lab that its
3.10 certification lapses within 30 to 60 days of the date when the
3.11 certification lapses.
3.12 Subd. 6. [RULES.] The commissioner shall adopt rules for
3.13 the establishment of minimum standards for laboratories,
3.14 equipment, procedures, and personnel used in soil and manure
3.15 analysis and rules necessary to administer and enforce this
3.16 section. The commissioner shall consult with representatives of
3.17 the fertilizer industry, representatives of the laboratories
3.18 doing business in this state, and with the University of
3.19 Minnesota college of agriculture before proposing rules.

10.15 Sec. 10. [18G.01] [PURPOSE.]

10.16 The purpose of this chapter is to minimize the
10.17 environmental risks associated with improper handling,
10.18 management, or application of animal wastes generated by large

SENATE LANGUAGE (S3109-3)

HOUSE LANGUAGE (UES3353-2)

11.21 Sec. 7. [REPORT ON MANURE APPLICATOR TRAINING AND
11.22 CERTIFICATION.]

11.23 The commissioner of agriculture shall conduct a study to
11.24 assess the need for and feasibility of a program for manure
11.25 applicator training and certification. The study must analyze
11.26 and make recommendations regarding funding, program components
11.27 of manure applicator training, and likely participants in the
11.28 program. The commissioner must submit a report to the members
11.29 of the senate and house policy committees with jurisdiction over
11.30 agriculture and the environment by January 20, 1999.

10.19 animal feedlots.

10.20 Sec. 11. [18G.02] [TRAINING AND LICENSING FOR ANIMAL WASTE
10.21 TECHNICIANS.]

10.22 After March 1, 2000, a person who manages or applies animal
10.23 wastes for hire must hold a valid commercial animal waste
10.24 technician license.

10.25 The commissioner of agriculture, in cooperation with the
10.26 Minnesota extension service and appropriate educational
10.27 institutions, shall establish and implement a program for
10.28 training and licensing commercial animal waste technicians.

10.29 Sec. 12. [18G.03] [COMMERCIAL ANIMAL WASTE TECHNICIAN.]

10.30 Subdivision 1. [REQUIREMENT.] (a) After March 1, 2000, a
10.31 person may not manage or apply animal wastes for hire without a
10.32 valid commercial animal waste technician license.

10.33 (b) A commercial animal waste technician licensee must have
10.34 a valid license identification card when managing or applying
10.35 animal wastes for hire and must display it upon demand by an
10.36 authorized representative of the commissioner or a law
11.1 enforcement officer. The commissioner shall prescribe the
11.2 information required on the license identification card.
11.3 Subd. 2. [RESPONSIBILITY.] A person required to be
11.4 licensed under this section who performs animal waste management
11.5 or application for hire or who employs a licensed technician to
11.6 perform animal waste management or application for compensation
11.7 is responsible for proper management or application of the
11.8 animal wastes.

11.9 Subd. 3. [LICENSE.] A commercial animal waste technician
11.10 license:

11.11 (1) is valid for three years and expires on December 31 of
11.12 the third year for which it is issued, unless suspended or
11.13 revoked before that date;

11.14 (2) is not transferable to another person; and

11.15 (3) must be prominently displayed to the public in the
11.16 commercial animal waste technician's place of business.

11.17 Subd. 4. [APPLICATION.] A person must apply to the
11.18 commissioner for a commercial animal waste technician license on
11.19 forms and in the manner required by the commissioner and must
11.20 include the application fee. The commissioner shall prescribe
11.21 and administer an examination or equivalent measure to determine
11.22 if the applicant is eligible for the commercial animal waste
11.23 technician license.

11.24 Subd. 5. [RENEWAL APPLICATION.] A person must apply to the
11.25 commissioner of agriculture to renew a commercial animal waste
11.26 technician license and must include the application fee. The
11.27 commissioner may renew a commercial animal waste technician
11.28 license, subject to reexamination, attendance at workshops
11.29 approved by the commissioner, or other requirements imposed by
11.30 the commissioner to provide the animal waste technician with
11.31 information regarding changing technology and to help ensure a
11.32 continuing level of competence and ability to manage and apply
11.33 animal wastes properly. The applicant may renew a commercial
11.34 animal waste technician license within 12 months after
11.35 expiration of the license without having to meet initial testing

SENATE LANGUAGE (S3109-3)

HOUSE LANGUAGE (UES3353-2)

- 11.36 requirements. The commissioner may require additional
12.1 demonstration of animal waste technician qualification if a
12.2 person has had a license suspended or revoked or has had a
12.3 history of violations of this section.
12.4 Subd. 6. [FINANCIAL RESPONSIBILITY.] (a) A commercial
12.5 animal waste technician license may not be issued unless the
12.6 applicant furnishes proof of financial responsibility. The
12.7 financial responsibility may be demonstrated by (1) proof of net
12.8 assets equal to or greater than \$50,000, or (2) a performance
12.9 bond or insurance of the kind and in an amount determined by the
12.10 commissioner of agriculture.
12.11 (b) The bond or insurance must cover a period of time at
12.12 least equal to the term of the applicant's license. The
12.13 commissioner shall immediately suspend the license of a person
12.14 who fails to maintain the required bond or insurance.
12.15 (c) An employee of a licensed person is not required to
12.16 maintain an insurance policy or bond during the time the
12.17 employer is maintaining the required insurance or bond.
12.18 (d) Applications for reinstatement of a license suspended
12.19 under paragraph (b) must be accompanied by proof of satisfaction
12.20 of judgments previously rendered.
12.21 Subd. 7. [APPLICATION FEE.] (a) A person initially
12.22 applying for or renewing a commercial animal waste technician
12.23 license must pay a nonrefundable application fee of \$50.
12.24 (b) Fees collected under this subdivision must be deposited
12.25 in the animal waste liability account.
- 12.26 Sec. 13. [18G.04] [NONCOMMERCIAL ANIMAL WASTE TECHNICIAN;
12.27 PLAN FOR LICENSING.]
- 12.28 The commissioner of agriculture, in consultation with the
12.29 commissioner of the pollution control agency, the Minnesota
12.30 extension service, and statewide farm organizations including
12.31 the Minnesota Farmers Union and the Farm Bureau Federation,
12.32 shall design a program for the training and licensure of
12.33 noncommercial animal waste technicians. Not later than March 1,
12.34 1999, the commissioner shall report to the legislature on
12.35 recommendations for implementing the program for training and
12.36 licensing noncommercial animal waste technicians. The
13.1 recommendations must include at least the following:
13.2 (1) persons and activities that should be exempt from
13.3 licensure;
13.4 (2) dates by which persons should be required to obtain the
13.5 noncommercial animal waste technician license;
13.6 (3) content of the noncommercial animal waste technician
13.7 training curriculum; and
13.8 (4) procedures and timelines for implementing noncommercial
13.9 animal waste technician training programs.
- 13.10 Sec. 14. Minnesota Statutes 1996, section 28A.04,
13.11 subdivision 1, is amended to read:
- 13.12 Subdivision 1. [APPLICATION; DATE OF ISSUANCE.] (a) No
13.13 person shall engage in the business of manufacturing,
13.14 processing, selling, handling, or storing food without having
13.15 first obtained from the commissioner a license for doing such
13.16 business. Applications for such license shall be made to the
13.17 commissioner in such manner and time as required and upon such

SENATE LANGUAGE (S3109-3)

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13.18 forms as provided by the commissioner and shall contain the name
 13.19 and address of the applicant, address or description of each
 13.20 place of business, and the nature of the business to be
 13.21 conducted at each place, and such other pertinent information as
 13.22 the commissioner may require.
 13.23 (b) A retail or wholesale food handler license shall be
 13.24 issued for the period July 1 to June 30 following and shall be
 13.25 renewed thereafter by the licensee on or before July 1 each
 13.26 year, except that licenses for all mobile food concession units
 13.27 and retail mobile units shall be issued for the period April 1
 13.28 to March 31, and shall be renewed thereafter by the licensee on
 13.29 or before April 1 each year. A license for a food broker or for
 13.30 a food processor or manufacturer shall be issued for the period
 13.31 January 1 to December 31 following and shall be renewed
 13.32 thereafter by the licensee on or before January 1 of each year,
 13.33 except that a license for a wholesale food processor or
 13.34 manufacturer operating only at the state fair or a county fair
 13.35 shall be issued for the period July 1 to June 30 following and
 13.36 shall be renewed thereafter by the licensee on or before July 1
 14.1 of each year. A penalty for a late renewal shall be assessed in
 14.2 accordance with section 28A.08.

14.3 Sec. 15. Minnesota Statutes 1997 Supplement, section
 14.4 28A.08, subdivision 3, is amended to read:

14.5 Subd. 3. [FEES EFFECTIVE-JULY-1-1996.]

Type of food handler	License Fee Effective July-1-1996	Penalties	
		Late Renewal	No License
1. Retail food handler			
(a) Having gross sales of only prepackaged nonperishable food of less than \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner	\$ 45	\$ 15	\$ 25
(b) Having under \$15,000 gross sales including food preparation or having \$15,000 to \$50,000 gross sales for the immediately previous license or fiscal year	\$ 61	\$ 15	\$ 25
(c) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year	\$118	\$ 35	\$ 75
(d) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$202	\$ 50	\$100
(e) Having \$1,000,000 to \$5,000,000 gross sales for the immediately previous license or fiscal year	\$562	\$100	\$175
(f) Having \$5,000,000 to \$10,000,000 gross sales for the immediately previous license or			

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15.2		fiscal year	\$787	\$150	\$300
15.3		(g) Having over \$10,000,000			
15.4		gross sales for the immediately			
15.5		previous license or fiscal year	\$899	\$200	\$350
15.6	2.	Wholesale food handler			
15.7		(a) Having gross sales or			
15.8		service of less than \$25,000			
15.9		for the immediately previous			
15.10		license or fiscal year	\$ 50	\$ 15	\$ 15
15.11		(b) Having \$25,000 to			
15.12		\$250,000 gross sales or			
15.13		service for the immediately			
15.14		previous license or fiscal year	\$225	\$ 50	\$100
15.15		(c) Having \$250,000 to			
15.16		\$1,000,000 gross sales or			
15.17		service from a mobile unit			
15.18		without a separate food facility			
15.19		for the immediately previous			
15.20		license or fiscal year	\$337	\$ 75	\$150
15.21		(d) Having \$250,000 to			
15.22		\$1,000,000 gross sales or			
15.23		service not covered under			
15.24		paragraph (c) for the immediately			
15.25		previous license or fiscal year	\$449	\$100	\$200
15.26		(e) Having \$1,000,000 to			
15.27		\$5,000,000 gross sales or			
15.28		service for the immediately			
15.29		previous license or fiscal year	\$562	\$125	\$250
15.30		(f) Having over \$5,000,000 gross			
15.31		sales for the immediately			
15.32		previous license or fiscal year	\$647	\$150	\$300
15.33	3.	Food broker	\$112	\$ 30	\$ 50
15.34	4.	Wholesale food processor			
15.35		or manufacturer			
15.36		(a) Having gross sales of less			
16.1		than \$125,000 for the			
16.2		immediately previous license			
16.3		or fiscal year	\$150	\$ 50	\$100
16.4		(b) Having \$125,000 to \$250,000			
16.5		gross sales for the immediately			
16.6		previous license or fiscal year	\$310	\$ 75	\$150
16.7		(c) Having \$250,001 to \$1,000,000			
16.8		gross sales for the immediately			
16.9		previous license or fiscal year	\$449	\$100	\$200
16.10		(d) Having \$1,000,001 to			
16.11		\$5,000,000 gross sales for the			
16.12		immediately previous license or			
16.13		fiscal year	\$562	\$125	\$250
16.14		(e) Having \$5,000,001 to			
16.15		\$10,000,000 gross sales for			
16.16		the immediately previous			
16.17		license or fiscal year	\$647	\$150	\$300
16.18		(f) Having over \$10,000,000			
16.19		gross sales for the immediately			
16.20		previous license or fiscal year	\$900	\$200	\$350
16.21	5.	Wholesale food processor of			
16.22		meat or poultry products			
16.23		under supervision of the			

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4.12 Sec. 3. Minnesota Statutes 1997 Supplement, section
4.13 116.07, subdivision 7, is amended to read:

4.14 Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL
4.15 LOT PERMITS.] Any Minnesota county board may, by resolution,
4.16 with approval of the pollution control agency, assume
4.17 responsibility for processing applications for permits required
4.18 by the pollution control agency under this section for livestock
4.19 feedlots, poultry lots or other animal lots. The responsibility
4.20 for permit application processing, if assumed by a county, may
4.21 be delegated by the county board to any appropriate county
4.22 officer or employee.

4.23 (a) For the purposes of this subdivision, the term
4.24 "processing" includes:

4.25 (1) the distribution to applicants of forms provided by the
4.26 pollution control agency;

4.27 (2) the receipt and examination of completed application
4.28 forms, and the certification, in writing, to the pollution
4.29 control agency either that the animal lot facility for which a
4.30 permit is sought by an applicant will comply with applicable
4.31 rules and standards, or, if the facility will not comply, the
4.32 respects in which a variance would be required for the issuance
4.33 of a permit; and

4.34 (3) rendering to applicants, upon request, assistance
4.35 necessary for the proper completion of an application.

4.36 (b) For the purposes of this subdivision, the term
5.1 "processing" may include, at the option of the county board,
5.2 issuing, denying, modifying, imposing conditions upon, or
5.3 revoking permits pursuant to the provisions of this section or
5.4 rules promulgated pursuant to it, subject to review, suspension,
5.5 and reversal by the pollution control agency. The pollution
5.6 control agency shall, after written notification, have 15 days
5.7 to review, suspend, modify, or reverse the issuance of the
5.8 permit. After this period, the action of the county board is
5.9 final, subject to appeal as provided in chapter 14.

