



Minnesota Board of Water and Soil Resources.
Minutes.

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August 1999

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
AUGUST 25, 1999**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Minutes of July 28, 1999

Reports

- Chair - Kathleen Roer
- Executive Director - Ron Harnack
- Dispute Resolution Committee - Glenn Annexstad
- Education and Public Relations - Paul Krabbenhoft
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee - Darrell Bruggman
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Agency Reports

- Jim Anderson, Minnesota Extension Service
- Pat Bloomgren, Department of Health
- Sharon Clark, Department of Agriculture
- Rod Massey, Pollution Control Agency
- Allen Garber, Department of Natural Resources

Committee Recommendations

1. Lower Minnesota River Watershed District Water Management Plan:
DECISION

New Business

1. Wild River Audubon Society v. City of Forest Lake, Appeal File 99-3 and
Chisago County v. City of Forest Lake, Appeal File 99-4: Jim Haertel -
DECISION
2. Hoek v. Murray SWCD, Appeal File 99-6: Jim Haertel - DECISION
3. Flood Storage Easements Pilot, Draft Proposal from Red Lake Watershed
District: Al Kean - DECISION

4. "Sharing the Heartland" Conference Update: Julie MacSwain, Minnesota Soil and Water Conservation Society Chapter - INFORMATION
5. National Envirothon Update: Susan Tsakakis - INFORMATION
6. FY00 NonPoint Engineering Assistance Base Grants: Al Kean - DECISION

Old Business

1. History of the Cost-Share Program: Greg Larson - INFORMATION

Advisory Comments

- Minnesota Association of Conservation District Employees (MACDE)
- Minnesota Association of Soil and Water Conservation Districts (MASWCD)
- Minnesota Association of Townships (MAT)
- Minnesota Association of Watershed Districts (MAWD)
- Natural Resources Conservation Service (NRCS)

Upcoming Meetings

- Next BWSR Tour and Meeting, September 22-23, 1999, St. Cloud

Adjourn



One West Water Street
Suite 200
St. Paul, MN 55107
(651) 296-3767
Fax (651) 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

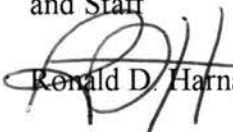
Box 267
1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
Fax (507) 537-6368

Metro Region:

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

DATE: August 13, 1999

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

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: August 25, 1999 BWSR Meeting

The Board of Water and Soil Resources will meet on Wednesday, August 25, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room at One West Water Street, St. Paul. The following information pertains to agenda items:

Committee Recommendation:

1. Lower Minnesota River Watershed District Water Management Plan: The Metro Water Planning Subcommittee met on August 5, 1999. The Lower Minnesota River Watershed District was represented by a board manager, their attorney, their engineering consultant and their administrator. The Watershed District made a presentation to the subcommittee, then the metro Region summarized the review of this second generation plan. The subcommittee unanimously recommends approval of the Lower Minnesota River Watershed District Water Management Plan per the attached draft Order. **DECISION**

Old Business

1. History of the Cost-Share Program: Greg Larson will make a presentation to the BWSR. **INFORMATION**

New Business

1. Wild River Audubon Society v. City of Forest Lake, Appeal File 99-3 and Chisago County v. City of Forest Lake, Appeal File 99-4: Both of these appeals are WCA appeals that involve the same decision, thus the two appeals were consolidated. The City of Forest Lake approved a wetland replacement plan application utilizing sequencing flexibility for the filling of 3.3 acres of wetland for a Cub Foods store. After reviewing written briefs, the Dispute Resolution Committee heard oral arguments on August 5, 1999. The DRC unanimously recommends remanding the matter to Forest Lake for further proceedings per the attached draft Order. **DECISION**

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New Business (continued)

2. Hoek v. Murray SWCD, Appeal File 99-6: This is a WCA appeal brought by board conservationist Tabor Hoek, as a member of the TEP. After a cease and desist order and a restoration order were served, the landowner submitted a replacement plan application. The TEP unanimously recommended denial since sequencing was not addressed. However, the Murray SWCD approved the replacement plan. After reviewing written briefs, the Dispute Resolution Committee heard oral arguments on August 5, 1999. The DRC unanimously recommends reversing the Murray SWCD decision per the attached draft Order. DECISION
3. Flood Storage Easements Pilot, Draft Proposal from Red Lake Watershed District: The Red Lake Watershed District is one of two watershed districts selected for the subject pilot. Chuck Fritz, recently hired administrator for the district, will present a pilot proposal based substantially on the proposal approved by the BWSR in April for the Wild Rice Watershed District. The Red Lake Watershed District proposal identifies the Thief River Subwatershed for a pilot project location. Site investigations are being coordinated with flood water storage alternatives for the State Ditch 83 (Thief River) project. The district proposes to keep the door open to a limited duration easement, if a potential project site requires low structural investment and a permanent easement is unacceptable to the landowner. If this situation arises, the Red Lake Watershed District, in cooperation with the project team, will propose a different payment system to the BWSR. DECISION
4. "Sharing the Heartland" Conference Update: Julie McSwain, USDA district conservationist at the Washington SWCD, will give an update on the conference, which is sponsored by BWSR. See attached. INFORMATION
5. National Envirothon Update: Susan Tsakakis will give an update. See attached. INFORMATION
6. FY 00 Non Point Engineering Assistance Grant: This is a noncompetitive annual grant allocated to the 11 SWCD Joint Powers Boards (JPBs). It is to be used by each JPB to employ an engineer and technician to help landowners to implement erosion control and water quality improvement practices. This allocation procedure is recommended to the BWSR by the Non Point engineering Assistance Committee. Please refer to the associated materials enclosed. DECISION

If you need additional information, please feel free to give me a call. I look forward to seeing you next week!

s:aug25not.wpd

**BOARD OF WATER AND SOIL RESOURCES
CONFERENCE ROOM, ONE WEST WATER STREET
ST. PAUL, MINNESOTA 55107
AUGUST 25, 1999**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Minutes of July 28, 1999

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- Cost-Share/Soil Conservation Committee - Dwain Otte
- Wetlands Committee
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Agency Reports

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- Allen Garber, Department of Natural Resources

Committee Recommendations

1. Lower Minnesota River Watershed District Water Management Plan: Phil Belfiori - DECISION

Old Business

1. History of the Cost-Share Program: Greg Larson - INFORMATION

New Business

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- Minnesota Association of Townships (MAT)
- Minnesota Association of Watershed Districts (MAWD)
- Natural Resources Conservation Service (NRCS)

Upcoming Meetings

- Next BWSR Tour and Meeting, September 22-23, 1999, St. Cloud

Adjourn

Committee Recommendation

- 1. Lower Minnesota River
Watershed District Water
Management Plan**

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

DRAFT

In the Matter of the review of the Watershed
Management Plan for the **Lower Minnesota River**
Watershed District pursuant to Minnesota Statutes
Section 103B.231, Subdivision 9

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The LMRWD was established by the Minnesota Water Resource Board in 1960. The original mission of the District was to aid and assist the State and Federal Government to provide for commercial River transportation. The cities within the District include Mendota Heights, Mendota, Lilydale, Eagan, Bloomington, Burnsville, Savage, Shakopee, Eden Prairie, Chanhassen, and Chaska, as well as Chaska, Jackson and Louisville Townships. In addition to the Minnesota River, water resource features in the District are Gun Club, Black Dog, Blue and Dean Lakes as well as Eagle Creek and the Savage Fen.
2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The LMRWD Plan focuses on four major management areas: commercial navigation, resource evaluation and management, project review and public information. The initiatives in the Plan are intended to be implemented without increasing the total District levy.
3. **Nature of the Watershed.** The Lower Minnesota River Watershed District (LMRWD)

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is approximately 64 square miles in size and includes parts of Carver, Scott, Hennepin, Dakota, and Ramsey Counties. Most of the central portion of this linear District is within the FEMA 100-year flood boundary with both the northern and southern bluff lines approaching fully-developed status with residential and industrial being the predominate land use.

4. **Local Review.** The LMRWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, prior to submittal to the Metropolitan Council.
5. **Metropolitan Council Review.** The Metropolitan Council provided written comment on the plan with recommended amendments. The Council's primary concerns were related to: 1) improving coordination with local governments, 2) lack of definition of the LMRWD role, and 3) confusion with water resource classification.

In its written response, The LMRWD Managers stated that their past and future role meets requirements of State Law and the needs of the local units of government. The Plan includes detailed logistics of implementing the Joint Resolutions and coordinating development review with local governments. The Plan includes a water resource classification system to consider local variation and special trout stream ecosystems.

6. **Department of Agriculture Review.** The MDA did not provide comments on the LMRWD PLAN.
7. **Department of Health Review.** The MDH did not provide comments on the LMRWD PLAN.
8. **Department of Natural Resources Review.** The primary comments or recommendations stated by the DNR were that: 1) the LMRWD should consider becoming a special purpose district for navigation, 2) the Plan should include more information on permitting authority and development review process, and 3) the LMRWD should become more involved in metro trout stream issues. In response, the Plan has been modified to add language on future District flexibility on boundary issues, implementing the Joint Resolutions, and future resource management plans for trout streams.
9. **Pollution Control Agency Review.** The primary suggestions and informational comments stated by MPCA were the need to: 1) list the primary accomplishment and objectives, 2) address interagency communication, 3) develop priority water bodies and 4) involve the citizen advisory committee. In response, the LMRWD has modified the Plan to incorporate a list of past accomplishments, a program for assessing special natural resources, and policies encouraging the CAC to be actively involved.

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10. **Board Review.** On June 23, 1999, the LMRWD submitted the final watershed management Plan which addressed agency comments. The LMRWD final Plan also addressed the necessary conditions defined by the concerns raised at the March, 1999 special meeting and in the final BWSR review letter dated May 14, 1999. The Plan does substantially comply with Minnesota Rules 8410 and the fundamental planning expectations articulated by BWSR.

A summary of the Plan was presented to the Board metro water planning subcommittee on August 5, 1999. The Board metro water planning subcommittee recommends approval of the LMRWD Watershed Management Plan. The subcommittee also directs the LMRWD to amend the Watershed Management Plan by the end of 2002 to address the results of the Scott and Carver counties water plans, coordination with substantial public and non-profit efforts in the Valley, and the District's resource management plans developed in 1999, 2000 and 2001.

11. **Highlights of the Plan.** The critical elements included in the Plan are:
 - a. Definition of specific projects/actions, responsible party and set time line,
 - b. Prioritization of priority resources with initiation of monitoring and assessment,
 - c. Concise implementation section with identified problems and activities,
 - d. Flexibility in upcoming County-wide governance and boundary discussions.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Lower Minnesota River Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9 and 103D.405.
3. The Lower Minnesota River Watershed District Plan attached to this Order defines water and water-related problems within the LMRWD boundaries, possible solutions thereto, general objectives and policies of the LMRWD, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251 and 103D.405.

ORDER

The Board hereby approves the attached Plan dated June, 1999 as the Watershed Management Plan for the Lower Minnesota River Watershed District.

Further, the Board directs the LMRWD to amend the Watershed Management Plan by the end of 2002 to address the results of the Scott and Carver counties water plans, coordination with substantial public and non-profit efforts in the Valley, and the District's resource management plans developed in 1999, 2000 and 2001.

Dated at Saint Paul, Minnesota this 25th day of August, 1999.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Kathleen M. Roer, Chair

Old Business

1. History of the Cost-Share Program

State cost-share program funding was increased by the 1999 Legislature and the BWSR has subsequently discussed revising the formula that is the basis for most of the cost-share funding to SWCDs. As a background for additional discussion on cost-share funding to SWCDs, Greg Larson will provide a historical perspective on the state cost-share program and will give particular attention to the origin and use of a formula to determine allocations.

New Business

1. **Wild River Audubon Society v.
City of Forest Lake, Appeal File
99-3 and Chisago County v. City of
Forest Lake, Appeal File 99-4**

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Minnesota Board Of Water And Soil Resources

One West Water Street, Suite 200

St. Paul, Minnesota 55107

Wild River Audubon Society,
Appellant,

vs.

City of Forest Lake,
Respondent.

BWSR File No. 99-3

ORDER

Chisago County,
Appellant,

vs.

City of Forest Lake,
Respondent.

BWSR File No. 99-4

Wild River Audubon Society ("Audubon Society") and Chisago County appeal the April 26, 1999 decision of the City of Forest Lake ("City") to approve Wagner Corporation's ("Wagner") wetland replacement plan. The City approved the filling of 3.30 acres of wetlands. Wagner is developing a new Cub Foods grocery store in Forest Lake for Supervalu, Inc. The City is the local government unit ("LGU") administering the Wetland Conservation Act ("WCA"). Audubon Society and Chisago County brought their appeals to the Board of Water and Soil Resources ("BWSR") pursuant to Minn. Stat. § 103G.2242, subd. 9 (1998). We consolidated the appeals into this single action.

On August 5, 1999, the Dispute Resolution Committee ("DRC") of BWSR heard oral arguments and considered written memoranda. DRC members Barbara Cobb, James Dahlvang, Allen Oehlke, and Kathleen Roer (Chair) were in attendance. A.W. Clapp, 19955 Quinnell Avenue North, Scandia, Minnesota 55073 appeared on behalf of Audubon Society. Alfred S. Alligero, Assistant County Attorney, Chisago County Attorney's Office, 313 North Main Street, Center City, Minnesota 55012-9663 appeared on behalf of Chisago County. David K. Hebert, City Attorney, Hebert, Welch & Humphreys, P.A., 20 North Lake Street, Suite 301, Forest Lake, Minnesota 55025 appeared on behalf of the City. Susan D. Steinwall, Fredrikson & Byron, P.A., 1100 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402 appeared on behalf of Wagner and Supervalu, Inc.

The attorneys for the parties agreed that the record before the City consisted of the following: Exhibits 1-123 and T1-T26, as identified on a document index provided by the City.

Following oral arguments, the DRC unanimously adopted a resolution recommending that the City's approval of the wetland replacement plan be remanded for further proceedings.

At its meeting on August 25, 1999, BWSR adopted a resolution to accept the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

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

ORDER

1. The April 26, 1999 decision of the City of Forest Lake approving a wetland replacement plan for Wagner Corporation is remanded for further proceedings consistent with this Order.

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

Dated: August 25, 1999

Board of Water and Soil Resources

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Its Chair

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MEMORANDUM

TIMELINESS.

The City and Wagner argue that the petitions for appeal of both Chisago County and Audubon Society were filed too late. Minnesota Statutes, Section 103G.2242, subdivision 9 (1998) requires that a petition for appeal must be mailed to BWSR within 15 days after the postmarked date of the notice of decision. BWSR's rules for the implementation of WCA provide a method for computing time periods of 15 days or less:

"Day" means working days when used in a time period of 15 days or less and calendar days when used in a time period greater than 15 days. The day of the event shall not be used in counting any period of time.

Minn. R. 8420.0110, subp. 12. Chisago County and Audubon Society mailed their petitions for appeal within 15 working days as provided by Minn. R. 8420.0110, subp. 12. The City and Wagner argue that the petitions were filed too late because they were not mailed within 15 calendar days and that Minn. R. 8420.0110, subp. 12 is inconsistent with Minn. Stat. § 645.15 (1998). This statute provides as follows:

Where the performance or doing of any act, duty, matter, payment, or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed and fixed by law, the time ... shall be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, that day shall be omitted from the computation.

Minn. Stat. § 645.15.

We find that the petitions for appeal were timely. BWSR's rule for calculation of time, Minn. R. 8420.0110, subp. 12, came into effect in 1993. At that time, the period for appeal of a replacement plan decision was 30 days. In 1996, the Legislature changed the appeal period from 30 days to 15 days. 1996 Minn. Laws ch. 462, § 31. The Legislature could have altered BWSR's rule for computation of time when it reduced the time for appeal, but it did not do

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so. Furthermore, our rule is complimentary to, rather than in conflict with, Minn. Stat. § 645.15. The statutory provision, Minn. Stat. § 645.15, addresses the first and last day of the period of time and what to do when the last day falls on a Saturday, Sunday, or legal holiday. By contrast, the rule provision, Minn. R. 8420.0110, subp. 12, addresses the computation of time when the period is 15 days or less. In an analogous circumstance, the Minnesota Court of Appeals upheld a rule of court for the computation of time when the period is less than seven days against a challenge that the rule was inconsistent with Minn. Stat. § 645.15. *See Springfield Farmers Elevator Co. v. State Bank of Springfield*, 360 N.W.2d 402, 403 (Minn. Ct. App. 1985).

STANDING.

The City and Wagner argue that Audubon Society lacks standing to appeal. Minnesota Statutes, Section 103G.2242, subd. 9 (1998) states that:

Appeal may be made by the wetland owner, by any of those to whom notice is required to be mailed under [Minnesota Statutes, Section 103G.2242,] subdivision 7, or by 100 residents of the county in which a majority of the wetland is located.

Minnesota Statutes, Section 103G.2242, subd. 7 provides that notice of replacement plan decision:

must be mailed to members of the technical evaluation panel, the applicant, *individual members of the public who request a copy*, the managers of the watershed district, if one exists, and the commissioner of natural resources.

(Emphasis added.) The City and Wagner argue that Audubon Society does not have standing because it does not fall within any of the categories described in subdivision 7. In particular, they argue that Audubon Society lacks standing because the City has no record of a request by Audubon Society to receive notice. Audubon Society maintains that it requested to be placed on the list for receiving notice by a letter to the City dated March 30, 1999 and has submitted an affidavit stating that the letter was mailed to the City on March 30, 1999.

Under the circumstances, we find that Audubon Society has standing because it requested notice even if the City has no record of this request. To avoid disputes like this in the future, however, Audubon Society and other members of the community wishing to be notified of WCA decisions would be well advised to submit their requests for notice by certified mail with return receipt requested, or make other efforts to make sure that their requests for notice have been received.

SEQUENCING FLEXIBILITY.

Chisago County and Audubon Society argue that the City improperly applied sequencing flexibility. Minnesota Rules 8420.0520, subpart 7a(A) provides as follows:

Sequencing flexibility cannot be implemented unless alternatives have been considered and unless the proposed replacement wetland is certain to provide equal or greater functions and public values as determined based on a functional assessment reviewed by the technical evaluation panel using a methodology approved by the board. The project sponsor must provide the necessary information and the local government unit must document the application of sequencing flexibility in the replacement plan approval.

Here, the City's findings merely state that "the City is accepting Sequencing Flexibility" and the Technical Evaluation Panel ("TEP") "supports Sequencing Flexibility." The City's findings include no evaluation of the alternatives. There is no finding that the proposed replacement wetland is certain to provide equal or greater functions and public values or statement of the City's reasoning. The record does not contain the required functional assessment of the replacement wetland and review thereof by the TEP. Furthermore, sequencing flexibility may only be applied if one or more of the specific conditions identified in Minn. R. 8420.0520, subp. 7a(B) are satisfied as determined by the LGU. From the record before us, it is impossible to determine which of the conditions the City found to be applicable.

Accordingly, this matter is remanded for further proceedings. On remand, Wagner must provide a functional assessment utilizing the Minnesota Routine Assessment Method for Evaluating Wetland Functions (MnRAM — Version 2.0) which is functional assessment methodology approved by BWSR. This functional assessment must be reviewed by TEP, and the record must

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include the report of the TEP. In its findings, the City must evaluate the alternatives presented by Wagner and determine whether the replacement wetland is certain to provide equal or greater functions and public values. Additionally, the City must make findings on the applicability of the conditions of Minn. R. 8420.0520, subp. 7a(B). The City must state reasons for its findings so that it would be possible upon review to determine the basis for the City's decision. The proceedings before the City should be recorded so that a verbatim transcript is available in the event of an appeal.

CHISAGO COUNTY DECISION.

Chisago County is the LGU with jurisdiction over the replacement site. The City should coordinate with Chisago County prior to the City's decision on remand. There is, however, no strict requirement under our rules for a final decision by Chisago County prior to the decision by the City. For wetland replacement plans involving more than one LGU, the decision by the LGU with jurisdiction for the impact site and the decision by the LGU with jurisdiction for the replacement site are independent and separately appealable. *See* Minn. R. 8420.0230, subp. 2. Before the project may proceed, the replacement plan must be approved by both jurisdictions. *Id.*

If the replacement plan approved by the LGU for the impact site and the replacement plan approved by the LGU for the replacement site are different, then one or the other of the LGUs would have to consider the matter again and make a decision consistent with the other LGU before the project could proceed. Coordination among the developer and the two LGUs should help to avoid the difficulties that would arise from the approval of two different replacement plans.

New Business

2. **Hoek v. Murray SWCD, Appeal
File 99-6**

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Minnesota Board Of Water And Soil Resources

One West Water Street, Suite 200
St. Paul, Minnesota 55107

BWSR File No. 99-6

In Re: Application of Stanley Clausen for a
Wetland Replacement Plan Before the Murray
Soil and Water Conservation District.

ORDER

This is an appeal of a wetland replacement plan submitted by Stanley Clausen ("Clausen") to the Murray Soil and Water Conservation District ("SWCD"). Clausen placed fill in a type 3 wetland bordering Lake Shetek in Murray County in violation of the Wetland Conservation Act ("WCA"). The fill placed in the wetland comprises an area of approximately 2,450 square feet. Clausen placed the fill as a part of his plan to build a garage on that location. On December 10, 1998, a cease and desist order was issued to Clausen by the Minnesota Department of Natural Resources ("DNR"). A restoration order followed on January 6, 1999. Clausen then applied to the SWCD for approval of an after-the-fact wetland replacement plan. The wetland replacement plan was approved by the SWCD on May 13, 1999. This appeal was brought by Taber Hoek ("Hoek") as a member of the Technical Evaluation Panel ("TEP"). Hoek is a board conservationist employed by the Minnesota Board of Water and Soil Resources ("BWSR").

On August 5, 1999, the Dispute Resolution Committee ("DRC") of BWSR heard oral arguments. David P. Iverson, Assistant Attorney General, Minnesota Attorney General's Office, 900 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2127 appeared on behalf of Hoek. Arvid Wendland, Wendland Timmerman, 825 East Second Street, Blue Earth, Minnesota 56013 appeared on behalf of the SWCD.

The attorneys for the parties agreed that the record before the SWCD consisted of Items 1-18, as identified in an index provided by the SWCD.

Following oral arguments, the DRC unanimously adopted a resolution recommending that the decision of the SWCD be reversed.

At its meeting on August 25, 1999, BWSR adopted the recommendation of the DRC and authorized the Chair of BWSR to issue this Order.

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

ORDER

1. The May 13, 1999 decision of the Murray Soil and Water Conservation District to approve a wetland replacement plan for Stanley Clausen is reversed.
2. The attached Memorandum is incorporated by reference and made a part of this Order.

Dated: August 25, 1999

Board of Water and Soil Resources

DRAFT

Its Chair

DRAFT

MEMORANDUM

The SWCD argues that Hoek has no standing to appeal. The SWCD argues that the right to appeal belongs to the TEP rather than any of its individual members. Furthermore, the SWCD objects that an appeal to BWSR by an individual member of the TEP who is a BWSR employee violates principles of due process and fairness. This issue has been resolved by a recent Court of Appeals decision. The Court of Appeals held that an individual BWSR employee who is a member of the TEP has standing to appeal. *RE: Board Order, Kells (BWSR) v. City of Rochester, File 98-5, No. C8-98-2419 (Minn. Ct. App. July 20, 1999).*

Hoek argues that the SWCD's decision should be reversed because Clausen and the SWCD failed to comply with the sequencing requirements of WCA. Clausen has an obligation to show that the wetland impact is unavoidable. Minn. R. 8420.0520, subp. 1.A (1997). Clausen is required to describe, at a minimum, two alternatives in addition to the proposed project that would avoid impact to the wetland. Minn. R. 8420.0520, subp. 3.C(1) (1997). The record reveals that Clausen failed to provide the detailed information on alternatives that could reasonably allow the SWCD to assess whether the wetland impact could be avoided. The TEP recommended to the SWCD that the wetland replacement plan not be approved because the application failed to include the required alternatives. Under the circumstances, the wetland replacement plan should not have been approved.

New Business

3. **Flood Storage Easements Pilot,
Draft Proposal from Red Lake
Watershed District**

Flood Storage Easement Pilot Project

A Proposal to:
The Minnesota Board of Water and Soil Resources

By:
The Red Lake Watershed District
102 Main Avenue North, P.O. Box 803
Thief River Falls, MN
58601

Monday, August 09, 1999

Introduction

The Red Lake Watershed District proposes to implement a flood storage easement pilot project in a manner substantially similar to the associated pilot proposed by the Wild Rice Watershed District¹.

Pilot Program Objectives

The primary objective of the pilot will be to alleviate flooding problems in the Thief River Subwatershed. The project will meet the requirements of the Red River Basin Flood Damage Reduction Work Group Agreement signed in December of 1998. Although this project will not be included in the formal mediation process, it will augment any flood mitigation alternatives developed by the Thief River Mediation Work Group.

The project and its development will also be used to determine a payment rate system for future easement projects and provide recommendations for future efforts of this type. Flood storage easements are recognized as one potential facet of a systems approach to water management in the Red Lake Watershed District. The pilot will provide invaluable information regarding implementation steps, successes and failures and facilitate future flood storage easement projects in the Red River Basin.