5.10 (c) For the purpose of administration of rules adopted
5.11 under this subdivision, the commissioner and the agency may
5.12 provide exceptions for cases where the owner of a feedlot has
5.13 specific written plans to close the feedlot within five years.
5.14 These exceptions include waiving requirements for major capital
5.15 improvements.

5.16 (d) For purposes of this subdivision, a discharge caused by
5.17 an extraordinary natural event such as a precipitation event of
5.18 greater magnitude than the 25-year, 24-hour event, tornado, or
5.19 flood in excess of the 100-year flood is not a "direct discharge
5.20 of pollutants."

5.21 (e) In adopting and enforcing rules under this subdivision,
5.22 the commissioner shall cooperate closely with other governmental
5.23 agencies.

5.24 (f) The pollution control agency shall work with the
5.25 Minnesota extension service, the department of agriculture, the
5.26 board of water and soil resources, producer groups, local units
5.27 of government, as well as with appropriate federal agencies such
5.28 as the Soil Natural Resources Conservation Service and the
5.29 Agricultural-Stabilization-and-Conservation-Service Farm Service
5.30 Agency, to notify and educate producers of rules under this
5.31 subdivision at the time the rules are being developed and

35.19 Sec. 36. Minnesota Statutes 1997 Supplement, section
35.20 116.07, subdivision 7, is amended to read:

35.21 Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL
35.22 LOT PERMITS.] Any Minnesota county board may, by resolution,
35.23 with approval of the pollution control agency, assume
35.24 responsibility for processing applications for permits required
35.25 by the pollution control agency under this section for livestock
35.26 feedlots, poultry lots or other animal lots. The responsibility
35.27 for permit application processing, if assumed by a county, may
35.28 be delegated by the county board to any appropriate county
35.29 officer or employee.

35.30 (a) For the purposes of this subdivision, the term
35.31 "processing" includes:

35.32 (1) the distribution to applicants of forms provided by the
35.33 pollution control agency;

35.34 (2) the receipt and examination of completed application
35.35 forms, and the certification, in writing, to the pollution
35.36 control agency either that the animal lot facility for which a
36.1 permit is sought by an applicant will comply with applicable
36.2 rules and standards, or, if the facility will not comply, the
36.3 respects in which a variance would be required for the issuance
36.4 of a permit; and

36.5 (3) rendering to applicants, upon request, assistance
36.6 necessary for the proper completion of an application.

36.7 (b) For the purposes of this subdivision, the term
36.8 "processing" may include, at the option of the county board,
36.9 issuing, denying, modifying, imposing conditions upon, or
36.10 revoking permits pursuant to the provisions of this section or
36.11 rules promulgated pursuant to it, subject to review, suspension,
36.12 and reversal by the pollution control agency. The pollution
36.13 control agency shall, after written notification, have 15 days
36.14 to review, suspend, modify, or reverse the issuance of the
36.15 permit. After this period, the action of the county board is
36.16 final, subject to appeal as provided in chapter 14.

36.17 (c) For the purpose of administration of rules adopted
36.18 under this subdivision, the commissioner and the agency may
36.19 provide exceptions for cases where the owner of a feedlot has
36.20 specific written plans to close the feedlot within five years.
36.21 These exceptions include waiving requirements for major capital
36.22 improvements.

36.23 (d) For purposes of this subdivision, a discharge caused by
36.24 an extraordinary natural event such as a precipitation event of
36.25 greater magnitude than the 25-year, 24-hour event, tornado, or
36.26 flood in excess of the 100-year flood is not a "direct discharge
36.27 of pollutants."

36.28 (e) In adopting and enforcing rules under this subdivision,
36.29 the commissioner shall cooperate closely with other governmental
36.30 agencies.

36.31 (f) The pollution control agency shall work with the
36.32 Minnesota extension service, the department of agriculture, the
36.33 board of water and soil resources, producer groups, local units
36.34 of government, as well as with appropriate federal agencies such
36.35 as the Soil Conservation Service and the Agricultural
36.36 Stabilization and Conservation Service, to notify and educate
37.1 producers of rules under this subdivision at the time the rules
37.2 are being developed and adopted and at least every two years

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5.32 adopted and at least every two years thereafter.
 5.33 (g) The pollution control agency shall adopt rules
 5.34 governing the issuance and denial of permits for livestock
 5.35 feedlots, poultry lots or other animal lots pursuant to this
 5.36 section. A feedlot permit is not required for livestock
 6.1 feedlots with more than ten but less than 50 animal units;
 6.2 provided they are not in shoreland areas. These rules apply
 6.3 both to permits issued by counties and to permits issued by the
 6.4 pollution control agency directly.
 6.5 (h) The pollution control agency shall exercise supervising
 6.6 authority with respect to the processing of animal lot permit
 6.7 applications by a county.
 6.8 (i) After May 17, 1997, any new rules or amendments to
 6.9 existing rules proposed under the authority granted in this
 6.10 subdivision, must be submitted to the members of legislative
 6.11 policy committees with jurisdiction over agriculture and the
 6.12 environment prior to final adoption. The rules must not become
 6.13 effective until 90 days after the proposed rules are submitted
 6.14 to the members.
 6.15 (j) Any plans for a liquid manure storage structure must be
 6.16 prepared or approved by a registered professional engineer or a
 6.17 United States Department of Agriculture, Natural Resources
 6.18 Conservation Service employee.
 6.19 (k) For the purposes of this subdivision, "animal unit"
 6.20 means a unit of measure used to compare differences in the
 6.21 production of animal manure that employs as a standard the
 6.22 amount of manure produced on a regular basis by a slaughter
 6.23 steer or heifer. The following equivalents apply:
 6.24 (1) one mature dairy cow, 1.4 animal units;
 6.25 (2) one slaughter steer or heifer, 1.0 animal units;
 6.26 (3) one horse, 1.0 animal units;
 6.27 (4) one mature breeding swine, 0.4 animal units;
 6.28 (5) one market swine more than 55 pounds, 0.2 animal units;
 6.29 (6) one swine less than 55 pounds, 0.03 animal units;
 6.30 (7) one sheep, 0.1 animal units;
 6.31 (8) one turkey, 0.018 animal units;
 6.32 (9) one duck, 0.01 animal units; and
 6.33 (10) one chicken, 0.005 animal units.
 6.34 For animals not listed in clauses (1) to (10), the number
 6.35 of animal units must be calculated as the average weight of the
 6.36 animal divided by 1,000 pounds.

7.1 Sec. 4. Minnesota Statutes 1996, section 116.07, is
 7.2 amended by adding a subdivision to read:

7.3 Subd. 7b. [FEEDLOT INVENTORY NOTIFICATION AND PUBLIC
 7.4 MEETING REQUIREMENTS.] (a) Any state agency or local government
 7.5 unit conducting an inventory or survey of livestock feedlots
 7.6 under its jurisdiction must publicize notice of the inventory in
 7.7 a newspaper of general circulation in the affected area and in
 7.8 other media as appropriate. The notice must state the dates the
 7.9 inventory will be conducted, the information that will be
 7.10 requested in the inventory, and how the information collected
 7.11 will be provided to the public. The notice must also specify
 7.12 the date for a public meeting to provide information regarding
 7.13 the inventory.
 7.14 (b) Any state agency or local government unit conducting an
 7.15 inventory or survey of livestock feedlots under its jurisdiction

37.3 thereafter.
 37.4 (g) The pollution control agency shall adopt rules
 37.5 governing the issuance and denial of permits for livestock
 37.6 feedlots, poultry lots or other animal lots pursuant to this
 37.7 section. A feedlot permit is not required for livestock
 37.8 feedlots with more than ten but less than 50 animal units;
 37.9 provided they are not in shoreland areas. These rules apply
 37.10 both to permits issued by counties and to permits issued by the
 37.11 pollution control agency directly.
 37.12 (h) The pollution control agency shall exercise supervising
 37.13 authority with respect to the processing of animal lot permit
 37.14 applications by a county.
 37.15 (i) After May 17, 1997, any new rules or amendments to
 37.16 existing rules proposed under the authority granted in this
 37.17 subdivision, must be submitted to the members of legislative
 37.18 policy committees with jurisdiction over agriculture and the
 37.19 environment prior to final adoption. The rules must not become
 37.20 effective until 90 days after the proposed rules are submitted
 37.21 to the members.
 37.22 (j) The attorney general shall provide legal assistance to
 37.23 counties that elect to adopt, review, or modify ordinances
 37.24 relating to animal feedlots.
 37.25 (k) A county may adopt by ordinance standards for animal
 37.26 feedlots that are more stringent than standards in pollution
 37.27 control agency rules.

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7.16 must hold at least one public meeting in each county included in
7.17 the inventory. The public meeting must provide information
7.18 concerning the dates the inventory will be conducted, the
7.19 procedure the agency or local unit of government will use to
7.20 request the information to be included in the inventory, and how
7.21 the information collected will be provided to the public.

37.28 Sec. 37. Minnesota Statutes 1996, section 116.07, is
37.29 amended by adding a subdivision to read:

37.30 Subd. 7b. [PERMIT REQUIREMENTS.] (a) Neither the pollution
37.31 control agency nor a county board may issue a permit to
37.32 construct or expand a feedlot if:

37.33 (1) the feedlot would operate with a clay, earthen, or
37.34 flexible membrane lined animal waste lagoon; or

37.35 (2) the feedlot has a design capacity of over 1,000 animal
37.36 units, unless the permit issued is an Individual National
38.1 Pollutant Discharge Elimination System (NPDES) permit as
38.2 required under the federal Clean Water Act.

38.3 (b) Paragraph (a) does not prohibit the issuance of a
38.4 permit for the construction of a clay, earthen, or flexible
38.5 membrane lined animal waste lagoon if the feedlot has a design
38.6 capacity of 750 animal units or less and is part of the animal
38.7 waste management facility for a dairy or beef cattle operation.
38.8 The animal unit capacity under this paragraph must be calculated
38.9 with regard only to the population of mature bovine animals and
38.10 must disregard animals that are (1) steers or slaughter heifers
38.11 under the weight of 800 pounds, or (2) replacement dairy stock.

38.12 (c) Existing animal feedlots having a design capacity of
38.13 1,000 animal units or more must be brought into compliance with
38.14 the requirement for a General National Pollutant Discharge
38.15 Elimination System (NPDES) permit as required under the federal
38.16 Clean Water Act. The commissioner shall charge to an applicant
38.17 for an animal feedlot having a design capacity of 1,000 animal
38.18 units or more a permit fee sufficient to cover the agency's
38.19 costs for issuing the NPDES permit.

38.20 Sec. 38. [116.0711] [ANIMAL WASTE LIABILITY ACCOUNT;
38.21 SURCHARGE.]

38.22 Subdivision 1. [ESTABLISHMENT OF ACCOUNT.] An animal waste
38.23 liability account is established in the environmental fund.
38.24 Money in the account is appropriated to the commissioner for
38.25 containment and cleanup of animal wastes.

38.26 Subd. 2. [FEEDLOT PERMIT SURCHARGE.] A surcharge of \$1 per
38.27 animal unit of design capacity for feedlots having a design
38.28 capacity of 750 animal units or more must be paid on feedlot
38.29 construction permits issued or renewed by the pollution control
38.30 agency or a county board. Money collected under this section
38.31 must be deposited in the state treasury and credited to the
38.32 animal waste liability account.

38.33 Sec. 39. [116.0712] [ANIMAL WASTE CONTROL AND SPILL
38.34 INVENTORY AND REPORTING; CONTINGENCY PLAN.]

38.35 The pollution control agency, in cooperation with the
38.36 commissioner of agriculture and county officials, shall
39.1 investigate the problems of proper control of animal wastes

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7.22 Sec. 5. [116.0714] [DENIAL OF PERMIT APPLICATIONS.]

7.23 (a) The commissioner may reject an application for a permit
 7.24 filed with the commissioner upon making a specific finding that:
 7.25 (1) the applicant is unsuited or unqualified to perform the
 7.26 obligations of a permit holder based upon a finding that the
 7.27 applicant or any officer, director, partner, or resident general
 7.28 manager of the facility for which application has been made;
 7.29 (i) has misrepresented a material fact in applying for a
 7.30 permit;
 7.31 (ii) has willfully violated environmental laws of any state
 7.32 or the United States in a manner that has caused significant and
 7.33 material environmental damage;
 7.34 (iii) has had any permit revoked under the environmental
 7.35 laws of any state or the United States; or
 7.36 (iv) has otherwise demonstrated through previous actions
 8.1 that the applicant lacks competency to reliably carry out the
 8.2 obligations imposed by law upon the permit holder; or
 8.3 (2) the application substantially duplicates an application
 8.4 by the same applicant denied within the past five years, which
 8.5 denial has not been reversed by a court of competent
 8.6 jurisdiction. Nothing in this section prohibits an applicant
 8.7 from submitting a new application for a permit previously denied
 8.8 if the new application represents a good faith attempt by the
 8.9 applicant to correct the deficiencies that served as the basis
 8.10 for the denial in the original application.
 8.11 (b) All applications filed with the commissioner must
 8.12 include a certification, sworn to under oath and signed by the
 8.13 applicant, that the applicant is not disqualified by reason of
 8.14 this section from obtaining a permit. In the absence of
 8.15 evidence to the contrary, that certification constitutes a prima
 8.16 facie showing of the suitability and qualification of the
 8.17 applicant. If at any point in the application review,
 8.18 recommendation, or hearing process, the commissioner finds the
 8.19 applicant has made any material misrepresentation of fact in
 8.20 regard to this certification, consideration of the application
 8.21 may be suspended and the application may be rejected under this
 8.22 section.
 8.23 (c) Rejection of an application under this section
 8.24 constitutes final agency action upon that application and may be
 8.25 appealed to a district court as provided for in statute.

39.2 generated by animal feedlots and conduct an inventory of animal
 39.3 waste facilities and storage sites and the needs relative to the
 39.4 management, transportation, and application of animal wastes and
 39.5 shall develop an informational reporting system of animal waste
 39.6 quantities generated, applied, and disposed of in the state.
 39.7 The agency shall also develop a statewide animal waste
 39.8 contingency plan including containment, closure, and cleanup
 39.9 measures.

39.10 Sec. 40. [116.0713] [DENIAL OF PERMIT APPLICATIONS.]

39.11 (a) The commissioner may reject an application for a permit
 39.12 filed with the commissioner upon making a specific finding that:
 39.13 (1) the applicant is unsuited or unqualified to perform the
 39.14 obligations of a permit holder based upon a finding that the
 39.15 applicant or any officer, director, partner, or resident general
 39.16 manager of the facility for which application has been made;
 39.17 (i) has misrepresented a material fact in applying for a
 39.18 permit;
 39.19 (ii) has violated environmental laws of any state or the
 39.20 United States in a manner that has caused significant and
 39.21 material environmental damage;
 39.22 (iii) has had any permit revoked under the environmental
 39.23 laws of any state or the United States; or
 39.24 (iv) has otherwise demonstrated through previous actions
 39.25 that the applicant lacks competency to reliably carry out the
 39.26 obligations imposed by law upon the permit holder; or
 39.27 (2) the application substantially duplicates an application
 39.28 by the same applicant denied within the past five years, which
 39.29 denial has not been reversed by a court of competent
 39.30 jurisdiction. Nothing in this section prohibits an applicant
 39.31 from submitting a new application for a permit previously denied
 39.32 if the new application represents a good faith attempt by the
 39.33 applicant to correct the deficiencies that served as the basis
 39.34 for the denial in the original application.
 39.35 (b) All applications filed with the commissioner must
 39.36 include a certification, sworn to under oath and signed by the
 40.1 applicant, that the applicant is not disqualified by reason of
 40.2 this section from obtaining a permit. In the absence of
 40.3 evidence to the contrary, that certification constitutes a prima
 40.4 facie showing of the suitability and qualification of the
 40.5 applicant. If at any point in the application review,
 40.6 recommendation, or hearing process, the commissioner finds the
 40.7 applicant has made any material misrepresentation of fact in
 40.8 regard to this certification, consideration of the application
 40.9 may be suspended and the application may be rejected under this
 40.10 section.
 40.11 (c) Rejection of an application under this section
 40.12 constitutes a final agency decision.

SENATE LANGUAGE (S3388-1)

HOUSE LANGUAGE (UES3353-2)

48.10 Sec. 44. Minnesota Statutes 1997 Supplement, section
48.11 116.18, subdivision 3c, is amended to read:

48.12 Subd. 3c. [INDIVIDUAL ON-SITE TREATMENT SYSTEMS AND
48.13 ALTERNATIVE DISCHARGING SEWAGE SYSTEMS PROGRAM.] (a) Beginning
48.14 in fiscal year 1989, up to ten percent of the money to be
48.15 awarded as grants under subdivision 3a in any single fiscal
48.16 year, up to a maximum of \$1,000,000, may be set aside for the
48.17 award of grants by the agency to municipalities to reimburse
48.18 owners of individual on-site wastewater treatment systems or
48.19 alternative discharging sewage systems for a part of the costs
48.20 of upgrading or replacing the systems.
48.21 (b) An individual on-site treatment system is a wastewater
48.22 treatment system, or part thereof, that uses soil treatment and
48.23 disposal technology to treat 5,000 gallons or less of wastewater
48.24 per day from dwellings or other establishments.
48.25 (c) An alternative discharging sewage system is a system
48.26 permitted under section 115.58 that:
48.27 (1) serves one or more dwellings and other establishments;
48.28 (2) discharges less than 10,000 gallons of water per day;
48.29 and
48.30 (3) uses any treatment and disposal methods other than
48.31 subsurface soil treatment and disposal.
48.32 (d) Municipalities may apply yearly for grants of up to 50
48.33 percent of the cost of replacing or upgrading individual on-site
48.34 treatment systems, including conversion to an alternative
48.35 discharging sewage system, within their jurisdiction, up to a
48.36 limit of \$5,000 per system or per connection to a cluster
49.1 system. Before agency approval of the grant application, a
49.2 municipality must certify that:
49.3 (1) it has adopted and is enforcing the requirements of
49.4 Minnesota Rules governing individual sewage treatment systems;
49.5 (2) the existing systems for which application is made do
49.6 not conform to those rules, are at least 20 years old, do not
49.7 serve seasonal residences, and were not constructed with state
49.8 or federal funds; and
49.9 (3) the costs requested do not include administrative
49.10 costs, costs for improvements or replacements made before the
49.11 application is submitted to the agency unless it pertains to the
49.12 plan finally adopted, and planning and engineering costs other
49.13 than those for the individual site evaluations and system design.
49.14 (d) (e) The federal and state regulations regarding the
49.15 award of state and federal wastewater treatment grants do not
49.16 apply to municipalities or systems funded under this
49.17 subdivision, except as provided in this subdivision.
49.18 (e) (f) The agency shall adopt permanent rules regarding
49.19 priorities, distribution of funds, payments, inspections,
49.20 procedures for administration of the agency's duties, and other
49.21 matters that the agency finds necessary for proper
49.22 administration of grants awarded under this subdivision.

40.13 Sec. 41. Minnesota Statutes 1997 Supplement, section
40.14 116.18, subdivision 3c, is amended to read:

40.15 Subd. 3c. [INDIVIDUAL ON-SITE TREATMENT SYSTEMS PROGRAM.]
40.16 (a) Beginning in fiscal year 1989, up to ten percent of the
40.17 money to be awarded as grants under subdivision 3a in any single
40.18 fiscal year, up to a maximum of \$1,000,000, may be set aside for
40.19 the award of grants by the agency to municipalities to reimburse
40.20 owners of individual on-site wastewater treatment systems for a
40.21 part of the costs of upgrading or replacing the systems.
40.22 (b) An individual on-site treatment system is a wastewater
40.23 treatment system, or part thereof, that uses soil treatment and
40.24 disposal technology to treat 5,000 gallons or less of wastewater
40.25 per day from dwellings or other establishments, or an
40.26 alternative discharging sewage system serving one or more
40.27 dwellings and other establishments that discharges less than
40.28 10,000 gallons of water per day and uses any treatment and
40.29 disposal methods other than subsurface soil treatment and
40.30 disposal, as permitted under section 115.58.
40.31 (c) Municipalities may apply yearly for grants of up to 50
40.32 percent of the cost of replacing or upgrading individual on-site
40.33 treatment systems within their jurisdiction, up to a limit of
40.34 \$5,000 per system or per connection to a cluster system. Before
40.35 agency approval of the grant application, a municipality must
40.36 certify that:
41.1 (1) it has adopted and is enforcing the requirements of
41.2 Minnesota Rules governing individual sewage treatment systems;
41.3 (2) the existing systems for which application is made do
41.4 not conform to those rules, are at least 20 years old, do not
41.5 serve seasonal residences, and were not constructed with state
41.6 or federal funds; and
41.7 (3) the costs requested do not include administrative
41.8 costs, costs for improvements or replacements made before the
41.9 application is submitted to the agency unless it pertains to the
41.10 plan finally adopted, and planning and engineering costs other
41.11 than those for the individual site evaluations and system design.
41.12 (d) The federal and state regulations regarding the award
41.13 of state and federal wastewater treatment grants do not apply to
41.14 municipalities or systems funded under this subdivision, except
41.15 as provided in this subdivision.
41.16 (e) The agency shall adopt permanent rules regarding
41.17 priorities, distribution of funds, payments, inspections,
41.18 procedures for administration of the agency's duties, and other
41.19 matters that the agency finds necessary for proper
41.20 administration of grants awarded under this subdivision.

SENATE LANGUAGE (S3353-2)

HOUSE LANGUAGE (UES3353-2)

30.35 Sec. 31. Minnesota Statutes 1996, section 116.49, is
30.36 amended by adding a subdivision to read:

31.1 Subd. 3. [ABOVEGROUND STORAGE TANK RULES.] After the
31.2 effective date of this section, and until December 31, 1999, any
31.3 new rules or amendments to existing rules that are proposed by
31.4 the agency with respect to aboveground storage tanks must be
31.5 submitted to the legislative committees with jurisdiction over
31.6 the environment within one week of publishing the notice of
31.7 intent to adopt rules in the State Register. The rules may
31.8 become effective no earlier than 90 days or the March 15
31.9 following the submittal, whichever is later, except that if the
31.10 submittal occurs between the date of adjournment of the
31.11 legislature and the following February 1, and the rules are
31.12 adopted following a public hearing, the rules may become
31.13 effective no earlier than March 15 of the year following
31.14 February 1.

SENATE LANGUAGE (S3109-3)

HOUSE LANGUAGE (UES3353-2)

8.26 Sec. 6. Minnesota Statutes 1996, section 116D.04,
8.27 subdivision 2a, is amended to read:

8.28 Subd. 2a. Where there is potential for significant
8.29 environmental effects resulting from any major governmental
8.30 action, the action shall be preceded by a detailed environmental
8.31 impact statement prepared by the responsible governmental unit.
8.32 The environmental impact statement shall be an analytical rather
8.33 than an encyclopedic document which describes the proposed
8.34 action in detail, analyzes its significant environmental
8.35 impacts, discusses appropriate alternatives to the proposed
8.36 action and their impacts, and explores methods by which adverse
9.1 environmental impacts of an action could be mitigated. The
9.2 environmental impact statement shall also analyze those
9.3 economic, employment and sociological effects that cannot be
9.4 avoided should the action be implemented. To ensure its use in
9.5 the decision making process, the environmental impact statement
9.6 shall be prepared as early as practical in the formulation of an
9.7 action.

9.8 (a) The board shall by rule establish categories of actions
9.9 for which environmental impact statements and for which
9.10 environmental assessment worksheets shall be prepared as well as
9.11 categories of actions for which no environmental review is
9.12 required under this section. Construction of an individual
9.13 feedlot facility on a separate site must be considered a
9.14 separate action for the purpose of determining whether
9.15 environmental review is required for the facility.

9.16 (b) The responsible governmental unit shall promptly
9.17 publish notice of the completion of an environmental assessment
9.18 worksheet in a manner to be determined by the board and shall
9.19 provide copies of the environmental assessment worksheet to the
9.20 board and its member agencies. Comments on the need for an
9.21 environmental impact statement may be submitted to the
9.22 responsible governmental unit during a 30 day period following
9.23 publication of the notice that an environmental assessment
9.24 worksheet has been completed. The responsible governmental
9.25 unit's decision on the need for an environmental impact

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9.26 statement shall be based on the environmental assessment
9.27 worksheet and the comments received during the comment period,
9.28 and shall be made within 15 days after the close of the comment
9.29 period. The board's chair may extend the 15 day period by not
9.30 more than 15 additional days upon the request of the responsible
9.31 governmental unit.

9.32 (c) An environmental assessment worksheet shall also be
9.33 prepared for a proposed action whenever material evidence
9.34 accompanying a petition by not less than 25 individuals,
9.35 submitted before the proposed project has received final
9.36 approval by the appropriate governmental units, demonstrates
10.1 that, because of the nature or location of a proposed action,
10.2 there may be potential for significant environmental effects. A
10.3 petition submitted related to a proposed feedlot facility must
10.4 contain signatures of not less than 25 individuals who reside or
10.5 own property within: (1) a ten-mile radius of the proposed
10.6 facility; or (2) the same watershed, as defined in section
10.7 103G.005, subdivision 17a, as the proposed facility. Petitions
10.8 requesting the preparation of an environmental assessment
10.9 worksheet shall be submitted to the board. The chair of the
10.10 board shall determine the appropriate responsible governmental
10.11 unit and forward the petition to it. A decision on the need for
10.12 an environmental assessment worksheet shall be made by the
10.13 responsible governmental unit within 15 days after the petition
10.14 is received by the responsible governmental unit. The board's
10.15 chair may extend the 15 day period by not more than 15
10.16 additional days upon request of the responsible governmental
10.17 unit.

10.18 (d) The board may, prior to final approval of a proposed
10.19 project, require preparation of an environmental assessment
10.20 worksheet by a responsible governmental unit selected by the
10.21 board for any action where environmental review under this
10.22 section has not been specifically provided for by rule or
10.23 otherwise initiated.

10.24 (e) An early and open process shall be utilized to limit
10.25 the scope of the environmental impact statement to a discussion
10.26 of those impacts, which, because of the nature or location of
10.27 the project, have the potential for significant environmental
10.28 effects. The same process shall be utilized to determine the
10.29 form, content and level of detail of the statement as well as
10.30 the alternatives which are appropriate for consideration in the
10.31 statement. In addition, the permits which will be required for
10.32 the proposed action shall be identified during the scoping
10.33 process. Further, the process shall identify those permits for
10.34 which information will be developed concurrently with the
10.35 environmental impact statement. The board shall provide in its
10.36 rules for the expeditious completion of the scoping process.
11.1 The determinations reached in the process shall be incorporated
11.2 into the order requiring the preparation of an environmental
11.3 impact statement.