Red Lake Watershed District

The Red Lake Watershed District is located in the northeast corner of Minnesota. It is the state's largest organized watershed and includes all of Red Lake, most of Pennington and portions of Mahnomen, Polk, Itasca, Marshall, Clearwater, Beltrami, Roseau and Koochiching counties. The Red Lake Watershed encompasses approximately 6,000 square miles of land within the Red River Basin (Figure 1).

Project Location.

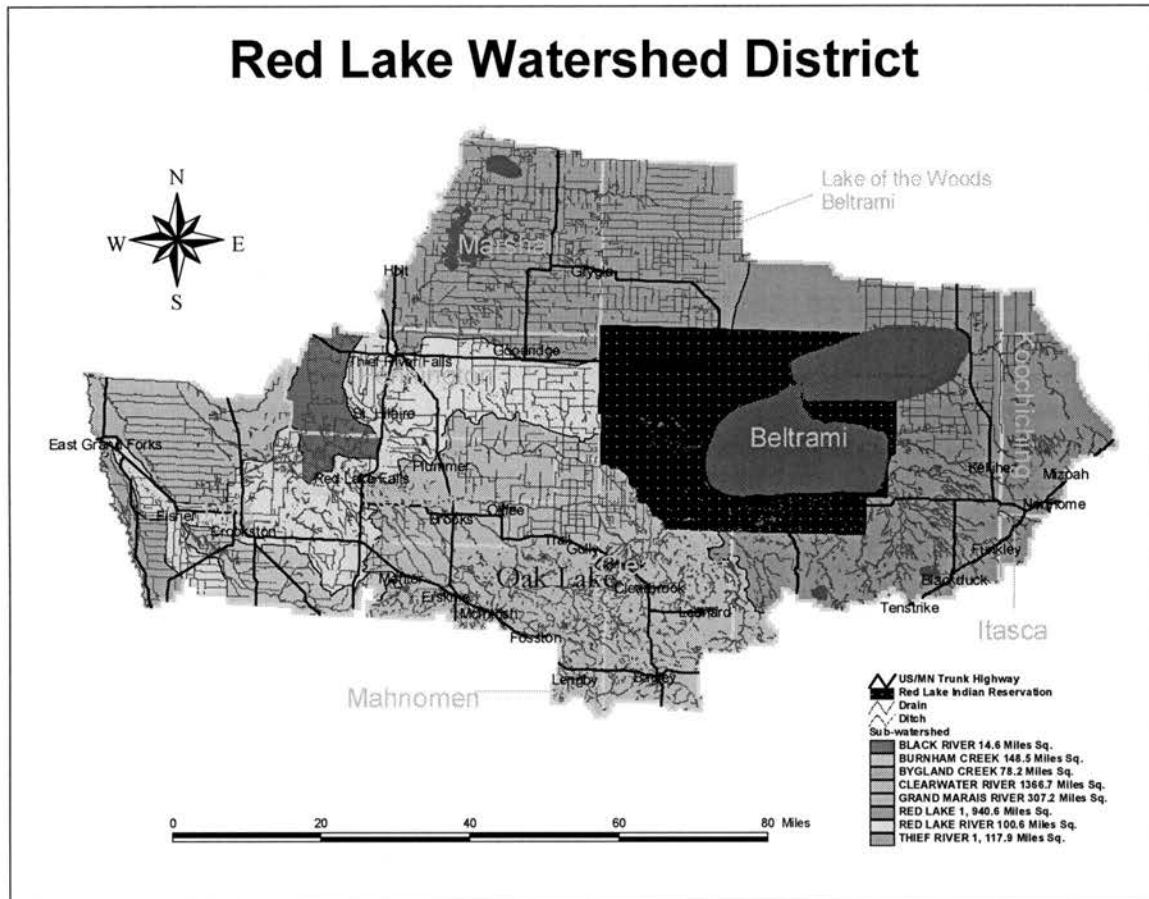
While the exact location of the project is not known at this time, the Red Lake Watershed District proposes to implement the pilot project in the Thief River Subwatershed (Figure 2). The Thief River watershed is one of 8 Subwatershed in the Red Lake Watershed District. Primary landuse throughout the watershed is agriculture. Flood events, some of enormous magnitude, are common in this watershed. Homes, outbuildings and infrastructure are affected. Many acres of productive cropland are inundated, preventing planting or destroying emerging crops in the spring. If crops do reach maturity, a relatively small summer or fall rain event often prevents harvest. Closer to the city of Thief River Falls, some residents along the Thief River have sandbagged their homes seven of the last 10 years.

The watershed district will focus project location on lands adjacent to State Ditch 83 (Thief River) and Marshall County Judicial Ditch 20; however there may be other areas

¹ Attached

in the watershed where ideal situations exist for a project of this nature. State ditch 83, is roughly a 14-mile stretch of the Thief River between Thief River Falls and Agassiz National Wildlife Refuge.

Figure 1. Red Lake Watershed District



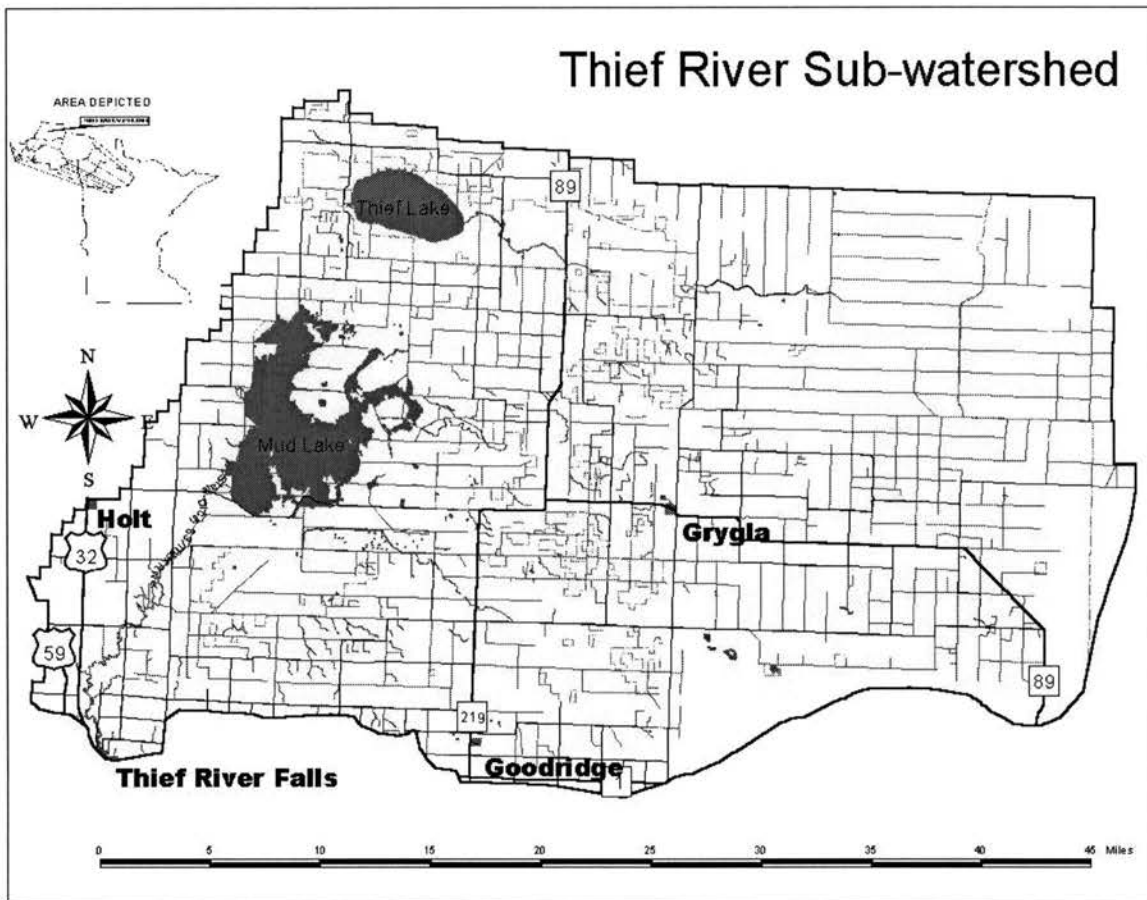
Watershed staff has already undertaken preliminary efforts to identify feasibility of sites located along Judicial Ditch 20 in Marshall County. Ditch 20 is believed to be one of the main contributors to flooding problems in the Thief River watershed. This includes alternative flood storage site identification for the State Ditch 83 Project.

Easement Duration

The Red Lake Watershed District proposes to incorporate easement duration provisions from The Wild Rice Watershed District's flood easement proposal. Every attempt will be made to acquire permanent easements.

The RLWD also acknowledges there may be situations where 20-year or shorter easements are ideal. The length of easement would depend on the landowners' willingness to enroll in the pilot, engineering and capitol investment required and the amount of storage the watershed will receive for the cost.

Figure 2. Thief River Subwatershed.



Easement Payment System.

The Red Lake Watershed District proposes a permanent easement payment system based on the Wild Rice Watershed District's Proposal. Costs will be split 75 percent state and 25 percent local. RLWD staff will negotiate the total easement length and purchase price. The state share of the permanent easement costs will not exceed 90 percent of the assessor's Township Average Market Value or assessed value of the easement lands.

The Red Lake Watershed District also believes there may be sites that require minimal capital investments and therefore merit shorter-term easements. For example, an ideal site requiring minimal investments for engineering and construction could have a 10 to 20-year easement. The payment rates for shorter-term easements would depend on cost-per-acre-foot of storage, amount of construction required, site location, post-project flood mitigation and length of easement. If a site is found where shorter-term easements are appropriate, the RLWD proposes to negotiate acceptable cost-share proportions with the BWSR.

FLOOD STORAGE EASEMENTS PILOT PROGRAM PROPOSAL FOR WILD RICE WATERSHED DISTRICT

EXECUTIVE SUMMARY

4-28-99, Al Kean, BWSR

A flood storage easement pilot program is proposed to be implemented within the Wild Rice Watershed District, in accordance with the pilot program appropriation language and the Red River Basin Flood Damage Reduction Work Group Agreement. The recently established Wild Rice Watershed Work Group will be a interdisciplinary resource and connection for the pilot project team. This proposal is specifically for a pilot in the Wild Rice Watershed District (WRWD) and recognizes the desire and need for policies, procedures and recommendations to be further developed as this pilot is implemented.

General Easement Location

Location in a subwatershed upstream from an area with known flooding problems is expected to be most effective. For this and other reasons, the beach ridge physiographic region within the WRWD is expected to be the most feasible general location.

Size of Project Envisioned

Dike heights would be limited to 5 feet, with provision for localized exceptions.

Easement Holder

The appropriation language allows, and it is proposed, that the BWSR provide a grant to the WRWD for their acquisition and holding of the easement. This will provide for efficiencies of easement acquisition and project maintenance.

Easement Duration

Permanent easements are recommended for this pilot, due to expected substantial investment in dikes, water control structures and other conservation practices, with provision for potential future project modification (including termination).

Land and Landowner Eligibility and Priority

Because the pilot program appropriation is tied to RIM Reserve, land and landowner eligibility would be the same as for RIM, with project site prioritization and program selection also considering the potential of individual sites to provide enhanced flood damage reduction or natural resource benefits.

Easement Payment System

The appropriation language allows, and it is proposed, to utilize an alternative payment system. The pilot project site will be designed in accordance with the bounce and drawdown duration recommendations of the Technical and Scientific Advisory Committee to the RRBWG to provide substantial biodiversity as well as flood damage reduction benefits. The associated

payment system will be 75% state and 25% local, up to the available state funding, and with the state share for the easement cost not to exceed 90% of the Assessor's Township Average Market Value or assessed value of the easement lands. The WRWD would negotiate a total price for the easement that reflects the WRWD and landowner motivations regarding the site.

Use of Options

The use of options is anticipated to secure a potential project site for analysis and design. Prudent efforts will be taken to use options for which the purchase price will apply toward the purchase of the easement.

Sources of Funding for Pilot

The pilot appropriation of \$250,000 will be split between the two selected LGUs (Wild Rice and Red Lake Watershed Districts). The DNR has committed \$20,000 each, to date, for the two pilot projects. The Red River Water Management Board (RRWMB) has been approached as another potential source of funding for the pilot projects and has indicated a need for specific information about expected flood damage reduction outcomes, costs and other funding sources for the projects before it can consider a funding contribution. Depending on the design and natural resource benefits of the project, other potential sources of funding may be sought. It might be workable to enroll part of a parcel of land in a flood storage easement and adjacent parts in another conservation program.