11.4 (f) Whenever practical, information needed by a
11.5 governmental unit for making final decisions on permits or other
11.6 actions required for a proposed project shall be developed in
11.7 conjunction with the preparation of an environmental impact
11.8 statement.

11.9 (g) An environmental impact statement shall be prepared and
11.10 its adequacy determined within 280 days after notice of its
11.11 preparation unless the time is extended by consent of the

SENATE LANGUAGE (S3109-3)

HOUSE LANGUAGE (UES3353-2)

11.12 parties or by the governor for good cause. The responsible
11.13 governmental unit shall determine the adequacy of an
11.14 environmental impact statement, unless within 60 days after
11.15 notice is published that an environmental impact statement will
11.16 be prepared, the board chooses to determine the adequacy of an
11.17 environmental impact statement. If an environmental impact
11.18 statement is found to be inadequate, the responsible
11.19 governmental unit shall have 60 days to prepare an adequate
11.20 environmental impact statement.

41.21 Sec. 42. Minnesota Statutes 1996, section 308A.131,
41.22 subdivision 1, is amended to read:

41.23 Subdivision 1. [CONTENTS.] (a) The incorporators shall
41.24 prepare the articles, which must include:
41.25 (1) the name of the cooperative;
41.26 (2) the purpose of the cooperative;
41.27 (3) the principal place of business for the cooperative;
41.28 (4) the period of duration for the cooperative, if the
41.29 duration is not to be perpetual;
41.30 (5) the total authorized number of shares and the par value
41.31 of each share if the cooperative is organized on a capital stock
41.32 basis;
41.33 (6) a description of the classes of shares, if the shares
41.34 are to be classified;
41.35 (7) a statement of the number of shares in each class and
41.36 relative rights, preferences, and restrictions granted to or
42.1 imposed upon the shares of each class, and a provision that only
42.2 common stockholders have voting power;
42.3 (8) a statement that individuals owning common stock shall
42.4 be restricted to one vote in the affairs of the cooperative or a
42.5 statement that the cooperative is one described in section
42.6 308A.641, subdivision 2;
42.7 (9) a statement that shares of stock are transferable only
42.8 with the approval of the board;
42.9 (10) a statement that dividends on the capital stock and
42.10 nonstock units of equity of the cooperative may not exceed eight
42.11 percent annually;
42.12 (11) the names, post office addresses, and terms of office
42.13 of the directors of the first board;
42.14 (12) a statement that net income in excess of dividends and
42.15 additions to reserves shall be distributed on the basis of
42.16 patronage, and that the records of the cooperative may show the
42.17 interest of patrons, stockholders of any classes, and members in
42.18 the reserves; and
42.19 (13) the registered office address of the cooperative and
42.20 the name of the registered agent, if any, at that address.
42.21 (b) The articles must always contain the provisions in
42.22 paragraph (a), except that the names, post office addresses, and
42.23 terms of offices of the directors of the first board may be
42.24 omitted after their successors have been elected by the members
42.25 or the articles are amended in their entirety.
42.26 (c) The articles may contain other lawful provisions.
42.27 (d) The articles must be signed by the incorporators.

42.28 Sec. 43. Minnesota Statutes 1997 Supplement, section
42.29 308A.705, subdivision 1, is amended to read:



Board member Update

March 1998

Engineering and Technical Services Section

Conservation Easements

Conservation Reserve Enhancement Program (CREP) implementation issues are hot topics these days for all of our conservation easement program staff. As the saying goes -- the "devil's in the details." Some of the issues that still need more clarity include limits on widths of riparian forest buffers, natural regeneration of riparian buffers, and coordination of Reinvest in Minnesota (RIM) Reserve and Conservation Reserve Program (CRP) conservation plans. Tim Fredbo, easement program manager, continues to work with Greg Larson, land and water section administrator, and staff of the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), and the DNR to sort things out for upcoming training sessions that are scheduled for March 24, 25, and 26. Staffing needs, in light of expected funding levels, are also a topic of much discussion. We're

gearing up in the short term and making plans for the longer term that are at least somewhat dependent on funding outcomes of the current legislative session.

Staff is also working out implementation details of the Reinvest in Minnesota Reserve/Wetlands Reserve Program (WRP) partnership. Some of these are related to the CREP and some are independent issues. BWSR staff continue to work with NRCS staff to identify in-process RIM projects that are candidates for this partnership and to develop an effective means to identify future partnership projects. Other related issues include conservation plan integration, technical assistance for wetland restorations and conservation planning, and conservation practice criteria.

Although there is much to do to implement new partnerships, easement program staff are trying to maintain focus on processing existing sign-ups and looking for new opportunities to streamline the process, especially in the areas of title commitments and insurance.

Conservation Reserve Enhancement Program (CREP) implementation issues are hot topics these days for all of our conservation easement program staff. As the saying goes -- the "devil's in the details."

The partnership training needs inventory conducted late last fall and early winter identified 911 individual requests statewide for formal, on-the-job or self development training in the engineering discipline.

Technical Training and Collaboration

The partnership training database and annual training needs inventory provide a statewide assessment of training needs. This system lets people identify training they need to become more proficient at the work they do, particularly recurring work. The database enables training providers to know who is requesting what training and where they are located, as well as training histories -- important information for providing effective and efficient training, from both the individual and organizational perspectives. Another objective of the training needs inventory is to help avoid duplication of training surveys and questionnaires.

An associated tool that has been in use for about a year now is the Schedule of Events, an e-mail based schedule of current training sessions, conferences and other events pertinent for members of the conservation partnership. The Schedule of Events is available every other week to all who have e-mail.

The partnership training needs inventory conducted late last fall and early winter identified 911 individual requests statewide for formal, on-the-job or self development training in the engineering discipline. Of these requests, 406 were for the "top 20" training courses, and 157 were for existing NRCS self development training modules. The most-requested training courses on areas of techni-

cal assistance included ag. waste system planning; wetland creation, restoration and enhancement; the Unified Soil Classification System; surveying; and construction inspection.

These requests are "individual driven", based on existing personal needs, as opposed to "organization driven" training that is provided when new programs are rolled out or other general training needs are identified.

Justin Jeffery, training and design engineer, is working with Joe Wiltsey, training coordinator, NRCS area and state office engineers, BWSR engineers, soil and water conservation district (SWCD) joint powers engineers and other agencies to ensure that training will be provided for the highest priority engineering training needs. Currently, 20 engineering training sessions are planned (including some already conducted) by NRCS area engineers, one by a joint powers area (JPA) engineer and 13 by BWSR, NRCS and other state level engineering staff. NRCS area engineers have also begun addressing the 157 module requests. Although the "revived" partnership training system has plenty of room for growth, a substantial investment in engineering training is planned for this year.

Dave Schmidt, Minnesota Extension Service, in cooperation with Midwest Plan Services, the Portland Concrete Association, NRCS, the Pollution Control Agency and BWSR, provided a two-day training session on concrete manure storage structures in early March. Engineers from ten of the eleven SWCD joint powers areas attended.

Al Kean, chief engineer, is participating with NRCS engineers, DNR dam safety engineers and the consulting firm of TKDA to identify the most appropriate design for reconstructing the Long Tom Dam in Big Stone County. The Soil Conservation Service (now NRCS) built the dam in the late 1960s. The 1997 spring floods substantially exceeded the amount of flooding for which the dam was designed. The dam is believed to have failed due to overtopping (no one observed the initial stages of failure). The downstream effects of the dam failure and current dam safety criteria indicate that a higher level of design is appropriate. The focus of discussions is on increased spillway capacity and effective reconstruction of the embankment. The existing concrete drop spillway is still intact.

Lakeshore Engineering

The North Shore Clean Water Partnership project (Phase II -- implementation) that was approved last month is moving ahead, with assistance from Mark Nelson, board conservationist, and Gene Clark, lakeshore engineer. The Arrowhead Regional Development Commission is a key player in this project, as is the Pollution Control Agency (PCA), of course. The project will address individual sewage treatment system upgrade needs, as well as shoreline stabilization needs.

Gene recently assisted with a lakeshore erosion control workshop spear-headed by John Hodgson, SWCD JPA 2 engineer.

Attendees included SWCD and other northern Minnesota local government unit (LGU) staff. Lakeshore stabilization remains a major conservation practice for which BWSR, northern region SWCDs and joint powers staff provide technical assistance.

Other lakeshore engineering developments:

- Gene and Brad Matlack, lakeshore engineering technician, continue preparation of construction plans and specs for several North Shore stabilization projects to be constructed this year.

- North Shore SWCD staff developed planting plans and ordered plants for four sites funded through a Great Lakes Commission (GLC) grant for a demonstration project.

- The fifth low-cost demonstration project to be cost-shared via another GLC grant, with technical assistance from BWSR and North Shore SWCDs, is progressing toward spring or summer construction.

Northern Region

Wetlands

Dale Krystosek, board conservationist, recently provided a training session on wetland protection and the Wetland Conservation Act (WCA) to the Otter Tail County Planning Commission, Otter Tail County Attorney, county staff members, and

Lakeshore stabilization remains a major conservation practice for which BWSR, northern region SWCDs and joint powers staff provide technical assistance.

Eight separate easements will include an area of nearly 500 acres, restoring or enhancing a 300 acre wetland.

about ten citizens prior to a planning commission meeting. The county land and resource director requested the session after some questionable wetland filling was allowed in the fall of 1997.

Wetland Specialist Dan Eklund worked with Lake County to develop a wetland model similar to Cass County's as part of their local wetland plan. Dan assisted in the development and delivery of two days of WCA appeals training to our BWSR board conservationists (BCs), who have been requesting this type of training for quite some time. The training was well done and included a cameo appearance by Matt Seltzer from the attorney general's staff. Dan continues to work with BC Brian Dwight providing technical information for the local wetland planning effort in Lake of the Woods County.

North Shore

Gene Clark, shoreland engineer, and Brad Matlock, engineering technician, are making progress with the four major projects to be designed for spring construction. Gene and Mark submitted a grant request to the Great Lakes Commission (GLC) for seed money to use with the recently approved Clean Water Partnership (CWP) Program for the north shore. The GLC funds, if granted, would be used in conjunction with the CWP dollars to offer a combination loan, cost-share, and private share funding package. Good luck! Should know later this month if it gets approved.

Reinvest in Minnesota (RIM) Reserve

Brainerd BC Pete Waller reports that the Pope SWCD finalized and submitted the RIM applications for the Mud Lake restoration. Eight separate easements will include an area of nearly 500 acres, restoring or enhancing a 300 acre wetland. This restoration is located at the top of judicial ditch 1, the largest contributor of phosphorus loading to Grove Lake. The project is a result of cooperative efforts between Pope SWCD and the North Fork Crow River Watershed District.

Regional Staff Exchanges

Keith Grow, BC, ventured south to New Ulm for two days with Northern Supervisor Ron Shelito to work with southern staff on some RIM issues and to attend a southern staff meeting. Pete and Dan headed south as well to attend the phosphorus workshop in Marshall. They stayed over and discussed changes to the existing district annual, biannual, and comprehensive planning process as well. These staff exchanges are being encouraged to keep our staff knowledgeable on statewide resources issues, and to collaborate on issues they might not normally get together on. So far so good, although they did send Keith back home.

Education

Kamal AlSharif, education coordinator, participated in the Project Wet and Wild workshop held at Wolf Ridge Learning Center. Kamal wanted to see how they present this workshop so he could teach something similar to local governments. Kamal met with DNR staff in St.

Paul to learn the facilitation skills needed to present these workshops. Kamal is now on the list of facilitators in the state and has the information needed to conduct seminars in the future.

Kamal has continued his work on the First Ten Years of Water Planning Report, along with Dale, Dan, Mark, and Ron. Last month two county water planners also added input. Marybeth Block will now be involved as well, working with Kamal to pull the actual document together. We are shooting for release at the July State Water Planners Conference in Crookston. Hope our aim is straight.

Southern Region

General local government assistance

During the months of January, February, and March, Sara Johnson, SWCD accounting coordinator, spent a lot of time on the road helping SWCDs close out their books for the year. Training sessions were held in all seven areas of the state this year, with several additional trips to individual districts with new employees. Districts with new employees are Cook, Dakota, Freeborn, Fillmore, Kittson, West Polk, West Otter Tail and Redwood.

The Conservation Reserve Enhancement Program (CREP)

Memorandum of Agreement was officially signed by the state and the USDA on February 19, 1998. Beginning April 1, 1998, landowners will be able to apply to enroll land in CREP. Training sessions are scheduled for March 24 (Montevideo), March 25 (Morton), and March 26 (Mankato) for the partners implementing the program within their county boundaries: soil and water conservation districts (SWCDs), the Natural Resources Conservation Service (NRCS), and the Farm Service Agency (FSA.)

County tax assessors, county commissioners, BWSR staff, and others met on February 23 to discuss the RIM Program and its affect on property tax. Faribault County was recently involved in a tax court case against a landowner regarding RIM land value and its assessed property tax. The county lost this case, resulting in a lower assessed value of the RIM land in question.

Marshall BC Tabor Hoek recently attended a national conservation buffer technology session in San Antonio, Texas. This technical session was sponsored by USDA and is part of their National Conservation Buffer Initiative, which has a goal of 2 million acres (7 million miles) of buffers by the year 2002. Every well-known scientist doing research on riparian buffers presented their findings. Buffers serve as off-field treatment or a last line of defense in protecting our riparian areas. Research supports that buffers can reduce sedimentation and improve water quality. Riparian buffers have much to add to agricultural Minnesota. When combined with conservation tillage and nutrient management,

County tax assessors, county commissioners, BWSR staff, and others met on February 23 to discuss the RIM Program and its affect on property tax.

The panel of legislators was receptive to the idea of drainage law changes which provide more attention and concern for downstream landowners on public drainage systems.

many of the off-site problems created with crop production can be solved. Future training with BWSR and local government is being planned.

Marshall BC David Sill reports the Lac qui Parle/Yellow Bank Watershed District Plan update is nearing completion. At a recent meeting, the managers, BWSR, DNR, and Lac qui Parle SWCD worked on amending some of the planned actions to make them more measurable. The plan should be finalized in the next several weeks.

New Ulm BC Chris Hughes participated as chairman of the Area VI Partnership Training Committee. Twenty-six people responded to a training-needs survey, requesting 103 different training courses. Due to the many training requests, only high-priority courses were scheduled; thirty-two courses were scheduled at the area, state, and national levels, along with approximate dates for course offerings. Many courses will occur once every two or three years. It is hoped that this methodology will be refined by having the Partnership Training Database (PTD) provide a sorted listing of training requests in the future. This year New Ulm Secretary Carla Swanson provided the critical work by extracting information from the raw survey data and then sorting it for the committee to use.

Chris finished his work on the Off Highway Vehicle (OHV) Committee, which developed proposed guidelines for OHV facilities development in DNR Region 4.

This committee's work was to create a process and establish standards by which user groups can acquire funding support for OHV development on private lands.

Chris attended a legislative farm forum on drainage where legislators from south central Minnesota presented their views on drainage issues. The panel of legislators was receptive to the idea of drainage law changes which provide more attention and concern for downstream landowners on public drainage systems. The committee was open to a change in 103E. The phrase "adequate outlet" should take into account both upstream and downstream impacts of a proposed drainage project.

Chris also attended a Watershed Implementation at the Local Level (WILL) meeting with local water planning officials and Pollution Control Agency (PCA) staff. Apparently, the South Central Minnesota County Comprehensive Water Planning Project water planners will apply to PCA for \$50,000 to assist with developing a watershed plan for one of their three major watersheds (LeSueur, Watonwan, Blue Earth). This watershed plan will also be the final step (implementation plan) of the ongoing Clean Water Partnership (CWP) project in the three watersheds. Data from Phase I of the CWP for the Blue Earth River (including the Watonwan and LeSueur) were reviewed on March 20. Implementation plans for the two unfunded watersheds may be delayed if there is no additional funding.

Pork Industry Environmental Impact Facts

[Intro](#) - [Manure Resource Facts](#) - [Conclusions](#) - [Highlights](#) - [Sources](#)

The protection of our water resources from contamination is a high priority of the pork industry. While much has been written and said in recent months about water quality concerns related to the pork industry, many of the reports on which this discussion is based have lacked the perspective needed to make fact-based decisions about important industry issues. Many of these reports have been one-sided, inflammatory and driven by concerns unrelated to the environment.

The effect of these reports has been to mischaracterize the pork industry as unregulated, unsustainable and uninterested in the proper utilization of manure as a fertilizer. This could not be further from reality.

The United States is not staggering under a mountain of hog manure as some reports would lead a reader to believe. Swine manure is a natural, sustainable fertilizer which saves billions of cubic feet of natural gas which would be otherwise used to manufacture fertilizer. Swine production, in fact, all livestock production combined, produces nowhere near enough manure to meet the needs of crops and forages grown in the United States right now. At present, crop farmers apply significantly more nitrogen from manufactured fertilizer compared to nitrogen from all livestock manure sources combined.

Concentrated hog feeding operations are held to a zero discharge standard in their management of manure. All manure from a concentrated hog operation is required to be totally contained at the farm. When it is later applied to land as a fertilizer, it must be applied in such a way that it does not result in pollution of surface or groundwater.

This is very different from municipal lagoons which handle the sewage produced by millions of Americans everyday. On average, every American produces as much as 120 gallons per day of sewage which is typically treated through a lagoon. Unlike livestock lagoons however, the effluent from municipal lagoons may be discharged into streams and rivers, even though treatment does not remove all nutrients. And, while it is illegal in many states to build a livestock lagoon in a flood plain, many municipal lagoons are located in flood plains near rivers and are subject to discharge during times of heavy precipitation or flooding. For example, more than 200 municipal lagoons malfunctioned or discharged in North Carolina because of heavy rains and flooding caused by hurricanes in 1996. That was ten times the number of livestock lagoons which malfunctioned, even though there are only one-tenth as many municipal lagoons in that state. Apart from discharges caused by natural disasters, some municipal lagoons receive permission to discharge hundreds of millions of gallons of raw human sewage into streams during times when treatment equipment is being repaired.

The reality is pork producers in every major pork production state are currently subject to detailed regulation and are leading the nationwide effort to develop additional, science-based regulations. Pork producers were full participants in the ground-breaking National Environmental Dialogue on Pork Production, sponsored by America's Clean Water Foundation, which developed a comprehensive framework of proposed regulations for use by legislators and regulators at all levels.

The reality is pork producers have voluntarily led the agriculture industry in development of environmental education programs to help producers effectively manage manure for protection of the

environment and the best utilization of manure's fertilizer value. These programs include: 1) the Environmental Assurance Program, a continuing education initiative which has reached 12,000 pork producers with intense environmental management workshops; 2) the On Farm Odor/Environmental Management Assistance program, an innovative initiative which will provide trained engineers/technicians to conduct on-site assessments of a producer's operation and odor and environmental management; 3) the Odor Solutions Initiative, a \$3.5 million program to identify and scientifically test the best technological odor solutions being developed today. Pork producers share the concern of all citizens for the protection of our natural resources are committed to the best management of their pork operations.

The following Manure Resources Facts document has been compiled to add needed perspective to the present discussion about environmental impacts from pork production.

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Manure Resource Facts

Claim: A hog produces two to four times as much waste as a human being.

Reality:

1. A typical finishing pig produces an average of 1.2 gallons of manure each day, a total of 438 gallons of manure each year. At an average rate of 0.05 pounds of nitrogen per gallon, that's only about 21 pounds of nitrogen₆. In total, pork production accounts for only 12 to 15 percent of all livestock manure in the United States₁.
2. A city of a half million people produces nearly 50 million pounds of nitrogen in its waste stream. That's almost 100 pounds of nitrogen per person; enough nitrogen to fertilize more than a quarter of million acres of corn at 150 bushels per acre. The natural gas used to produce this amount of fertilizer could heat a city of nearly 16,000 homes in Minnesota all year long₉.
3. Manure from pigs in a concentrated feeding operation must be totally contained at the site and then land applied to crops in a way that does not enter surface or groundwater. A municipal waste water lagoon treats human sewage, but does not remove all nutrients or other contaminants, and then legally discharges it into a nearby stream or other surface water. Changes in waste water treatment facilities in recent decades have changed the form of nitrogen in sewage effluent from ammonia to nitrate, however this does not change the total amount of nitrogen in the effluent and may not resolve the problem of eutrophication₃.

Claim: More than five tons of livestock manure (all species) is produced each year for every person in the United States, compared to 80 pounds of solid human waste (sewage sludge).

Reality:

1. In the United States today, crop usage of nitrogen fertilizer far exceeds all the nitrogen produced in all livestock manure combined. In fact, each year crop farmers apply more nitrogen from manufactured fertilizer, more than 10 million tons, compared to nitrogen from all livestock manure combined, about 8.3 million tons. Almost two-thirds of all livestock manure is produced by cattle, and of that amount, approximately two-thirds is excreted by cattle on pastures and rangelands which is uncollectable but which improves the productivity of grazing land₁.

2. All swine manure, solid and liquid, applied at agronomic rates, would supply only about one-eighth of the nitrogen needs of the nation's corn crop. This does not account for the nitrogen needs of all other row crops, forages and pastures¹.
3. The U.S. Geologic Survey estimates 3.2 million tons of nitrogen are deposited from atmospheric sources, 90 percent of which is from industrial fuel combustion, electric utilities and transportation sources including cars, trucks and buses².
4. Per capita volume of municipal waste water in some systems can average up to 120 gallons per day that must be treated in municipal treatment systems¹⁶. While lagoon treatment removes much of the nutrients present, it does not remove all of them. What remains is usually discharged legally in a nearby stream or other surface water⁹.
5. Records from the North Carolina Department of Water Quality show that one medium sized city in that state legally discharged in one year effluent containing 558,428 pounds of nitrogen. This equates to 2,792 tons of 10-10-10 fertilizer legally dumped into the Cape Fear River⁷. This would be the equivalent of all the nitrogen produced by 25,000 head of market hogs⁶. Discharging any of these manure nutrients into a stream is illegal for this size of pork operation.
6. Nationwide, U.S. Geologic Survey data indicates municipal and industrial sewage treatment plants discharge 3.2 billion pounds of nitrogen into surface waters each year⁴.
7. EPA projects that by the year 2000, generation of municipal biosolids (sewage sludge) will double, to 30 billion pounds, compared to 1990. Nationwide, only about 20 percent of these types of municipal byproducts and residues are recycled. The majority are incinerated or placed in landfills¹.
8. Livestock manure is a natural, sustainable source of fertilizer that has been used safely and effectively for crop production for centuries.

Claim: A 2.5 million head per year swine operation has a potential waste output greater than the city of Los Angeles.

Reality:

1. Population equivalents are sometimes used to characterize the potential for animal production systems to create water pollution problems. This is incorrect since modern manure handling systems are designed, operated and required to prevent discharge into water bodies¹. A concentrated pork production operation of this size is subject to Clean Water Act requirements that all manure be contained at the site in a manner that does not contaminate surface or ground water. Additionally, any manure which is land applied from such a site must be applied in a manner that does not contaminate surface or groundwater.
2. Here's how humans and pigs compare when they are compared on an equivalent pollutant mass loading basis for nitrogen, phosphorus and BOD (biological oxygen demand). A 3,600 head pig finishing operation is equivalent to 270 people for BOD, 1,580 people for nitrogen and 2,150 people for phosphorus¹⁶.
3. City waste treatment facilities are typically permitted to discharge millions of gallons of nutrient laden effluent streams or other surface waters which contributes to contamination of the surface water and wastes the nutrient resources. Only about 20 percent of all municipal byproducts and residues are recycled¹. A 2.5 million head pork operation can provide enough nitrogen fertilizer for 335,000 acres of corn, in addition to providing enough pork for more than five million people⁹. Nationwide, the value of swine manure as fertilizer is estimated at

\$2.50 to \$3.50 per market hog sold₁.

4. The United States has approximately 330 million acres of cropland and 650 million acres of pasture and rangeland. This provides an ample base for land application of livestock manure. In only a limited number of counties nationwide does the supply of animal manure greatly exceed the cropland (not including pasture and rangeland) available for manure use₁.

Claim: Manure can pollute drinking and surface water with nitrates, parasites, bacteria and viruses.

Reality:

1. The most common cause of bacterial problems in drinking water wells is well deterioration. Many people use old wells; some were poorly constructed to begin with. In others, age has taken its toll, resulting in loose or missing caps, corroded or cracked casings, and other defects₁₃.
2. An evaluation of 29 polluted wells in Sampson County, North Carolina (the second largest pork production county in the U.S.) was conducted using isotope analysis developed by North Carolina State University. The analysis can determine differences between industrial, human or animal waste. The isotope analysis showed two-thirds of the 29 wells were contaminated with synthetic fertilizer. The rest had more than one source of contamination, including septic pollution and organic nitrogen. Animal waste was a minor influence in only two wells₁₄.
3. Manure stored in the anaerobic condition, which is associated with many concentrated animal feeding operations, does not contain nitrates₉.
4. Because of cropping schedules, weather and the need to avoid soil compaction, most land application of manure slurry takes place in the fall of the year. However, seasonal nitrate levels in Midwestern streams typically peak in spring as a result of the soil mineralization process which generates nitrate nitrogen and the fact that precipitation is higher in the spring₃. Several states mandate training and certification for pork producers and employees who apply manure fertilizer, but not manufactured fertilizer.
5. Phosphorus concentrations exceed stream limits recommended by the EPA in 75 percent of urban streams sampled but only 25 percent of agricultural streams sampled₃.
6. Concentrated swine feeding operations are required to completely contain all manure at the production site to prevent movement of nutrients and pathogens to surface or groundwater. Producers are also required to land apply manure in a manner that prevents contamination of surface or groundwater.
7. EPA defines a toxic substance as a chemical or mixture that may pose an unreasonable risk of injury to human health or the environment. Hazardous substances include those that present a threat because they are characteristically toxic, corrosive or chemically reactive. By definition, hog manure is neither toxic nor hazardous₁₁.
8. Elements in hog manure do not present a public health risk because all compounds occur naturally and none are released to the environment at concentrations detrimental to air quality₁₁.
9. The occurrence of toxic forms of pfiesteria is a complex process. Blooms in these dinoflagellate populations are responsible for the occurrence of "red tides" in coastal areas which are triggered by a combination of environmental factors, all of which must occur simultaneously. The factors include: 1) The presence of a large school of feeding fish. Large

schools of feeding fish produce fresh excrement, which appears to be the stimulus for transformation of the dinoflagellate into toxic forms. 2) A nutrient-enriched body of water with elevated levels of nitrogen and phosphorus. 3) Moderate salinity. These organisms are only known to exist in estuaries, where fresh and salt water mix, generally at the mouth of a freshwater river that empties into a marine environment¹⁵. While nationwide, pork production accounts for only 12-15% of all animal manure, the pork industry has taken the lead in developing manure management education programs and in seeking the development of science-based regulations to protect the environment.

10. The public is not at risk from any zoonotic diseases which are communicable among animals, particularly swine, and humans. Properly handled, stored and applied manure will not jeopardize the integrity of surface water. For concentrated pork operations, the discharge of manure into lakes, streams or other surface water bodies is strictly prohibited¹¹.