FLOOD STORAGE EASEMENTS PILOT PROGRAM PROPOSAL
FOR WILD RICE WATERSHED DISTRICT

4-28-99, Al Kean, BWSR

BACKGROUND

Appropriation Language Components

1. Up to \$250,000 of the fiscal year 1999-2000 appropriation for RIM and PWP programs can be used to acquire flood storage easements that allow haying, grazing, or other activities approved by the BWSR, and for the cost of constructing related dikes and other structures necessary to store flood water.
2. BWSR, in consultation with the commissioner of DNR, must select at least two LGUs to participate in the pilot, based on the potential and need for flood water storage in the local area. (Red Lake and Wild Rice Watershed Districts were selected.)
3. Up to 10% of the appropriation may be used for professional and technical services related to acquisition of the easements. (\$10,000 grants have been made to the Wild Rice and Red Lake Watershed Districts for this purpose)
4. Easements must be for at least 10 years.
5. BWSR may acquire easements directly or provide grants to LGUs for acquisition of easements that conform to requirements established by the BWSR.
6. Suggested a payment system that would provide a one-time easement payment of 18.75% of the assessor's township average market value (ATAMV) for agricultural lands and up to 75% of the total eligible costs to establish conservation practices, not to exceed an average of \$75 per acre, with provision for an alternative payment system determined by the BWSR, in consultation with DNR.
7. A report is required from the BWSR, in consultation with the DNR, to the legislature by January 15, 2000. The report must include an analysis of the benefit to expansion of the program in other areas of the state that are prone to flooding and of the adequacy of payments under the pilot program.

Pilot Program Objectives

Involved agency, organization and watershed district representatives have identified the following objectives for this pilot:

1. effective flood damage reduction using flood storage easements as a component of a systems approach;
2. dispersed flood water storage that manages runoff close to its source;
3. erosion reduction and water quality protection;
4. wildlife habitat improvement;
5. development of an effective local/state partnership;

6. determination of adequate payment rates and the potential to expand the program to other areas that are prone to flooding; and
7. development of recommendations for using "floodway" and controlled "off-channel" flood storage easements as part of a systems approach to flood damage reduction (potentially in combination with set-back levees and stream restoration, like the proposed Hay Creek project in the Roseau Watershed District). These types of easements would have flood damage reduction as the primary objective and presumably would allow cropping of the easement area. (If they didn't allow cropping, a regular RIM Reserve easement would work.) A payment system for these types of easements would need to consider the cropping rights and risks in addition to the flood damage reduction and natural resource benefits derived.

Relationship to the Red River Basin Flood Damage Reduction Work Group Agreement

The following flood damage reduction principles were agreed to by the Red River Basin Work Group (RRBWG):

1. Reduction of overland flooding is needed; any solution will probably require on-site and upstream solutions.
2. Water resource problems should not be passed along to others. A solution for a watershed should not create a problem upstream or downstream.
3. Water should be stored/managed as close to where it falls as is feasible and practical.
4. A systems approach should be used to manage the timing of flow contributions from multiple minor watersheds.
5. Projects should be consistent with comprehensive watershed management planning.
6. Project cost responsibilities should be negotiated project-by-project based on flood damage reduction and natural resource benefits.
7. The responsibility for mitigation of negative environmental and cultural impacts rests with the project proponent.
8. If costs are incurred in connection with a project to produce an environmental gain for the project as a whole, it may be appropriate for alternative sources of funding (in addition to project money) to be used for that gain.
9. Existing laws and procedures should be the basis for compensation to landowners adversely affected by a change in the existing condition.
10. Incentives should be developed to encourage landowners to voluntarily manage their land to achieve flood damage reduction and natural resource goals in order to avoid the need for additional regulatory controls.
11. A natural resource project should not exacerbate flooding.

The Technical and Scientific Advisory Committee assisting the RRBWG prepared several working papers that are pertinent to this pilot program, including:

Technical Paper #1: An Overview of the Impacts of Water Level Dynamics ("bounce") on Wetlands

Technical Paper #2: Small Wetlands Use for Stormwater Runoff Management in the Red River

- of the North Basin
- Technical Paper #3: The Effectiveness of Agricultural Best Management Practices for Runoff Management in the Red River Basin of Minnesota
- Technical Paper #4: Siting and Design of Impoundments for Flood Control in the Red River Basin
- Technical Paper #8 Integration of Flood Damage Reduction and Natural Resource Enhancement in the Red River Basin

Flood storage easements were identified by the RRBWG as one of the many structural and non-structural strategies that could be used to achieve flood damage reduction goals. In keeping with the RRBWG Agreement, a Wild Rice Watershed Work Group was recently established and will serve as a key watershed and interdisciplinary resource for the flood storage easement pilot project team.

Wild Rice Watershed District Setting (summarized from draft pilot proposal by Houston Engineering, Inc. and additional references, as indicated)

The Wild Rice Watershed District (WRWD) encompasses an area of approximately 2,080 square miles in Norman, Clay, Mahanomen, Becker, Clearwater and Polk counties, as shown on Figure 1. The primary rivers within the district are the Wild Rice River and Marsh River, which are tributary to the Red River of the North.

The WRWD can be characterized by three physiographic regions, as shown on Figure 2, with four major soils associations, as shown on Figure 3. The glacial lake plain region is characterized by very flat to gently sloping topography and fine textured clay soils with low permeability that are intensively farmed. The beach ridge region formed by Glacial Lake Agassiz is characterized by moderately steep slopes with medium to coarse textured soils generally having medium to high permeability, including clay loams, sandy loams, sand and gravel. The beach ridge region includes intensively farmed lands, as well as wetlands and sand and gravel mining. The glacial moraine region located easterly and above the beach ridge region is characterized by irregular topography with many depressions and moderately fine to moderately coarse textured soils that are poorly to well drained.

Approximately 68% of the WRWD is cultivated, 18% forested, 7% in pasture and 7% wetland and open water. Most of the intensively cultivated land is located in the lake plain and beach ridge physiographic regions. Between 1982 and 1992 within the Red River Basin in Minnesota (including the WRWD), approximately 100,000 acres of pasture was converted to cropland (Technical Paper #3 above).

KEY COMPONENTS OF PILOT PROPOSAL

Note that the following pilot proposal components are tailored to the flood storage easement pilot in the Wild Rice Watershed District. Somewhat different recommendations may be appropriate for the pilot in the Red Lake Watershed District and for a long-term flood storage easement program. A key purpose of these pilots is to learn from them -- i.e. to develop recommendations to the legislature and the parties involved in program implementation regarding the need for, scope and operation of a potential long-term program.

General Location of Pilot Project

In order to maximize the flood damage reduction benefits of a flood storage easement, it should be located in the upper reaches of a subwatershed where known flood damages occur a relatively short distance downstream. It is expected that the best general location for a pilot flood storage easement project in the WRWD is within the beach ridge physiographic region, for the following reasons:

1. topographic relief is significant, helping to minimize dike costs relative to the storage volume;
2. the existence of substantial CRP lands within this physiographic region increases the potential for contiguous conservation lands and the possibility of acquiring flood storage easements on lands with conservation cover already established;
3. the location is not far upstream from more productive and valuable cropland and would, therefore, help maximize the flood damage reduction for downstream cropland, as per the flood storage siting recommendations in Technical Papers #4 and #8; and
4. soils are generally less productive and more permeable than downstream, which helps minimize easement costs and maximize infiltration capacity.

Size of Project Envisioned

Applicable objectives of the pilot program and the RRBWG Agreement include: a) effective flood damage reduction, b) dispersed flood water storage and c) enhanced natural resources. The pilot project team expects that an associated reasonable maximum height of dikes constructed for a flood storage easement area is approximately 5 feet, with provision for localized exceptions subject to Wild Rice Watershed Work Group recommendations and BWSR and DNR approval. This dike height and expected storage volume would not require a dam safety permit. The most appropriate dike height will depend on the project site and the combination of flood damage reduction and natural resource enhancement goals selected. The Technical Papers listed above should provide assistance for developing the best design for the site selected.

Easement Holder

The appropriation language allows, and it is proposed, that the WRWD be the pilot flood storage easement holder. This will best enable local implementation and long-term operation and maintenance of the pilot project, in accordance with applicable watershed district authorities. A

perpetual grant agreement will be developed between the BWSR and WRWD, with assistance from the Attorney General's Office and WRWD legal counsel, that includes appropriate state technical and administrative approval of forms, procedures, etc.

Easement Duration

The WRWD and BWSR staff propose to secure a permanent easement for this pilot project, with provision for potential future project modification (including termination). A permanent easement is proposed because of the expected significant investment in structural works for flood water storage and long-term economic benefits to the WRWD and state of a permanent easement. Limited duration flood storage easements are not proposed for this pilot, but could be recommended for the Red Lake Watershed District pilot, or for a long-term program.

Land and Landowner Eligibility and Priority

Because the pilot program funding is tied to RIM Reserve, land and landowner eligibility would be the same as for RIM easements, with consideration of the goals of a systems approach to flood damage reduction and natural resource management. Program application to different lands should consider the flood damage reduction and natural resource management potential of individual sites. For example, it may not be most appropriate to put a flood storage easement on an existing wetland for which another conservation program could achieve substantially greater natural resource management benefits. The interdisciplinary Wild Rice Watershed Work Group, RRBWG agreement and associated project development process will assist the flood storage easement project team with this eligibility consideration.

It is proposed that up to 20% of the flood storage easement area could be above the maximum design flood storage pool elevation, in order to allow for buffering and squaring off of the easement area.

Existing RIM easements include provision for conservation plan modification that could include increased flood water storage. However, changing the primary focus of a RIM easement from natural resource benefits to flood damage reduction benefits could be problematic. Therefore, it is proposed that existing RIM easement lands would not be eligible for the pilot flood storage easement program. This is not expected to hamper pilot project implementation.

There are economic and marketing advantages to the WRWD and state from securing a flood storage easement on lands having an existing CRP contract, due to the existing conservation land use and cover. Although not allowed by current RIM statute, a bill to allow this is currently before the legislature. Water is an allowable cover on certain CRP lands, but it is not yet clear if the flooding durations and impacts on cover associated with a flood storage easement would be acceptable to the USDA (FSA and NRCS). Specific site evaluations are needed to help clarify this issue. Discussions with FSA staff are ongoing. Therefore, it is proposed that these issues be further investigated during implementation of a pilot project and recommendations made to the BWSR and DNR as soon as possible.

Piggybacking of a flood storage easement on lands with an existing CRP contract also raises issues regarding payments relative to the existing Conservation Reserve Enhancement Program in Minnesota. Currently, existing CRP contracts can be terminated without penalty (but ceasing of rental payments) if the land is enrolled in a state conservation easement. This may be the only viable approach to dealing with the eligibility of CRP lands within the pilot time frame.

Easement Payment System

The appropriation language envisions a short duration easement (minimum 10-yr.) with haying and grazing allowed that would have a state easement payment of 18.75% of the Assessor's Township Average Market Value (ATAMV) for tillable land. The language also provides for development of an alternative payment system and seeks an analysis of the adequacy of payments under the pilot program. The use of an alternative payment system is proposed for the following reasons:

- a) A state/watershed district partnership for funding flood storage easements is proposed, because of the local and state flood damage reduction and natural resource enhancement benefits expected, and the associated mutual leveraging of funds.
- b) The pilot flood storage easement(s) are expected to be most feasible and effective in the beach ridge physiographic region, where cropland predominates.
- c) Flood storage for flood damage reduction is most beneficial for summer storm events when crops are growing and can't survive a significant duration of flooding, and it's too late in the growing season to replant. The probability, timing and duration of ponded water in flood storage easement areas will greatly limit any potential for cropping of the easement area. Permanent vegetative cover within the flood storage easement area would also minimize soil erosion potential, reduce sedimentation within the flood storage area and provide for other natural resource benefits.
- d) Haying and grazing are not predominant existing land uses in the Red River Basin. Leaving these land use rights with landowners is expected to be of limited value to them. It might be more appropriate to purchase all cropping rights in order to increase natural resource benefits. This could be further investigated during the pilot by offering different payment rates with and without haying and grazing rights retained by the landowner.
- e) The costs for dikes and other structural works necessary to store water on easement areas are expected to be high enough, and the long-term benefits of flood storage great enough, that permanent easements are recommended.

It is necessary to define an easement payment system up front in order to move forward with this pilot and be able to work with landowners to identify and secure a pilot project easement area. In keeping with the recommendations of the RRBWG, its Technical and Scientific Advisory Committee and the source of the pilot program appropriation, the following easement payment system is proposed.

The flood storage easement area(s) will be designed in accordance with the following recommendations of the RRBWG Technical and Scientific Advisory Committee to provide flood water storage for growing season flood events and promote biodiversity:

<u>Summer Storm Event</u>	<u>Drawdown Period</u>	<u>Bounce</u>
100-yr.	90% in 14 days	> 2 ft.
10-yr.	90% in 10 days	2 ft.
2-yr.	90% in 3-5 days	< 1.5 ft.

The total costs of the pilot project will be split 75% state and 25% local, up to the available state funding, and with the state share for the easement cost not to exceed 90% of the Assessor's Township Average Market Value or assessed value of the easement lands.

The WRWD would negotiate a total price for the easement that reflects the WRWD and landowner motivations regarding the site.

Use of Options

The use of options is common to secure rights for potential future purchase of land rights. However, the purchaser of an option forfeits the cost of the option if it is not exercised within the agreed to time. In order to effectively utilize options for this pilot, it is proposed that options only be purchased after appropriate preliminary investigations indicate that a site has high potential for flood storage easement success (i.e. there is a low probability of not exercising the option). Option agreements should ensure that option payments apply toward the purchase of a flood storage easement when the option is exercised.

Sources of Funding for Pilot

The pilot appropriation of \$250,000 will be split between the two selected LGUs (Wild Rice and Red Lake Watershed Districts). The anticipated easement, construction and cover establishment costs for an effective demonstration project in the WRWD are expected to be more than the pilot appropriation and WRWD discretionary funding available. Therefore, other potential sources of funding for the pilot have been sought.

The DNR has committed \$20,000 each, to date, for the pilot projects in the Wild Rice and Red Lake Watershed Districts.

The Red River Water Management Board (RRWMB) has been approached as another potential source of funding for the pilot projects. The RRWMB has indicated a need for specific information about expected flood damage reduction outcomes, costs and other funding sources for the projects before it can consider a funding contribution.

Depending on the design and natural resource benefits of the project, other potential sources of funding may be sought. It might be workable to enroll part of a parcel of land in a flood storage easement and adjacent parts in another conservation program.

New Business

- 4. "Sharing the Heartland"
Conference Update**

SHARING THE HEARTLAND:

Practical Tools for Conserving Farmland and Natural Resources

October 29-30, 1999 • Radisson South • Bloomington, Minnesota

Conference rationale

Few issues will be of more importance as we enter the 21st century than how we use our limited land resources in Minnesota. Competition for land will continue to intensify as our population grows, and assuring a future that includes an adequate land resource base will require a proactive effort to save precious farmland and natural resources.

This conference is made possible by the generous support of 44 local, state and federal agencies, organizations, and other public and private entities who recognize the importance of providing local decision-makers with practical tools for "sharing the Heartland."

Conference goals

- ☐ **To recognize the benefits** of protecting farmland and natural resources
- ☐ **To provide local decision-makers with an understanding** of available tools, techniques and processes for protecting and conserving farmland and natural resources

Who should attend

- ☐ Local elected and appointed officials
- ☐ Local, state and federal agency staff
- ☐ Resource planners
- ☐ Organization representatives
- ☐ State legislators and staff
- ☐ Landowners
- ☐ Farmers
- ☐ Real estate professionals
- ☐ Conservationists and naturalists
- ☐ Other interested individuals

Conference schedule

Friday, October 29

9:00 AM-5:30 PM (reception follows)

Saturday, October 30

8:00 AM-1:00 PM

Conference outcomes

Conference attendees will leave with:

- ☐ **Practical information** on tools to help local decision-makers protect farmland and natural resources
- ☐ **Practical guidance** on how tools, techniques and processes can be used to help protect productive farmland and natural resources
- ☐ **Practical do's and don'ts** presented from real-life case study examples, including the why's and how's of successful efforts, as well as challenges faced and lessons learned
- ☐ **An expanded network** of people and organizations to communicate with on a continuing basis regarding the challenges of protecting farmland and natural resources

Registration

Registration forms: Complete conference program and registration forms will be available and distributed by early September. To be placed on the mailing list, email Julie MacSwain, NRCS District Conservationist, at julie.macswain@mn.usda.gov, or fax your request to 651-430-8306 (attention Julie MacSwain), or call 651-430-6818.

Registration fee: \$125 registration fee includes all Friday and Saturday conference sessions, program materials, five coffee breaks, Friday lunch and Friday evening reception with complimentary hors d'oeuvres. One-day registration will be available: \$90 for Friday only; \$45 for Saturday only.

For more information

Visit our Sharing the Heartland web site:

www.mn.nrcs.usda.gov

New Business

5. National Envirothon Update



National Envirothon update

Minnesota's Envirothon team from Rushford-Peterson (Fillmore County) took 5th place at the National Envirothon, July 27-31, in Arcata, California. The team competed against teams from 45 other states and provinces.

Minnesota's previous best showing at the National Envirothon-now called the Canon Envirothon after its main sponsor-was 7th place in 1994. Since then, Minnesota has come in anywhere from 10th to 30th. By moving into the top five, Minnesota has helped break the stranglehold that the east cost teams have held on the top spots since the event began in 1979.

Minnesota team members are Kristi Colbenson, Jess Highum, Chris Newgarden, Amanda Ziebel and Jason Kahoun. Craig Colbenson serves as the team's teacher/advisor.

Congratulations to the team and its teacher, Rushford-Peterson High School, the Fillmore and Root River SWCDs, and Area 7!

New Business

- 6. FY 00 Non Point
Engineering
Assistance Base
Grants**

FY 00 NON POINT ENGINEERING ASSISTANCE BASE GRANTS

BACKGROUND

Non Point Engineering Assistance (NPEA) funds were first appropriated to the BWSR for FY 95, coinciding with the launching of the State Revolving Fund Loan Program for non point pollution abatement. These NPEA funds were then granted to the 11 newly organized SWCD joint powers boards (JPB). It is the intent of the BWSR to fully fund the employment of an engineer and technician in each JPB, to the extent that funds will allow.

During the winter of 1997, the BWSR convened the NPEA Committee. This action began a series of meetings with representatives of all JPBs, the MASWCD, the MDA, and the BWSR. The primary purpose of this Committee is to cooperatively optimize the effectiveness of these JPBs. On May 21, 1999, the Committee reaffirmed this FY 00 Base Grant allocation procedure for BWSR consideration.

PRELIMINARY FY 00 BASE GRANT

At their June Meeting, the Board approved the FY 00 Preliminary Base Grants. JPBs 1, 5, and 11 each received \$89,940. These funds were from unallocated FY 99 NPEA Challenge Grant funds and unallocated FY 99 MPCA Feedlot Base Grant funds. This amount will be subtracted from their respective FY 00 Base Grants.

TODAY

The basis of this JPB allocation procedure is to annually reconcile base grants by reducing current grants by any portion of past grant budgets for personal services that remain unspent. This procedure avoids JPBs building up large fund balances that are not utilized for providing local technical assistance. The allocation procedure also includes the following features:

- * Each JPB completed and submitted a one page annual budget request form and a financial report, which must be approved by their Board Conservationist and the BWSR SWCD Accounting Coordinator, respectively. Budget requests are then reviewed by Central Office staff.
- * All JPBs will be allowed \$5,500 for administrative expenses. This is the maximum amount of the grant that can be used for administration.
- * All JPBs will be allowed \$20,000 for services and charges, supplies, and equipment.
- * This allocation process leaves a FY 00 Program balance of \$92,512. This amount will be available for FY 01 allocations. This balance will reduce the FY 01 projected Program budget shortfall to \$117,000.

Staff requests that the BWSR approve the FY 00 NPEA Base Grants as summarized on the enclosed spreadsheet.

PROPOSED FY 00 NPEA BASE GRANTS

JPB	FY 00 REQUEST	CARRYOVER	*PRELIMINARY FY 00 BASE GRANT	CURRENT FY 00 BASE GRANT	FY 00 BASE GRANT TOTAL
1	\$119,300	\$5,581	\$89,940	\$23,779	\$113,719
2	\$124,481			\$124,481	\$124,481
3	\$124,051			\$124,051	\$124,051
4	\$116,448	\$5,322		\$111,126	\$111,126
5	\$129,537	\$3,677	\$89,940	\$35,920	\$125,860
6	\$132,412	\$1,510		\$130,902	\$130,902
7	\$125,000	\$12,419		\$112,581	\$112,581
8	\$134,192	\$3,790		\$130,402	\$130,402
9	\$126,125	\$8,702		\$117,423	\$117,423
10	\$104,500	\$16,439		\$88,061	\$88,061
11	\$129,090	\$388	\$89,940	\$38,762	\$128,702
TOTAL	\$1,365,136	\$57,828	\$269,820	\$1,037,488	\$1,307,308
AVE.	\$124,103	\$5,257			\$118,846

TOTAL FY 00 AVAILABLE FUNDS

LEGISLATIVE APPROPRIATION -

\$1,130,000

UNALLOCATED FY 99 NPEA CHALLENGE GRANT FUNDS

\$61,000

UNALLOCATED FY 99 MPCA FEEDLOT FUNDS -

\$208,820

TOTAL

\$1,399,820

UNALLOCATED FY 00 FUNDS -

\$92,512

* PRELIMINARY FY 00 BASE GRANTS WERE ALLOCATED IN JUNE, 1999.

September 1999

**BOARD OF WATER AND SOIL RESOURCES
"ST. CLOUD ROOM"
HOLIDAY INN
75 SOUTH 37TH AVENUE
ST. CLOUD, MINNESOTA 556302
320-253-9000
THURSDAY, SEPTEMBER 23, 1999**

AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approve Minutes of August 25, 1999

Reports

- Chair - Kathleen Roer
- Executive Director - Ronald Harnack
- Dispute Resolution Committee - Glenn Annexstad
- Wetlands Committee - Darrell Bruggman
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Education and Public Relations Committee - Paul Krabbenhoft
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Discussion of Tour

Agency Reports

- Department of Agriculture
- Department of Health
- Department of Natural Resources
- Minnesota Extension Service
- Pollution Control Agency

New Business

1. Establishment of Comfort Lake-Forest Lake Watershed District:
Jim Haertel - DECISION
2. Dismissal of Establishment Proceedings for Sunrise Watershed
District: Jim Haertel - DECISION

3. Additional Funding for CREP Update: Tim Fredbo - DECISION
4. CRP Extension with RIM Reserve: Tim Fredbo - DECISION

Advisory Comments

- Minnesota Association of Townships
- Minnesota Association of Conservation District Employees
- Minnesota Association of Soil and Water Conservation Districts
- Minnesota Association of Watershed Districts
- Natural Resources Conservation Service

Upcoming Meetings

- Next BWSR Meeting, October 27, St. Paul
- NASCA Meeting, October 29-31, Ocean Beach, Alabama

Adjourn



One West Water Street
Suite 200
St. Paul, MN 55107
(651) 296-3767
Fax (651) 297-5615

Field Offices

Northern Region:

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

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

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

Southern Region:

261 Highway 15 S.
New Ulm, MN 56073-8915
(507) 359-6074
Fax (507) 359-6018

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

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

Metro Region:

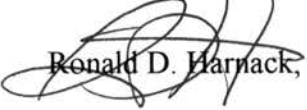
One West Water Street
Suite 250
St. Paul, MN 55107
(612) 282-9969
Fax (612) 297-5615

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DATE: September 13, 1999

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

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: BWSR Tour and Meeting, September 22-23, 1999

The Board of Water and Soil Resources (BWSR) will hold their fall tour on Wednesday, September 22, 1999 in Stearns County. See the attached tour agenda and map. The BWSR meeting will be held on Thursday, September 23, in the "St. Cloud Room" at Holiday Inn in St. Cloud, starting at 9:00 a.m. The following background information pertains to the meeting agenda:

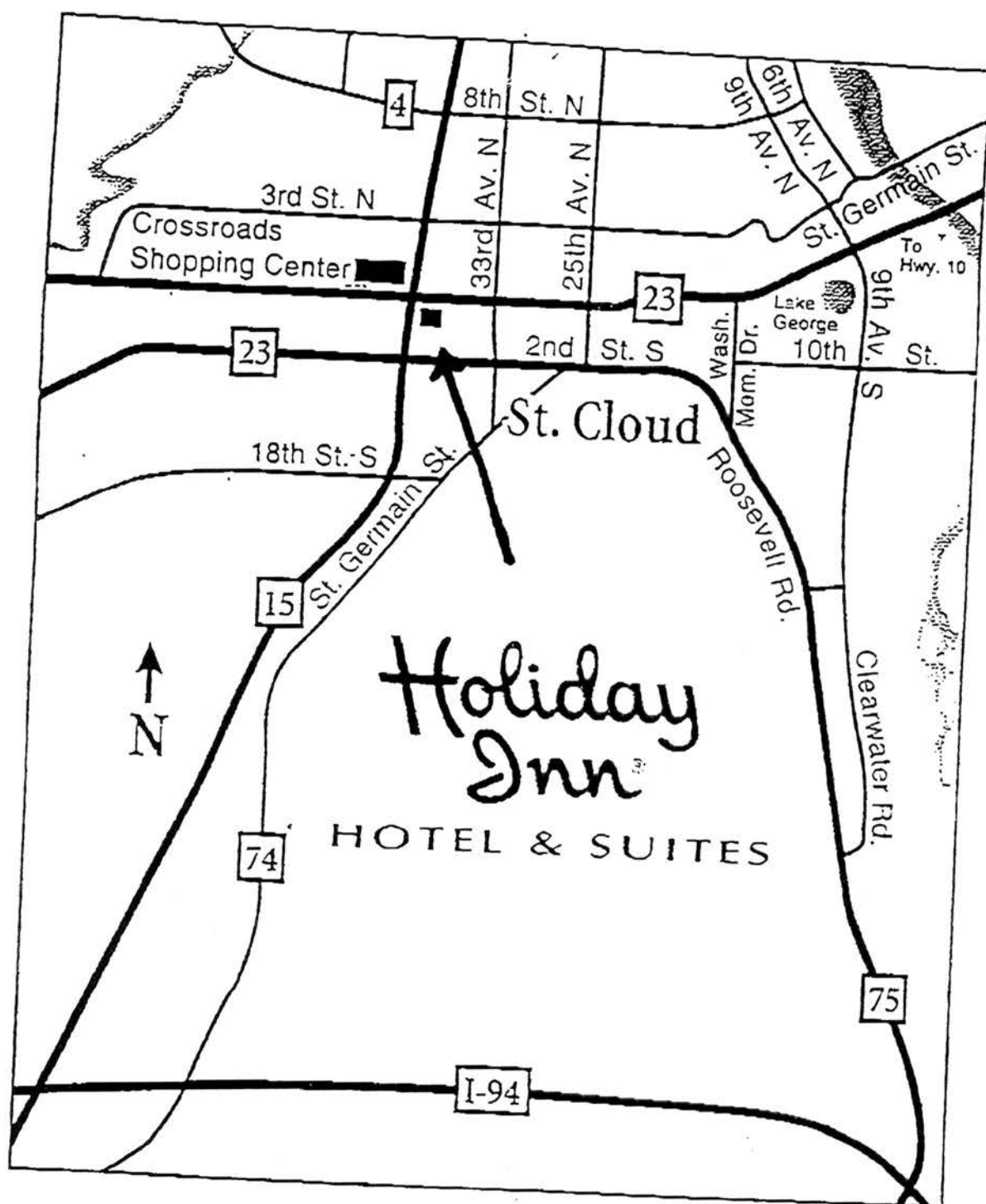
New Business

1. Establishment of Comfort Lake-Forest Lake Watershed District: A citizen petition was filed with the Board in November, 1998. The public hearing was held in June after the Washington County Water Management Governance Study was completed. Both Washington and Chisago Counties support establishment of the watershed district, along with the City of Forest Lake and New Scandia Township. Also, the Board's Metro Region supports establishment of the watershed district. The first Board of Managers were selected after interviewing candidates brought forth by the petitioners. The Metro Water Planning Subcommittee presided over the hearing and recommends establishment of the watershed district per the attached draft order. **DECISION**
2. Dismissal of Establishment Proceedings for Sunrise Watershed District: A citizen petition was filed with the Board in May, 1999. The public hearing was held in August. All the affected local units of government support dismissal of the establishment proceedings, as does the Board's Metro Region. Other reasons for dismissal are the single issue nature of the proposed watershed district, hydrologic boundaries would not be followed, and the lack of adequate tax capacity. The Metro Water Planning Subcommittee presided over the hearing and recommends dismissal of the establishment proceedings per the attached draft order. **DECISION**
3. Additional Funding for CREP: The Board's approval is needed to authorize the availability of approximately \$3.4 million for the CREP. See attached. **DECISION**
4. CRP Extension with RIM Reserve: The Board's approval is needed to adopt a policy that will allow BWSR to acquire easements on lands already enrolled in the federal CRP program. See attached. **DECISION**

A block of sleeping rooms as been reserved at the Holiday Inn in St. Cloud (see attached map for directions to the Holiday Inn). Enclosed is a listing of those staying at the Holiday Inn the nights of September 21 and 22. Please pay for your room at the Holiday Inn and submit an expense claim for reimbursement. The room rate is \$62.95 plus tax for a single or double room. If you need to make changes to your room reservation please call the Holiday Inn directly at (320)253-9000. Please keep in mind that you are responsible for payment to the Holiday Inn, so please call to cancel if you are unable to attend so you will not be charged for the room.

On Wednesday, September 22, a tour preview will be held in the St. Cloud Room at the Holiday Inn starting at 8:00 a.m. You are on your own for breakfast. At 8:30 a.m. we will promptly board the coach bus and depart from the Holiday Inn as we begin a tour of Stearns County. Please refer to the attached tour agenda for details of the day. We will arrive back at the Holiday Inn about 5:00 p.m. Dinner will be served at 6:30 p.m. in the pool/patio area of the Holiday Inn (dinner will be direct billed, you will not pay for this).

On Thursday, September 23, the BWSR meeting will begin at 9:00 a.m. in the St. Cloud Room. If you have any questions or need additional information, please feel free to contact me. I look forward to seeing you in St. Cloud!



for reservations
(320) 253-9000

1-800-HOLIDAY • Fax (320) 253-5998

BOARD OF WATER AND SOIL RESOURCES
Sleeping Room Accommodations
at the Holiday Inn, St. Cloud
320-253-9000

Tuesday, September 21

Mary Jo Anderson
Glenn Annexstad

Barb Cobb
Lee Coe

Ginny Imholte
Paul Krabbenhoft
Rod Massey
Dwain Otte
Kathleen Roer

Wednesday, September 22

Mary Jo Anderson
Glenn Annexstad
Sharon Clark

Barb Cobb
Lee Coe
Jerome Deal

Jim Haertel
Ron Harnack
Ginny Imholte
Paul Krabbenhoft
Rod Massey
Dwain Otte
Kathleen Roer

BOARD OF WATER & SOIL RESOURCES TOUR

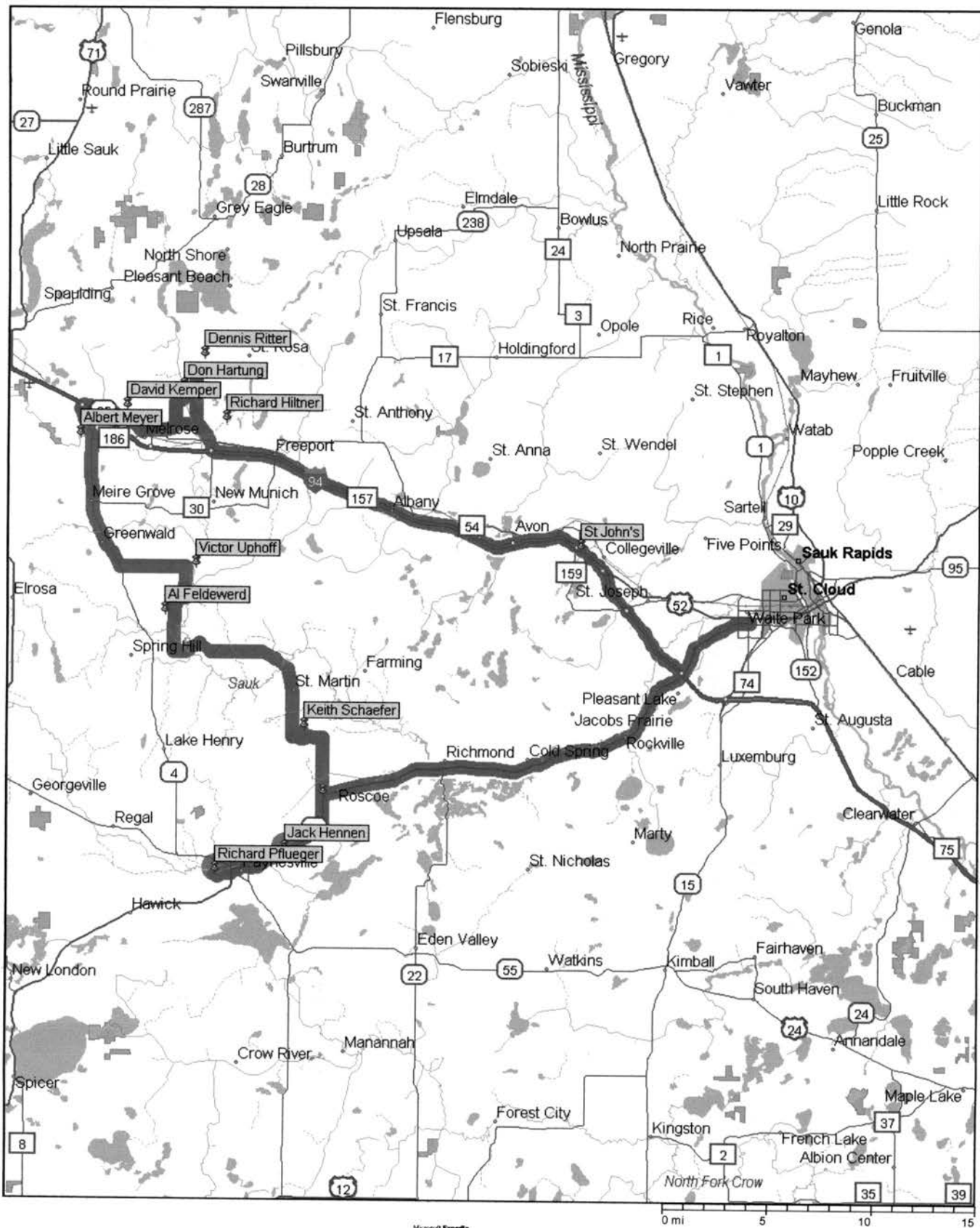
September 22, 1999

Sponsored by the
Stearns County SWCD
Stearns County, Minnesota

- 8:00 **Welcome – St. Cloud Room**
Pete Waller, BWSR Board Conservationist
- 8:05 **Background Information on Stearns County SWCD**
Dennis Fuchs, Stearns SWCD Administrator
- 8:30 **Depart from Holiday Inn**
- 9:15 **Dennis Ritter Feedlot Site**
*Dennis Ritter has an **unpermitted** earthen basin and a feedlot exhibiting a high FLEVAL rating of 49/1. A DNR "protected water" is adjacent to the feedlot. SWCD/NRCS staff are currently working on options to correct this feedlot. Mr. Ritter serves as Chair of the Stearns County Dairy Advisory Committee. The Dairy Advisory Committee is presently working with Stearns County, MPCA and the SWCD to permit feedlots with greater than "zero discharge" discharge ratings. This stop will serve as a backdrop for discussion at the afternoon forum on permitting feedlots with greater than "zero discharge".*
- 10:00 **Don & Bertha Hartung Feedlot Site**
Don & Bertha Hartung completed an animal waste control facility in 1998/99 using BWSR Feedlot grant funds and grant funds from the Sauk River Watershed District (SRWD). This feedlot is adjacent to Adley Creek and is within a designated "shoreland" area. SRWD water quality monitoring data from Adley Creek was used to prioritize feedlots in this watershed. Engineering provided by Central MN JPA and SWCD. Note: The Hartung's son, Tom, won first place in the Jr. Division of the MASWCD Essay Contest this year!!
- 10:45 **Victor & Ann Uphoff Feedlot Site**
Victor & Ann Uphoff started the planning of this project in 1992 and completed the facility in 1996. The feedlot is adjacent to the Sauk River and was considered a high priority project (FLEVAL rating of 48/3). The handling system is gravity flow from the barn to the storage pond. The landowner received cost-share funds from the Farm Service Agency. Engineering provided by NRCS and SWCD.

- 11:10 **City of Spring Hill Constructed Wetlands**
Raw sewage from the City of Spring Hill was flowing into Stony Creek, a high priority subwatershed of the Sauk River. To correct this problem, Spring Hill is installing a constructed wetland for treatment of municipal waste. Installation of the treatment system will complement federal and state non-point program efforts in this watershed (Refer to attached fact sheet).
- 11:45 **Keith & Roman Schaefer Feedlot Site**
Keith & Roman Schaefer started the planning stages of this project in 1991 and finished the construction in 1997. The Animal Waste Control Facility was constructed (FLEVAL rating of 43/3) to prevent feedlot runoff from entering a DNR "protected water". Mr. Schaefer received cost-share funds from the Farm Service Agency. Cost-share was limited to the existing size of the operation. Expansion costs associated with pollution prevention were landowner responsibility. This is a large dairy operation that produces 5.6 million gallons of manure annually. Engineering assistance provided by NRCS and SWCD.
- 12:30 **Pig Roast for Lunch – Roadside Tavern (provided by the Stearns County SWCD)**
- 1:15 **Conservation Needs Forum**
Moderator – Ron Shelito, BWSR Regional Supervisor: A diverse group of panelists will answer questions about feedlots and natural resource concerns.
- 3:00 **Depart from Roadside Tavern**
- 3:20 **Richard Pflueger Feedlot Site**
Richard Pflueger was identified by the North Fork Crow River Watershed District as a high priority feedlot. Mr. Pflueger had a FLEVAL rating of 32/2. The Animal Waste Control Facility was constructed in 1997. The waste storage pond design is unique with a portion of the structure located in the river floodplain. Large rock riprap protects the integrity of the pond from the North Fork Crow River during peak runoff periods. Mr. Pflueger received cost-share assistance from BWSR Special Projects, federal Long Term Agreement, and the North Fork Crow River Watershed District. Engineering assistance provided by JPA and SWCD.
- 4:00 **Leave for Holiday Inn**
- 5:00 **Arrive at Holiday Inn – Social Hour in Legend's or "time on your own"!!**
- 6:30 **Dinner – Poolside Patio**

BWSR Tour 1999



Streets98

**BOARD OF WATER AND SOIL RESOURCES
ST. CLOUD ROOM
HOLIDAY INN
75 SOUTH 37TH AVENUE
ST. CLOUD, MINNESOTA 556302
3230-253-9000
THURSDAY, SEPTEMBER 23, 1999**

PRELIMINARY AGENDA

9:00 a.m.