Claim: Inadequate waste management practices often lead to water pollution.

Reality:

1. In some major pork production states, up to 80 percent of manure slurry from concentrated pork production operations is now injected directly into the soil at the root zone. This practice preserves the valuable crop nutrients in manure, virtually eliminates odor and runoff potential and places the nutrients where crops can use them⁹. Hog manure is very valuable in restoring soil productivity and will bring soil back to a higher level of productivity than it had before because of the organic nutrient content.
2. A significant potential source of nutrients in ground and surface water is the use of private septic systems. It's estimated 66 million Americans rely on septic systems for waste treatment producing up to 45 gallons per person per day of waste water⁸.
3. On a per acre basis, a septic system's output can equate to application of total nitrogen of more than 700 pounds per acre, more than four times the amount typically applied from swine manure for corn production at 150 bushels per acre⁸.
4. Septic effluent is typically deposited in trenches 18 to 24 inches below the surface, well below the root zone of most crops.
5. Urban land use activities can increase the risk of groundwater contamination, even when agricultural sources of nitrogen are lacking. Groundwater nitrate concentration is high (median of 8.9 mg/L) in heavily populated areas like Long Island, New York, even though nitrogen loadings from commercial fertilizer, manure and atmospheric sources are low according to the U.S. Geologic Survey. Septic systems and cesspools have been a major source of nitrate in groundwater for years. Public supply wells in Nassau County were abandoned almost fifty years ago because of nitrate contamination. Residential fertilizer contributed the equivalent of 182 pounds of nitrogen per acre in that urban county according to USGS, enough nitrogen to raise more than 150 bushels of corn to the acre⁵.
6. U.S. Geologic Survey studies indicates nitrate levels in groundwater samples in the Northeastern United States increase significantly as population increases⁵.

Claim: Waste spills occur when earthen manure storage lagoons collapse, equipment breaks, or people make mistakes.

Reality:

Structural collapses are extremely rare occurrences in livestock lagoons. Annual or more frequent

operation inspections or construction-phase inspections are required by regulation in many leading pork production states like Iowa, North Carolina and Illinois. The National Environmental Dialogue on Pork Production recommends detailed recordkeeping by manure storage structure owners, and regular, periodic inspections of structures by appropriate regulatory agencies¹². Many state and local regulations prohibit the location of livestock lagoons in floodplains while many municipal lagoons are sited near streams and rivers which places them at additional risk for untreated sewage discharge during heavy precipitation events.

In 1996, North Carolina was hit with two hurricanes and a tropical storm. As a result, 68% of the municipal waste treatment systems in the state malfunctioned. Specifically, 122 systems reported the emergency discharge of 270 million gallons of raw sewage. Another 87 reported discharges of "unknown amounts." In contrast, only 22 swine manure lagoons, less than 1%, experienced some sort of discharge⁷.

Claim: There is little or no regulation of concentrated animal feeding operations.

Reality:

1. The pork industry is subject to a full array of federal, state and local environmental regulations. Areas of typical regulations include: groundwater, surface water and coastal water, air quality, manure handling and application, land and soil quality and land use¹¹.
2. The Clean Water Act Section 319 requires concentrated animal feeding operations to contain all manure at the operation and then land apply the manure in a way that prevents it from polluting surface or groundwater¹¹.
3. The EPA has delegated authority to carry out the Clean Water Act to state water quality regulatory agencies in 42 states. Region 6 is the exception where the states are under the direct jurisdiction of the EPA. In most major pork production states, these agencies have adopted much more detailed and stringent requirements which include specific manure nutrient management plans, structural design standards, construction and operation permits.
4. Pork producers were active participants in the historic National Environmental Dialogue on Pork Production, convened by America's Clean Water Foundation. The Dialogue produced a Comprehensive Environmental Framework for Pork Production Operations, a template of science-based recommendations for regulation of all key environmental issues related to pork production. Environmental issues covered include: manure nutrient plans and land application, permits, facility design standards, emergency action plans, water and air quality protection and facility setbacks¹².

Claim: Manure spills are on the increase in states like Iowa.

Reality:

In 1995, the Iowa Department of Natural Resources reported enforcement actions against 14 livestock operations. In 1996, 13 were reported. This equates to about 1 violation for every 8,000 livestock enterprises in the state¹⁰.

Claim: 35 million gallons of spilled animal waste killed 10 million fish in North Carolina in 1995.

Reality:

"Our fish kill numbers don't even approach that," was the response to that figure from Mark Hale of the North Carolina Environmental Services Branch. The largest single spill that year killed an

estimated 3,000 fish calculated using the accepted formula developed by the American Fisheries Society¹⁰.

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Conclusions

Livestock production is an important, but not the largest, source of nutrients such as nitrogen that are introduced into the environment in the United States. Human sewage, manufactured fertilizer, private septic systems, atmospheric deposition and residential fertilizer are all contributing factors to excess nutrients in surface and groundwater.

Modern pork production operations utilize manure storage and handling structures that safely contain manure at the production site. Swine manure from concentrated feeding operations is required to be land applied in a manner that does not cause surface or groundwater pollution. Pork producers continued to develop innovative methods, like soil injection, that effectively eliminate odor, dramatically reduce runoff potential and increase the plant availability of the valuable nutrients in manure.

Concentrated pork production operations are subject to comprehensive regulations at the federal, state and local level. Pork producers have taken the lead in working with EPA, state regulators and environmental organization in developing additional, science-based options for regulatory programs.

Pork producers have also led the agriculture industry in the development of environmental education and management training programs. More than 12,000 producers have completed an Environmental Assurance Program workshop which provides classroom training in key areas such as manure nutrient planning, land application, water and air quality, pollution prevention, recordkeeping and community relations.

Pork producers have also launched an innovative site evaluation program in which trained engineers/technicians make a detailed assessment of the odor and water quality management of a pork producer's operation and identify areas where problems exist or improvements can be made. This program, called the On Farm Odor/Environmental Assistance program will be launched nationwide in March, 1998.

Pork producers are committed to sound, science-based management of their operations. The pork industry will continue its effort to lead the pork industry around the world in environmental excellence.

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Highlights

Pork industry share of total U.S. animal manure production	12-15%
Percentage of total U.S. corn crop nitrogen need which could be supplied by the entire manure output of the pork industry	12.5%
Typical nitrogen output from a market hog	21 lbs/year
Typical nitrogen output from a person served by a municipal waste water treatment facility	98 lbs/year
Combined nitrogen placed into the environment	29.6 billion lbs/year

from manufactured fertilizer, atmospheric deposition and municipal sewage treatment

Total nitrogen introduced into the environment from all animal manure	16.6 billion lbs/year
Percent of North Carolina municipal waste treatment facilities which discharged raw sewage during the 1996 hurricane season	68% or 122 facilities with known discharge volumes and 87 which discharged "unknown amounts"
Percent of North Carolina livestock lagoons which had discharges during the 1996 hurricane season	0.5% or 22 facilities
Number of people equivalent to a 3,600 swine finishing operation in pollutant mass loading of BOD (biological oxygen demand)	270
Number of people equivalent to a 3,600 swine finishing operation in pollutant mass loading of nitrogen	1,580
Number of people equivalent to 3,600 head swine finishing operation in pollutant mass loading of phosphorous	2,150

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Sources

1. USDA Agricultural Research Service: Conservation Research Report Number 44, January 1998; Agricultural Uses of Municipal, Animal, and Industrial Byproducts.
2. United States Department of the Interior U.S. Geologic Survey; Nonpoint and Point Sources of Nitrogen in Major Watersheds of the United States.
3. United States Department of the Interior U.S. Geologic Survey: Nutrients in the Nation's Waters: Identifying Problems and Progress.
4. United States Department of the Interior U.S. Geologic Survey: Nutrients in the Nation's Waters: Too Much of a Good Thing?
5. United States Department of the Interior U.S. Geologic Survey: Risk of Nitrate in Groundwaters of the United States-A National Perspective.
6. Iowa State University Extension Publication PM-1599: Land Application for Effective Manure Nutrient Management.
7. Journal of Soil and Water Conservation, September-October 1997, Volume 52, Number 5
8. Performance and Costs of On-Site Recirculating Sand Filters, Bruen, M.G. and R.J. Piluk, American Society of Agricultural Engineers
9. Baumgartner Environics, Inc. 2510 West Lincoln Ave. Olivia, Minnesota 56277
10. Iowa Farm Bureau Spokesman, January 17, 1998 issue.

11. National Pork Producers Council: Most Commonly Asked Questions About Pork Production and the Environment.
12. America's Clean Water Foundation: Comprehensive Environmental Framework for Pork Production Operations.
13. Iowa State University Extension Publication PM 1329: Coping With Contaminated Wells.
14. Hogs Today, October 1997 issue.
15. The University of Iowa Hygienic Laboratory: Commonly Asked Public Health Questions-Pfiesteria piscicida.
16. Kimley-Horn Associates presentation to North Carolina Blue Ribbon Study Commission on Agricultural Waste: The Swine Industry and Water Quality.

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*A service of the National Pork Producers Council 
in cooperation with the National Pork Board.*

April 1998

DRAFT

**BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
VALLEY RIDGE MEETING ROOM
MONTICELLO, MINNESOTA
APRIL 22, 1998**

DRAFT

BOARD MEMBERS PRESENT: Kathleen Roer, Jim Anderson, Darrell Bruggman, Barb Cobb, Lee Coe, Jim Dahlvang, Ginny Imholte, Kelli Johnson, Paul Krabbenhoft, Dwain Otte, Rod Sando, Marv Tripp, Barb Uppgaard

BOARD MEMBERS ABSENT: Glenn Annexstad, Allan Oehlke, Peder Larson, Sharon Clark

OTHERS PRESENT: Franklin Denn, Minnesota Association of Townships (MAT)
Mark Dittrich, Department of Agriculture, attending on Sharon Clark's behalf
Kim Benson-Johnson, Department of Health

STAFF PRESENT: Ron Harnack, Susan Tsakakis, Doug Thomas, John Jaschke, Phil Belfiori, Jeff Nielsen, Tom Schwanke, Jim Birkholz, Al Kean, Bruce Sandstrom, Ron Shelito, Marybeth Block, Mary Jo Anderson

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

Adopt Agenda - Chair Roer stated that an additional agenda item has been added to the preliminary agenda - Old Business, FY99 SWCD General Services Grant Allocation Policy. Moved by Barb Uppgaard, seconded by Ginny Imholte, to approve the agenda as presented with the additional item. Motion passed on a voice vote.

98-25

Minutes of March 25, 1998 - Chair Roer stated that the minutes of March 25, 1998, that were circulated were missing a few pages; the revised copies were distributed. Moved by Barb Uppgaard, seconded by Lee Coe, to approve the minutes of March 25, 1998, as circulated. Motion passed on a voice vote.

98-26

Reports

Chair's Report - Kathleen Roer reported that she's been attending the environmental cluster meetings. The last Environmental Quality Board (EQB) meeting was attended by Ron Harnack on Chair Roer's behalf. Chair Roer attended the metro subcommittee hearing for the proposed watershed district in the metro area. Chair Roer attended the RIM Advisory Committee meeting yesterday. The Conservation Reserve Enhancement Program (CREP) was discussed at the meeting, the application process for CREP opened on April 1st.

Executive Director's Report - Ron Harnack reported that the legislative session has adjourned. Ron reported that Washington County held a meeting to review what's happening in the county regarding a comprehensive basis for watershed districts and water management organizations (WMO). This meeting was an opportunity to share ideas, Barb Cobb attended and gave an update on her WMO.

Ron reported that a legislative audit was just finished auditing BWSR. They have spent the last month reviewing agency activities and looking over the previous audit to make sure things are in order. Ron and Chair Roer will meet with the legislative auditors on May 8. A copy of the legislative audit report will be distributed to board members.

Ron stated that the "Board Member Update" is in the board members' packet for their information. This publication is a tool for board members to be kept informed of staff activities.

Ron stated that the Minnesota River Joint Powers Board (MNRJPB) has been working on a grant to market CREP. Chair Roer stated that the RIM Advisory Committee formed a subcommittee to work on RIM funding and to raise awareness among legislators of the program's benefits. Ron stated that the implementation of RIM and CREP will reduce the sediment and phosphorus levels. Ron attended the Pheasants Forever annual meeting, they are excited about CREP. Pheasants Forever will be a significant partner in contributing to the cause. Ron reported that

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we're only six months away from having to have a biennial budget in place for the next legislative biennium. Ron thanked staff for their assistance throughout the legislative session.

Dispute Resolution Committee - Chair Roer, on behalf of Marv Tripp, stated that an appeal has been received from the DNR regarding an LGU decision in Scott County.

Education and Public Relations Committee - Barb Uppgaard reported that the committee has a draft education strategy which Susan Tsakakis will present to the board later in the meeting.

Cost-Share/Soil Conservation Committee - Dwain Otte stated that feedlot dollars is an issue, Ron will cover this later in the meeting.

Wetlands Committee - Darrell Bruggman reported that the wetlands committee met today, they will present their recommendation later in the meeting.

Agency Reports

Jim Anderson, Minnesota Extension Service (MES), reported that the MES/BWSR southern education position was offered to an individual, but the person declined the position. Jim met with Barb Luikkenon, Jim Birkholz and Bruce Sandstrom yesterday to discuss the southern education position as well as the metro education position. Both of these positions will be pursued and filled as soon as possible. Jim offered the assistance of MES on the CREP phosphorus issue. Jim reported that a nationwide satellite conference was held to discuss the process of issues and concerns for waste water treatment systems. MES will be providing information on the waste water systems as it becomes available.