Call Meeting to Order

Adopt Agenda

Approve Minutes of August 25, 1999

Reports

- Chair - Kathleen Roer
- Executive Director - Ronald Harnack
- Dispute Resolution Committee - Glenn Annexstad
- Wetlands Committee - Darrell Bruggman
- Cost-Share/Soil Conservation Committee - Dwain Otte
- Education and Public Relations Committee - Paul Krabbenhoft
- Financial Oversight Committee - Ginny Imholte
- Administrative Advisory Committee - Kathleen Roer

Discussion of Tour

Agency Reports

- Department of Agriculture
- Department of Health
- Department of Natural Resources
- Minnesota Extension Service
- Pollution Control Agency

New Business

1. Establishment of Comfort Lake-Forest Lake Watershed District:
Jim Haertel - DECISION
2. Dismissal of Establishment Proceedings for Sunrise Watershed
District: Jim Haertel - DECISION

3. Additional Funding for CREP Update: Tim Fredbo - DECISION
4. CRP Extension with RIM Reserve: Tim Fredbo - DECISION

Advisory Comments

- Minnesota Association of Townships
- Minnesota Association of Conservation District Employees
- Minnesota Association of Soil and Water Conservation Districts
- Minnesota Association of Watershed Districts
- Natural Resources Conservation Service

Upcoming Meetings

- Next BWSR Meeting, October 27, St. Paul
- NASCA Meeting, October 29-31, Ocean Beach, Alabama

Adjourn

New Business

- 1. Establishment of Comfort
Lake-Forest Lake Watershed
District**

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

In the Matter of the Establishment of the
Comfort Lake-Forest Lake Watershed District
in Chisago and Washington Counties pursuant
to Minnesota Statutes § 103D.225, Subd. 3

**ORDER ESTABLISHING
COMFORT LAKE-
FOREST LAKE
WATERSHED DISTRICT**

Whereas, more than fifty (50) resident owners residing in the proposed Comfort Lake-Forest Lake Watershed District in Chisago and Washington Counties filed a Petition dated November 18, 1998, with the Board of Water and Soil Resources (Board) on November 20, 1998, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS

1. **Establishment Petition.** The Petition (Exhibit 1) to establish the Comfort Lake-Forest Lake Watershed District dated November 18, 1998, was filed with the Board on November 20, 1998. The Petition was signed by more than fifty (50) resident owners in the proposed watershed district pursuant to Minn. Stat. § 103D.205, Subd. 3 (4). On January 20, 1999, Dennis J. Freed, Chisago County Auditor, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district. (Exhibit 3) The proposed watershed district lies within Chisago and Washington Counties. Filed with the establishment petition were the required proofs of service on the Chisago County Auditor, the Washington County Auditor, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters of the Department of Natural Resources. (Exhibit 2)

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2. **Property Description.** The territory to be included in the watershed district is approximately 49.2 square miles in the Cities of Forest Lake and Wyoming, and the Towns of Chisago Lakes, Wyoming, Forest Lake and New Scandia, which generally includes the area in the Forest Lake Watershed Management Organization and the Comfort Lake drainage area in Chisago County, generally the drainage area previously managed by the Joint Washington and Chisago County Ditch Board No. 1, per the map attached as "Attachment A" and made a part of this Order hereof.
3. **District Name.** The name of the proposed district is the "Comfort Lake-Forest Lake Watershed District".
4. **Number of Managers.** The number of managers for the proposed watershed district is five (5) with three (3) from Washington County and two (2) from Chisago County.
5. **Necessity for Watershed District.** Minn. Stat. § 103B.231, Subd. 1(a) requires a watershed management plan for all watersheds within the metropolitan area.
6. **Contemplated Improvements.**
 - A. Conduct necessary studies to obtain pertinent data for evaluation and design of comprehensive water management projects within the proposed watershed district.
 - B. Provide a means to control pollution and to control the growth of nuisance algae and other undesirable organic matter in the lakes and watercourses within the proposed watershed district.
 - C. Prevent flooding of private property within the proposed watershed district.
 - D. Provide comprehensive enforcement of regulations across political jurisdictions within the proposed watershed district.
 - E. Assist local governments in planning surface water management efforts.
7. **Hearing Order.** At its regular meeting on February 24, 1999, the Board determined that the establishment petition met the requirements of Minn. Stat. § 103D.221, Subd. 1, and consequently ordered a hearing to be held on the establishment petition for the Comfort Lake-Forest Lake Watershed District at a time and place to be scheduled by the Board's

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Executive Director in accordance with the timely completion of the Washington County Water Management Governance Study, but not later than June 30, 1999. Further, the Board ordered that the Metropolitan Water Planning Subcommittee, which is comprised of Kathleen Roer, Barbara Cobb, and Dwain Otte, to serve as the hearing panel on behalf of the Board. (Exhibit 11)

8. **Hearing Notice.** Legal notices of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, were published in the Chisago County Press on June 3 and 10, 1999, (Exhibit 15), in the Oakdale/Lake Elmo Review on June 2 and 9, 1999, (Exhibit 16), and in the Forest Lake Times on June 3 and 10, 1999, (Exhibit 17). Further, a copy of the notice was mailed to approximately 45 addressees including the mayor and administrator for each of the cities within the proposed watershed district, the clerk/administrator for each township within the proposed watershed district, the Chisago and Washington County Boards, auditors, and administrators, adjoining watershed management organizations and watershed districts, the Chisago and Washington County Soil and Water Conservation Districts, the state review agencies, various environmental groups and others. (Exhibit 14)
9. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources filed a written report pursuant to Minn. Stat. § 103D.215 on June 18, 1999, (Exhibit 25) generally recommending a larger watershed district be formed that would encompass the entire Sunrise River Watershed.
10. **Public Hearing.** A public hearing was held on the establishment of the Comfort Lake-Forest Lake Watershed District on June 21, 1999, at the Forest Lake City Hall Council Chambers. The proceedings were tape recorded. The Board's Metropolitan Water Planning Subcommittee presided over the hearing with Barbara Cobb as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 17 into the record by reading a brief description of each exhibit.

Exhibit 1. Comfort Lake-Forest Lake Watershed District Establishment Petition dated November 18, 1998, submitted by Jackie Anderson together with 74 signatures.

Exhibit 2. Affidavits of receipt of Establishment Petition by DNR Commissioner, DNR Director of Waters, Chisago County Auditor and Washington County Auditor.

Exhibit 3. Letter from Dennis J. Freed, Chisago County Auditor, dated January 20, 1999, with certification that at least 70 petitioner signatories are resident owners.

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Exhibit 4. Letter from Douglas J. Thomas, BWSR, dated November 30, 1998, to Jackie Anderson notifying of receipt of petition.

Exhibit 5. Letter from Jim Haertel, BWSR, dated December 15, 1998, to Jackie Anderson notifying of procedures for processing establishment petition.

Exhibit 6. Letter from Jim Haertel, BWSR, dated December 30, 1998, to 17 addressees notifying them of the petition and the procedures for processing the petition.

Exhibit 7. Letter from Jim Haertel, BWSR, dated January 25, 1999, to Jackie Anderson notifying of Auditor's certification of petitioner signatures.

Exhibit 8. Letter from Gene Patrin, Wyoming Town Board Chair, dated February 3, 1999, inquiring about the requirement for Water Management Organizations and Watershed Districts.

Exhibit 9. Letter from Jim Haertel, BWSR, dated February 11, 1999, to Jackie Anderson concerning BWSR Board meeting ordering establishment hearing.

Exhibit 10. Letter from Jim Haertel, BWSR, dated February 11, 1999, to Gene Patrin regarding requirement for Watershed Management Organizations and Watershed Districts.

Exhibit 11. BWSR Order dated February 24, 1999, ordering Establishment Hearing.

Exhibit 12. Letter from Jim Haertel, BWSR, dated February 24, 1999, notifying 17 addressees of the BWSR Order for the Establishment Hearing.

Exhibit 13. Public notice of Establishment Hearing signed by Jim Haertel on May 24, 1999.

Exhibit 14. Letter from Jim Haertel, BWSR, dated May 26, 1999, to several addressees notifying of Establishment Hearing.

Exhibit 15. Affidavit of publication of public notice in Chisago County Press on June 3 and 10, 1999.

Exhibit 16. Affidavit of publication of public notice in Oakdale/Lake Elmo Review on June 2 and 9, 1999.

Exhibit 17. Affidavit of publication of public notice in Forest Lake Times on June 3 and 10, 1999.

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Exhibit 18. Written statement of Roger Johnson on behalf of the Forest Lake Watershed Management Organization (FLWMO) generally opposed to the proposed watershed district establishment, along with a brief history of the FLWMO.

Exhibit 19. June 14, 1999, minutes of Forest Lake City Council meeting showing passage of a motion in support of establishing the proposed watershed district. Presented by City Administrator Chip Robinson who also gave a brief history of the FLWMO.

Exhibit 20. Chisago County Board of Commissioners Resolution No. 990616-4, adopted June 16, 1999, in support of establishing the proposed watershed district. Presented by County Commissioner Ben Montzka.

Exhibit 21. New Scandia Township Resolution No. 3-16-99-2 ratifying dissolution of the NEWMO. Presented by David Hebert.

Exhibit 22. New Scandia Town Board meeting minutes dated July 7, 1998, in support of establishing a watershed district. Presented by David Hebert.

Exhibit 23. Washington County Board of Commissioners Resolution No. 99-070, adopted June 15, 1999, in support of establishing the proposed watershed district. Presented by County Administrator Jim Shug.

Exhibit 24. Comfort Lake Association letter dated June 18, 1999, signed by Lou Sibik, Chairman, in support of establishing the proposed watershed district. Presented by Lou Sibik.

Exhibit 25. DNR-Division of Waters Directors Report dated June 18, 1999, generally opposed to the proposed watershed district establishment.

Exhibit 26. Map, approximately 36" x 52", depicting boundaries of proposed watershed district based on the establishment petition. *(Note: different from "Attachment A" which is based on the DNR subwatershed boundaries, the BWSR Metro Region Staff Report and the Washington County Water Management Governance Study)*

Exhibit 27. Map, approximately 36" x 36", depicting boundaries of proposed watershed district and boundaries of the entire Sunrise River Watershed.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until July 12, 1999, for receipt of written comments. The following exhibits were received while the record was open.

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Exhibit 28. Letter from Ken Banta dated June 22, 1999, in support of establishing the proposed watershed district.

Exhibit 29. Letter from Archie and Jackie DuCharme received July 8, 1999, in opposition to establishing a watershed district and other concerns of high water on their property.

Exhibit 30. Letter from Donald Waller dated July 11, 1999, in opposition to establishing the proposed watershed district.

Exhibit 31. E-mail from Jackie Anderson, petitioner, dated July 12, 1999, with a list of 13 manager nominees.

11. **Board Staff Report.** The Board's Metro Region staff report dated July 14, 1999, (Exhibit 32), recommended establishment of the Comfort Lake-Forest Lake Watershed District and made further recommendations regarding the boundary, citizen involvement, financing, and roles and responsibilities.
12. **Metropolitan Water Planning Subcommittee.** The Metropolitan Water Planning Subcommittee met on July 15, 1999, and, based on the oral and written record in this matter, decided the following:
 - A. The watershed district should be established with the boundary being as depicted on "Attachment A", which is the same as (1) the DNR subwatershed boundaries on Exhibit 26, (2) the BWSR Metro Region staff report recommendation, and (3) the Washington County Water Management Governance Study.
 - B. The name should be the "Comfort Lake-Forest Lake Watershed District".
 - C. The principal place of business should be the Forest Lake Town Hall at 21350 Forest Boulevard, Forest Lake, Minnesota.
 - D. The board of managers should consist of five (5) with three (3) from Washington County and two (2) from Chisago County.
 - E. The interview panel members for manager nominees should consist of one or two county commissioners from the respective county of the manager nominee, a Soil and Water Conservation District representative from the respective county of the manager nominee, Board member Dwain Otte for all the manager nominees, and Board staff Jim Haertel for all the manager nominees.