Mark Dittrich, Department of Agriculture (MDA), reported that MDA is working with Doug Thomas on research and development of the educational portion of the agricultural drainage project. Mark reported that MDA is working with DNR on a wetland issue at the Waseca Agricultural Experiment Station. Mark reported that MDA received \$9 million for the Agricultural Best Management Practices loan fund. Mark stated that the ditch/drainage tile House File number is 3882.

Kelli Johnson, Department of Health (MDH), reported that staff from MDH and PCA have been meeting to discuss the deformed frog issue which is an ongoing activity. Kelli stated that MDH is involved in food safety issues, particularly irradiation of beef. She stated that Golden Plump will sponsor a grilled chicken food safety day on May 1. Kelli reported that the Food Code hearing will be held the first week of May. She wished everyone a "Happy Earth Day!"

Rod Sando, Department of Natural Resources (DNR), reported that DNR had a very successful bonding bill, the largest they have ever received! Rod reported that DNR received funding for

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new facilities in Windom and Tower. The Game and Fish Bill is in the special session which includes the fish stocking amendment and underwater video camera. Rod stated that snowmobile studs do an incredible amount of damage on state trails. Rod reported that the Environmental Quality Board (EQB) met, the feedlot Generic Environmental Impact Statement (GEIS) and drainage will be on the agenda. Rod stated that Lee Coe serves on the wolf round table. Lee stated that the wolf issue is controversial, the committee discussed the process and brainstormed issues. The next wolf committee meeting will be held in Ely at the wolf center. Lee stated that he looks forward to being a part of the wolf committee and the consensus process. Rod suggested that BWSR sponsor a round table for drainage. Some elements of the lakes initiative was funded for lakeshore conservation easements and no-net loss for public shoreline. Rod stated that the Devils Lake letter was signed by four agencies, he has received correspondence from North Dakota's governor and they are not happy. Rod said that an invitation has been received to tour that area, he suggested DNR, BWSR, and the Red River Basin Board tour the area and continue discussions on this issue. Rod stated that the Governor's office advised DNR of a transition package. Rod stated that he has received correspondence from the Center for American Experiment, a conservative think-tank. The Center for American Experiment wants to set up committees for evaluations of all state agencies, including boards, Rod is not in favor of this. Rod reported that the Red River mediation will start the first part of June, drainage and water management round table, he welcomed board members to attend and observe this process.

Marv Tripp arrived at the meeting at 10:25 a.m.

Committee Recommendations

City of Rosemount - Comprehensive Wetland Protection and Management Plan - Phil Belfiori gave a brief overview of the plan. Darrell Bruggman reported that the wetland committee has reviewed the City of Rosemount's Comprehensive Wetland Protection and Management Plan and recommends approval of the plan. Moved by Darrell Bruggman, seconded by Dwain Otte, to approve the City of Rosemount's Comprehensive Wetland Protection and Management Plan. Motion passed on a voice vote.

98-27**

Sand Hill River Watershed District and Buffalo Red River Watershed District Plan Revisions - Ginny Imholte reported that the plans were reviewed by the northern subcommittee and recommends approval; however, BWSR did not receive DNR's comments on the Buffalo Red River Watershed District. Ginny stated that there has been an outstanding relationship between DNR and Buffalo Red River Watershed District. Moved by Ginny Imholte, seconded by Lee Coe, to approve the Sand Hill River Watershed District and Buffalo Red River Watershed District Plan Revisions. Motion passed on a voice vote.

98-28**

Chair Roer called for a break in the meeting at 10:35 a.m. The meeting reconvened at 10:50 a.m.

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New Business

BWSR Response to Tornado Damage - Jeff Nielsen distributed pictures of tornado destruction in Brown County. He also presented an aerial Global Positioning System (GPS) map showing the tornado route from Comfrey through Courtland on March 29, 1998. Jeff presented ideas where BWSR may be able to provide assistance to landowners, these suggested ideas would require a Governor's Executive Order. Discussion followed. Mark Dittrich stated that a hay-lift is scheduled for farmers today in the St. Peter area. Ron suggested that Option #9: Conservation practices, 100% cost-share assistance for repair of damaged Minnesota cost-share installed practices be limited to windbreaks. Option #10: Extend cost-share 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. Ron suggested that an extension of two construction seasons on existing cost-share program, allowing SWCDs and landowners to shift practices. Ron reported that DNR, NRCS, and BWSR will make recommendations. Moved by Dwain Otte, seconded by Marv Tripp, to approve the recommended Option #9 and Option #10. Moved by Rod Sando, seconded by Lee Coe, to amend the previous motion to include "uninsured losses." Motion passed on a voice vote to include the amendment. The motion states: Conservation practices - To allow SWCDs in the declared tornado disaster counties to offer up to 100% cost-share assistance, for uninsured losses, to repair Minnesota cost-shared field windbreak practices damages by the tornado.

★★
98-29

★★
98-30

Extend the Cost-Share Program - To allow the SWCDs in the declared tornado disaster counties to extend landowner contract for FY96 and FY97 until June 30, 2000; to allow BWSR to extend the FY98 state contract with the SWCDs affected by the tornado to June 30, 2000, so they have more time to encumber funds. Motion passed on a voice vote.

Education Strategy - Susan Tsakakis stated that the BWSR Education Committee members include: Barb Uppgaard, chair; Jim Anderson, Paul Krabbenhoft, Ginny Imholte and Susan Tsakakis. Susan explained that when the legislature created 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: 1) the BWSR shall develop information and education programs; 2) the BWSR shall provide a forum; and 3) the BWSR shall facilitate communication and coordination. Susan gave an overview of the BWSR Education Strategy. Barb Uppgaard asked that board members review the education strategy and submit comments to Susan by May 6, for action on the document at the May board meeting. Discussion followed. There is a concern regarding "short-term" contracts with MES, it should be referred to as a "contract." Chair Roer stated that inter-agency coordination is needed on the education positions. Barb Cobb commended the committee on the education strategy. Barb Cobb stated that the MASWCD has three slots available for BWSR if interested in their "Leadership Training" program. Jim Birkholz stated that BWSR does have a training team, which is listed in the board member handbook. Chair Roer commended the committee on the education strategy. Barb

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Uppgaard commended Susan and Jim for their efforts on the education strategy.

Board Member Handbook - Marybeth Block presented the "Board Member Administrative Handbook." She thanked Mary Jo Anderson, Susan Tsakakis and Jim Birkholz for their assistance in compiling the handbook. Mary Jo will update the handbook every six months, revisions will be distributed in January and July. The administrative procedures section differs somewhat from the staff handbook. Chair Roer stated that this is work in progress, if board members would like additional inclusions contact the Chair or Marybeth. Ginny Imholte gave a special thanks, it's a much appreciated handbook.

Legislative Wrap-Up - Ron Harnack summarized the key elements of the Environment and Agricultural Supplemental Bill and the Capital Budget Bill. Ron commended Doug Thomas for his assistance this year during the legislative session; much of the success of this session is due to Doug's efforts. Chair Roer thanked Ron and Doug, Greg Larson and Jim Birkholz for their efforts during the legislative session. Chair Roer stated that if board members would like to be kept more updated during the legislative session, they can receive a subscription to the House "Session Weekly" and Senate "Briefly" or can be directly connected on the internet, which has everything listed.

Old Business

- ****
98-31 FY99 SWCD General Services Grant Allocation Policy - Moved by Ginny Imholte, seconded by Lee Coe, to take the item off the table. Motion passed on a voice vote. Dwain Otte reported on the Cost-Share Committee's discussions. BWSR has the responsibility to show the leadership in building district capacity with the general services grants. It was the intent of the committee to go on record that future appropriations should not be allocated equally. Moved by Ginny Imholte, seconded by Lee Coe, to amend the original motion to read "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 necessarily" be divided equally among the 91 SWCDs." For FY99, all SWCDs will each receive about \$20,165. Motion passed on a voice vote.

Advisory Comments

Franklin Denn, Minnesota Association of Townships (MAT), welcomed the board to Ostego. Franklin mentioned the items of interest in the area: MNDOT project, floodprone area, pelicans are returning to the area, nuclear plant in Monticello keeps the Mississippi River open which keeps the river open to geese and swans. Franklin stated that land use planning and water planning need to be addressed as they go hand-in-hand. MAT anticipates a busy summer, most of their time and money is spent on training.

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Vern Wilker asked Barb Cobb to thank Ron Shelito and Dwain Otte for attending the NACD Washington, D.C. trip.

Upcoming Meetings

Chair Roer stated that the next BWSR meeting is May 27 in St. Paul.

Ron Harnack reported that the BWSR has received an invitation from the Snake River Joint Powers Board to hold its summer tour (June) in their area. Also, an invitation has been received to hold the BWSR fall tour (October) in the Whitewater Watershed District.

The NACD North Central meeting will be held in Minnesota in October.

Chair Roer adjourned the meeting at 12:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Kathleen Roer', written in dark ink.

Kathleen Roer, Chair

**Re: City of Rosemount
 Comprehensive Wetland Protection and Management Plan**

WHEREAS, the City of Rosemount's Comprehensive Local Wetland Management Plan (hereafter, "the Plan") was submitted to the Board of Water and Soil Resources (BWSR) on March 5, 1998 and the City anticipates official adoption of the Wetland Management Plan at the City Council Meeting on June 23, 1998; and,

WHEREAS, the City of Rosemount is one of the fastest growing communities in the State with an increase of 10,000 new households projected over the next 25 years, tripling the current population; and,

WHEREAS, the Plan concentrates on an inventory and setting long range management goals for the over 400 wetlands in the City (not including those along the Mississippi River shoreline). Each wetland was evaluated using the Rosemount Wetland Functional Assessment which assigned a quantitative functional score for eight benefits based on local importance; and,

WHEREAS, the Plan utilized an active citizen and agency Wetland Taskforce Committee in drafting assessment methodology and management strategies. The Plan has been developed with the goal of providing clear guidance for future decisions concerning wetlands in the City. The Plan also integrates the wetland management categories to the other aspects of municipal surface water planning and protection; and,

WHEREAS, staff from the Minnesota Department of Natural Resources, Dakota County Soil and Water Conservation District as well as the Minnesota Board of Water and Soil Resources (BWSR) provided significant contributions to the planning process. Staff from the Minnesota Pollution Control Agency also participated in planning meetings. Rosemount incorporated all agency comments into the Plan; and,

WHEREAS, initial comments from BWSR included the need for the quantitative functional assessment to identify consistent management categories, adding buffer monument standards in ordinance language, developing mitigation flexibility parameters and adding language on issuance of performance bonds as part of a wetland mitigation monitoring program. All initial BWSR staff comments were incorporated in the Plan. All requirements of WCA rule regarding noticing and plan content have been fulfilled. BWSR staff submitted no comments on the final Plan; and,

WHEREAS, 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. Critical to the Board's review of this plan, the Plan does not "roll back" protection for any wetlands as exists under state law, but rather 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.

NOW THEREFORE, in accordance with Minnesota Rules Chapter 8420.0650, Subp. 3, BWSR approves the Plan conditioned on the subsequent adoption into ordinance by the Rosemount City Council. The BWSR would like to formally commend the City of Rosemount for development of an outstanding and innovative Plan that incorporates a locally driven wetland inventory and assessment as well as integrates with the local, regional and state policies and programs.



Kathleen Roer, Chair

4/23/98
Date

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DRAFT

**BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
VALLEY RIDGE MEETING ROOM
MONTICELLO, MINNESOTA
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5: April 22

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BWSR Meeting Minutes
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Old Business

98-31 FY99 SWCD General Services Grant Allocation Policy - Dwain Otte stated that no rewording has been done. Dwain reported that MASWCD made a motion in January to equally distribute among the 91 SWCDs. Moved by Ginny Imholte, seconded by Lee Coe, to take the item off the table. Motion passed on a voice vote. The intent is to lead MASWCD to expend dollars in a different manner. BWSR will not divide equally in the future; MASWCD needs to come up with a formula. Moved by Ginny Imholte, seconded by Lee Coe, to amend the original motion to read 98-32 "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 necessarily" be divided equally among the 91 SWCDs." For FY99, all SWCDs will each receive about \$20,165. Motion passed on a voice vote.

Advisory Comments

Franklin Denn, Minnesota Association of Townships (MAT), welcomed the board to Ostego. Franklin mentioned the items of interest in the area: MNDOT project, floodprone area, pelicans are returning to the area, nuclear plant in Monticello keeps the Mississippi River open which keeps the river open to geese and swans. Franklin stated that land use planning and water planning need to be addressed as they go hand-in-hand. MAT anticipates a busy summer, most of their time and money is spent on training.

Dwain Otte reported on the Cost-share Committee discussions. BWSR has the responsibility to show the leadership in deciding district capacities with the general services grant. It was the intent of the committee to go on record that future appropriations should not be allocated equally.

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Vern Wilker asked Barb Cobb to thank Ron Shelito and Dwain Otte for attending the NACD Washington, D.C. trip.

Upcoming Meetings

Chair Roer stated that the next BWSR meeting is May 27 in St. Paul.

Ron Harnack reported that the BWSR has received an invitation from the Snake River Joint Powers Board to hold its summer tour (June) in their area. Also, an invitation has been received to hold the BWSR fall tour (October) in the Whitewater Watershed District.

The NACD North Central meeting will be held in Minnesota in October.

Chair Roer adjourned the meeting at 12:55 p.m.

Respectfully submitted,

Kathleen Roer, Chair

from the Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
Saint Paul, Minnesota 55107



PHONE: (612) 296-3767
FAX: (612) 297-5615

DATE: 4/28/98

Number of Pages Sent 8
(including this one)

To: Kathi Roer

From: Mary Jo Anderson
297-4290

Comments: Here are the draft minutes
from the April 22nd BWSL mtg.
Please review + edit. Thanks!

Transmission Problems: Call Joan (612) 296-3767

Mary Jo - Talk to Ron about
revisions, especially in Sando's
Report. Thanks! K.

DRAFT

**BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
VALLEY RIDGE MEETING ROOM
MONTICELLO, MINNESOTA
APRIL 22, 1998**

DRAFT

BOARD MEMBERS PRESENT: Kathleen Roer, Jim Anderson, Darrell Bruggman, Barb Cobb, Lee Coe, Jim Dahlvang, Ginny Imholte, Kelli Johnson, Paul Krabbenhoft, Dwain Otte, Rod Sando, Marv Tripp, Barb Uppgaard

BOARD MEMBERS ABSENT: Glenn Annexstad, Allan Oehlke, Peder Larson, Sharon Clark

OTHERS PRESENT: Franklin Denn, Minnesota Association of Townships (MAT)
Mark Dittrich, Department of Agriculture, attending on Sharon Clark's behalf
Kim Benson-Johnson, Department of Health

STAFF PRESENT: Ron Harnack, Susan Tsakakis, Doug Thomas, John Jaschke, Phil Belfiori, Jeff Nielsen, Tom Schwanke, Jim Birkholz, Al Kean, Bruce Sandstrom, Ron Shelito, Marybeth Block, Mary Jo Anderson

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

Adopt Agenda - Chair Roer stated that an additional agenda item has been added to the preliminary agenda - Old Business, FY99 SWCD General Services Grant Allocation Policy. Moved by Barb Uppgaard, seconded by Ginny Imholte, to approve the agenda as presented with the additional item. Motion passed on a voice vote.

Minutes of March 25, 1998 - Chair Roer stated that the minutes of March 25, 1998, that were circulated were missing a few pages; the revised copies were distributed. Moved by Barb Uppgaard, seconded by Lee Coe, to approve the minutes of March 25, 1998, as circulated. Motion passed on a voice vote.

Reports

Chair's Report - Kathleen Roer reported that she's been attending the environmental cluster meetings. The last Environmental Quality Board (EQB) meeting was attended by Ron Harnack on Chair Roer's behalf. Chair Roer attended the metro subcommittee hearing for the proposed watershed district in the metro area. Chair Roer attended the RIM Advisory Committee meeting yesterday. The Conservation Reserve Enhancement Program (CREP) was discussed at the meeting, the application process for CREP opened on April 1st.

Executive Director's Report - Ron Harnack reported that the legislative session has adjourned. Ron reported that Washington County held a meeting to review what's happening in the county regarding a comprehensive basis for watershed districts and water management organizations (WMO). This meeting was an opportunity to share ideas, Barb Cobb attended and gave an update on her WMO.

Ron reported that two legislative auditors have just finished auditing BWSR. They have spent the last month reviewing agency activities and looking over the previous audit to make sure things are in order. Ron and Chair Roer will meet with the legislative auditors on May 8. A copy of the legislative audit report will be distributed to board members.

Ron stated that the "Board Member Update" is in the board members' packet for their information. This publication is a tool for board members to be kept informed of staff activities.

Ron stated that the Minnesota River Joint Powers Board (MNRJPB) has been working on a grant to market CREP. Chair Roer stated that the RIM Advisory Committee formed a subcommittee to work on RIM funding and to ~~promote~~ the RIM program through legislators. Ron stated that with the implementation of RIM and CREP we plan to reduce the sediment and phosphorus levels each year but we need to get that message out. BWSR is working with PCA and the U of M to do this, Ron will distribute a status plan to board members. Ron attended the Pheasants

*among legislators
raise awareness of the program's benefits.*

BWSR Meeting Minutes**April 22, 1998****Page Three**

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Chair Roer adjourned the meeting at 12:55 p.m.

Respectfully submitted,

Kathleen Roer, Chair

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:

<u>FOR</u>	<u>AGAINST</u>	<u>OPTION</u>
37	77	1. <u>Withhold \$76,000</u> to establish a leadership training program-- then distribute the <u>remaining \$227,000 equally</u> among all 91 districts.
76	40	2. Distribute entire <u>\$303,000 equally</u> among all 91 districts.
32	77	3. Withhold \$76,000 for leadership program and distribute remaining on a fair and equitable but not necessarily equal formula.
35	86	4. Withhold 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.

~~may~~ / "not necessarily"

From: "Ronald Harnack" <Ronald.Harnack@bwsr.state.mn.us>
Organization: MN Board of Water & Soil Resources
To: Everyone at BWSR,
Date sent: Tue, 14 Apr 1998 09:18:15 +0600 CST
Subject: LEGISLATIVE WRAP-UP
Send reply to: ronald.harnack@bwsr.state.mn.us
Priority: normal

This session is over and it's almost time to start working on the biennial budget for 2000 and 2001. I feel we had a good session and I will try to summarize the key elements and provide some interpretation as appropriate.

Environment/Agr Supplemental Bill

This bill passed by a small margin. It was questionable as several procedural motions were offered to kill the bill. However in the end it did pass. BWSR's elements are as follows:

\$1,000,000 for feedlot cost-share. Priority to be given to counties conducting or having completed phase 2 or 3 feedlot inventories and those facilities that have been issued a violation citation. This amount is considered a base adjustment. We have had discussion on how to most efficiently get this \$'s out. Maybe extending the deadline for special projects to allow the 30 eligible counties to get thier applications modified to include feedlots under this grant and the capitol budget grant of \$1,000,000 would allow projects to move forward this summer. This was part of the feedlot comprmise. Wayne is looking into these options.

\$100,000 for living snow fences along public transportation systems, state, county, township, city. The expectation is that these \$'s would be used to match the nonfederal share of mitigation \$'s for placement of living snow fences. It appears that significant federal \$'s are going to be available. Jim L is working with the Living Snow Fence Task Force in development of implementation strategies. We should use these \$'s to maximize the federal match. However, we should be cautious of using this appropriation for state highway systems rather using it for local governemnt that do not have the available match. Jim Limmerman is lead working with Wayne Zelmer.

\$100,000 for grant to develop and consolidate current lake management guidebooks. There are several outdated documents publication, some

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CAPITAL BUDGET BILL

RIM/PWP

\$15,000,000 was appropriated for the program. Upto \$250,000 is available for a pilot flood storage easement program as part of a local flood damage reduction project. I vision this to be a pilot in the Red River Basin, as that is where the interest came from. As we presented the RIM program with CREP one half the appropriation would go to leveraging the federal \$'s; another \$2 million would go to match \$6 million in WRP; and remaining would be for other projects statewide. Upto \$1,000,000 can be used for technical and professional services. This will not be sufficient for the entire appropriation, however we will need to come back next year for any deficiency.

Local Road Replacement: \$2,750,000, for wetland restoration mitigation, credit purchasing etc for mitigating public road wetland fill or drainage. The allocation of metro and rural stays the same. However, we will be getting away from the approach used last year and pursuing more effiecient options. This may include credit purchases from existing banked wetlands, looking at a relationship with RIM wetland restoration, new wetland restorations, metro urban redevelopment projects and other metro restorations. Getting restorations or credits in all priority watersheds should be a focus. Up to \$400,000 can be used for technical and professional services. The technical and professional services of this will be integrated with that of RIM for more effective and efficient use of the \$'s.

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Area II: \$500,000 with a \$333,000 match. I don't feel that a lot of thought was given to the match, however there was a few comments that the match should be the same as DNR's (50-50). Since the Lazarus Creek was not specifically identified, and the amount for Lazarus Creek was not appropriated, none of these \$ will be available for that project unless: 1) Area II agrees to the remaining amount; 2) DNR issues a permit and then land acquisition \$s could be allowed. The original request included \$750,000 for road culvert downsizing and other projects including wetland restoration to address flood reduction. I feel that Area II should focus on those types of projects this year and spend as much as possible. If and when a DNR permit is issued for Lazarus Creek and if Area II still is committed to funding then approach the legislature for the \$'s next year. There was not much local legislative support for this project particularly on the House side. Locals need to do some work to get local legislative support for the project.

Quad Lakes \$300,000 see above comments.

NOTE: all the capital projects are required to be submitted to LCMR for their review and advisory recommendations 60 days prior to expenditure of \$'s. If you need any more information, Jim B is our LCMR liaison.

I feel we had a good year, although we had our tough times with the House members and committees. We need to look for opportunities to get House members of the environment and natural resources committee and members of the capital budget committee more informed of what we are doing with local government. Inviting them to tours, getting them copies of grant agreements, getting them involved in project promotions etc, would help.

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Now, next year!!!!!! 2000-2001 we will be looking for options to address a number of existing issues as well as discussing some ideas for new or enhancement of existing programs. Your input is always appreciated.

From: "Ronald Harnack" <Ronald.Harnack@bwsr.state.mn.us>
Organization: MN Board of Water & Soil Resources
To: Everyone at BWSR,
Date sent: Tue, 14 Apr 1998 09:18:15 +0600 CST
Subject: LEGISLATIVE WRAP-UP
Send reply to: ronald.harnack@bwsr.state.mn.us
Priority: normal

This session is over and it's almost time to start working on the biennial budget for 2000 and 2001. I feel we had a good session and I will try to summarize the key elements and provide some interpretation as appropriate.

Environment/Agr Supplemental Bill

This bill passed by a small margin. It was questionable as several procedural motions were offered to kill the bill. However in the end it did pass. BWSR's elements are as follows:

\$1,000,000 for feedlot cost-share. Priority to be given to counties conducting or having completed phase 2 or 3 feedlot inventories and those facilities that have been issued a violation citation. This amount is considered a base adjustment. We have had discussion on how to most efficiently get this \$'s out. Maybe extending the deadline for special projects to allow the 30 eligible counties to get thier applications modified to include feedlots under this grant and the capitol budget grant of \$1,000,000 would allow projects to move forward this summer. This was part of the feedlot compromise. Wayne is looking into these options.

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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.

limited to field windbreaks

* 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.

*expiring June, 1998, high priority practices
for uninsured losses -*

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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:

- 1) 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 septic?
- Outcomes: What outcomes are desirable? An increase in conservation tillage? Improved septic? 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.

BWSR Mini Assessment

April 1998

Current Strengths

(numbers in parentheses represent the number of times mentioned by different members)

1. Diversity – diversity of experience and perspective (12); expertise; well represented; come from different parts of the state with different persuasions (2); strong geographical representation (2); there seems to be no hierarchy - people are equal participants (2)
2. Agency involvement – concern when the agencies came on the board and had a vote, rethought and find it a good tool, we feel more included in what the agencies are doing, find we get more information as part of the board; strengthened the board, more information from the horse's mouth; provides an opportunity for people to work together; agencies as voting members; agency participation is a positive one, we have more in-depth discussions, more involved in the conversations, opening up more options
3. Board member involvement – the staff and board have unconditional respect for each other (2); board is interested in understanding what is really going on; dedicated to the process; care about what BWSR is set out to do; have a clear idea of the board's mission; as individuals people have taken the time to become informed and formulate ideas and opinions; strongest board we've ever had (4), members participate in meaningful ways; good communication skills of board members, free to speak their opinions
4. LGU connection – good liaison between state government and local government (2); openness and willingness to work cooperatively with the LGUs (4); knowledge and connection with local government

Current Weaknesses

1. Not enough information – don't get enough information on what's going on; sometimes it's hard to get our arms around an issue because we don't have enough information (3); need more information - sooner, especially when we are being asked to make a decision (2); agendas should not be changed unless there is an emergency, or there should be an effort to notify members when something is being added last minute, so that we can do the research necessary and have enough information to make an informed decision; new board members need more basic information
2. Unclear roles – don't know what our full authority is, what are our roles and responsibilities (3); don't always agree with the executive director's interpretation of what our roles are; need to find the balance between what staff should be doing vs. board responsibility; agenda is set too much by staff, not getting enough information about the operations, we know nothing about the budget or staffing or job responsibilities
3. Unclear focus – the board sometimes caves in to the wishes of the landowners; too many board members don't understand modern agriculture; some board members may be too strongly invested in the agriculture perspective
4. Participation – need to make sure the quiet people are heard

Future Threats

1. Shifting focus – watch out that we don't take on too much that shouldn't be part of BWSR - duplication of effort; do what we do well now, don't take on anything new (2)
2. Reorganization – mergers with other agencies, reorganizations (7); is DNR trying to control BWSR
3. Budget – limiting factor is our ability to get the budget to do the work that needs to be done (2); agency infrastructure (support systems) may not be keeping up with agency growth

Future Opportunities

1. Partnerships – continue creating partnerships between the state and local government; we need to continue working at becoming more inter-dependent; partnering with other governments, maintaining flexibility to change our involvement; continue to be a leader in collaboration; LGUs will continue to increase their importance over time
2. External communication – coordination of efforts with an education strategy; do some testing with the public before making decisions, get public input
3. BWSR vision – do what we do best, stay focused on soil and water; develop the state's water management strategy; consider soil conservation, nutrient management, drainage ditches - laws (2), lakes protection, small track forestry, timber management, harvest plans, clean river protection
4. Orientation – give new board members orientation and support

Issues Needing Discussion at the Retreat

- what do we want to accomplish; clear sense of short- and long-term goals; set a vision for BWSR's future
- we may need to work harder at public relations, let people know who we are, what we do
- team work, communication
- budget realities
- discussion on feedlot issues
- emphasis that board members should be conservation leaders in their communities