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F. The managers should be chosen from the list of thirteen (13) manager nominees submitted by Jackie Anderson, contact for the petitioners, (Exhibit 31) pursuant to Minn. Stat. § 103D.225, Subd. 4 (a).

12. **Board of Managers.** On August 19, 1999, interviews of nominees for the first board of managers were conducted. The interview panel consisted of Dwain Otte, Board Member and Jim Haertel, Board staff, along with Chisago County Commissioner Ben Montzka and Chisago County SWCD Administrator Craig Mell for the Chisago County nominees, and Washington County Commissioner Dennis Hegberg and Washington SWCD Manager Konrad Koosmann for the Washington County nominees. All nominees were voting residents within the proposed watershed district and none were public officers of county, state or federal governments. The panel considered Lou Sibik, Ken Banta, Ken Tolzmann, Bruce Anderson, Russell Mansmith, Warren Moody, Walter Husnick, Carolyn Ferrazzi, John Lynch, Mick Donovan, Donald Holl, Donald Hult, and Dennis Larson. Mr. Mansmith, Mr. Moody and Ms. Ferrazzi did not interview.

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CONCLUSIONS

1. The petition for establishment of the Comfort Lake-Forest Lake Watershed District is valid in accordance with Minn. Stat. § 103D.205.
2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.
3. The establishment of the Comfort Lake-Forest Lake Watershed District would promote the public welfare and public interest, and would advance the purpose of Minn. Stat. Chapters 103B and 103D.
4. The boundary of the Comfort Lake-Forest Lake Watershed District shall be as set forth in "Attachment A".
5. All relevant substantive and procedural requirements of law and rule have been fulfilled.
6. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.

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ORDER

1. The proposed watershed district is hereby established and is named the "Comfort Lake-Forest Lake Watershed District" by which name it shall hereafter be known, and it shall have all the power, authority, and duties provided by law.
2. The principal place of business of the Comfort Lake-Forest Lake Watershed District is the Forest Lake City Hall, located at 220 North Lake Street, Forest Lake, Minnesota.
3. The territory to be included in the Comfort Lake-Forest Lake Watershed District encompasses a total area of approximately 49.2 square miles in the Cities of Forest Lake and Wyoming, and the Towns of Chisago Lakes, Wyoming, Forest Lake and New Scandia, which generally includes the area in the Forest Lake Watershed Management Organization and the Comfort Lake drainage area in Chisago County, which is generally the drainage area previously managed by the Joint Washington and Chisago County Ditch Board No. 1, per the map attached as "Attachment A" and made a part of this Order hereof.
4. The boundary of the Comfort Lake-Forest Lake Watershed District shall be as set forth on "Attachment A", a map showing the watershed district boundaries together with the data set the map was printed from, incorporated by reference herein.
5. The Board of Managers for the Comfort Lake-Forest Lake Watershed District shall consist of five (5) managers.
6. The first Board of Managers of voting residents within the Comfort Lake-Forest Lake Watershed District shall be as follows:

NAME

Kenneth M. Banta
24625 North Forest Boulevard
Forest Lake, MN 55025

Donald M. Holl
20390 Ingersoll Avenue North
Forest Lake, MN 55025

Dennis G. Larson
20750 Kirby Avenue North
Scandia, MN 55073

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John T. Lynch
667 West Broadway Avenue
Forest Lake, MN 55025

Louis L. Sibik
25321 West Comfort Drive
Forest Lake, MN 55025

7. **Manager Terms of Office.** The term for the first Board of Managers appointed by the Board of Water and Soil Resources is one year and until the successors can be appointed and qualified, and the terms of office for the first Board of Managers appointed by the Chisago County Board is one for a term of two years and one for a term of three years, and the terms of office for the first Board of Managers appointed by the Washington County Board is one for a term of one year, one for a term of two years, and one for a term of three years.

Dated this 23rd day of September, 1999.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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By: _____
Kathleen M. Roer, Chair

**Comfort Lake / Forest Lake
Watershed District**



0 0.5 Miles

Comfort Lake / Forest Lake Watershed

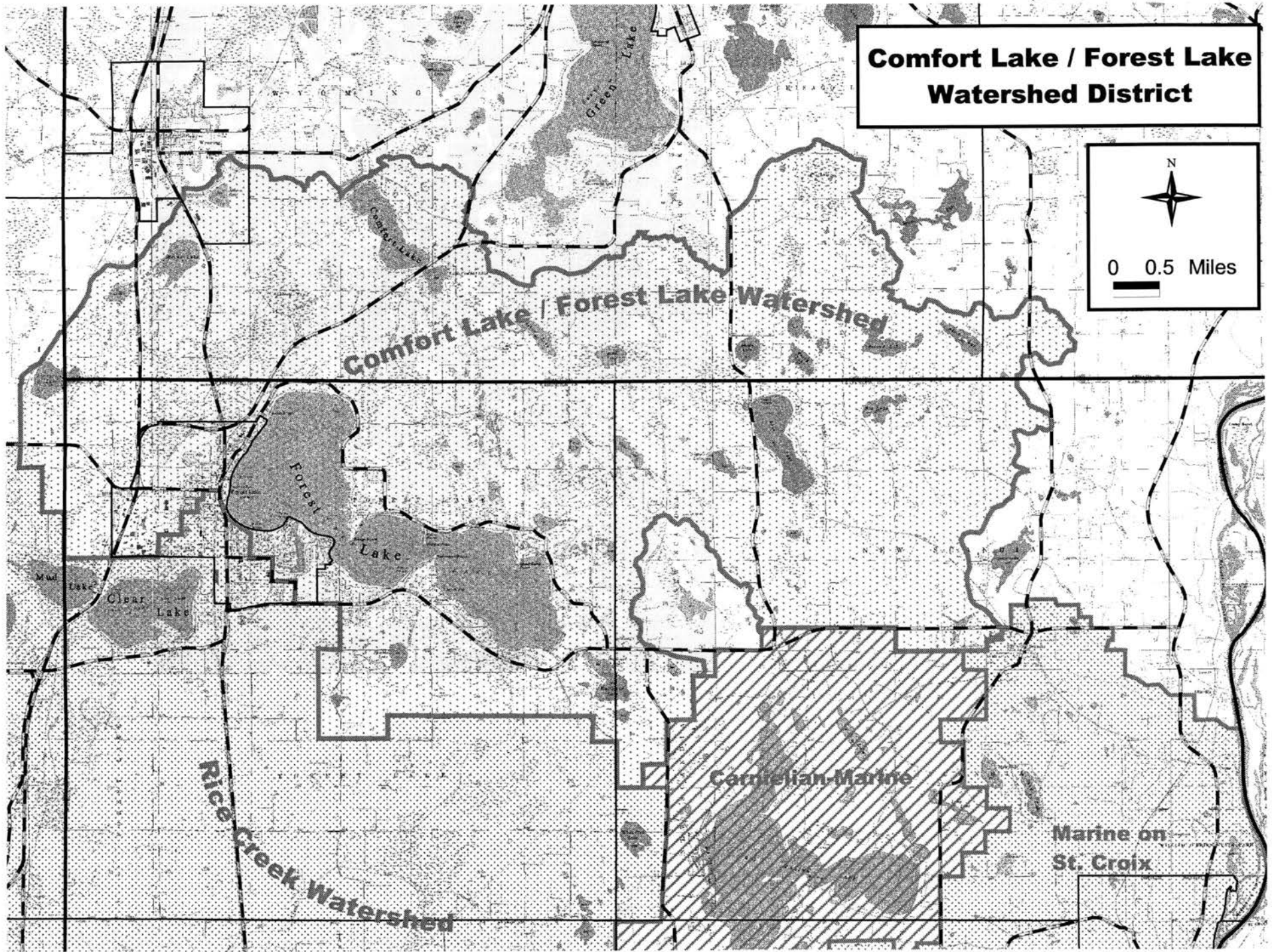
Forest Lake

Clear Lake

Rice Creek Watershed

Cornelian Marine

Marine on
St. Croix



New Business

- 2. Dismissal of Establishment
Proceedings for Sunrise
Watershed District**

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

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In the Matter of the Establishment of the
Sunrise Watershed District in Anoka
County pursuant to Minnesota Statutes
§ 103D.231

**ORDER DISMISSING
ESTABLISHMENT
PROCEEDINGS OF SUNRISE
WATERSHED DISTRICT**

Whereas, more than fifty (50) resident owners residing in the proposed Sunrise Watershed District in Anoka County filed a Petition dated May 4, 1999, with the Board of Water and Soil Resources (Board) on May 7, 1999, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS

1. **Establishment Petition.** The Petition (Exhibit 1) to establish the Sunrise Watershed District dated May 4, 1999, was filed with the Board on May 7, 1998. The Petition was signed by more than fifty (50) resident owners in the proposed watershed district pursuant to Minn. Stat. § 103D.205, Subd. 3 (4). On May 27, 1999, Edward M. Treska, Anoka County Auditor, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district. (Exhibit 3) The proposed watershed district lies within Anoka County. Filed with the establishment petition were the required proofs of service on the Anoka County Auditor, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters of the Department of Natural Resources. (Exhibit 2)

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2. **Property Description.** The territory to be included in the watershed district is approximately 78 square miles in the Cities of East Bethel and Ham Lake, and the Towns of Columbus and Linwood, which generally includes the area in the Sunrise River Joint Power Agreement Water Watershed Management Organization, per the map attached as "Attachment A" and made a part of this Order hereof.
3. **District Name.** The name of the proposed district is the "Sunrise Watershed District".
4. **Number of Managers.** The number of managers for the proposed watershed district is five (5).
5. **Necessity for Watershed District.** Minn. Stat. § 103B.231, Subd. 1(a) requires a watershed management plan for all watersheds within the metropolitan area.
6. **Contemplated Improvements.**
 - A. Plan and manage a project to restore Coon Lake to its 25 year average water level prior to 1996, ignoring the levels during drought years.
 - B. Identify and control areas of water pollution due to runoff from agricultural lands in the proposed watershed district.
 - C. Remove snags in the east branch of the Sunrise River to prevent flooding of private property and make the river navigable by canoe for recreational purposes.
 - D. Dredge and restore water flow between Coon Lake and the body of water known as Little Coon Lake, directly south of Coon Lake and connected by an overgrown and sediment-filled waterway and culvert which passes under Interlacken Drive in Ham Lake.
7. **Hearing Order.** At its regular meeting on June 23, 1999, the Board determined that the establishment petition met the requirements of Minn. Stat. § 103D.221, Subd. 1, and consequently ordered a hearing to be held on the establishment petition for the Sunrise Watershed District. Further, the Board ordered that the Metropolitan Water Planning Subcommittee, which is comprised of Kathleen Roer, Barbara Cobb, and Dwain Otte, to serve as the hearing panel on behalf of the Board. (Exhibit 4)

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8. **Hearing Notice.** Legal notices of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, were published in the Anoka County Union on July 16 and 23, 1999, (Exhibit 6), and in the Forest Lake Times on July 15 and 22, 1999, (Exhibit 5). Further, a copy of the notice was mailed to approximately 45 addressees including the mayor and administrator for each of the cities within the proposed watershed district, the chair and clerk for each township within the proposed watershed district, the Anoka, Chisago and Isanti County Boards and administrators, adjoining watershed management organizations and watershed districts, the Anoka, Chisago and Isanti County Soil and Water Conservation Districts, the state review agencies, various environmental groups and others. (Exhibit 7)
9. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources filed a written report pursuant to Minn. Stat. § 103D.215 on August 3, 1999, (Exhibit 19) generally recommending a larger watershed district be formed that would encompass the entire Sunrise River Watershed.
10. **Public Hearing.** A public hearing was held on the establishment of the Sunrise Watershed District on August 3, 1999, at the Coon Lake Community and Senior Center. The proceedings were tape recorded. The Board's Metropolitan Water Planning Subcommittee presided over the hearing with Kathleen Roer as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 15 into the record by reading a brief description of each exhibit.

Exhibit 1. Sunrise Watershed District Establishment Petition dated May 4, 1999, submitted by David Koenig together with 75 petitioner signatures.

Exhibit 2. Receipts of delivery of Establishment Petition (Exhibit 1) by the Anoka County Auditor, DNR Commissioner and DNR-Division of Waters Director.

Exhibit 3. Letter dated May 27, 1999, from Edward M. Treska, Anoka County Auditor, certifying that 52 petitioner signatories are resident owners.

Exhibit 4. BWSR Order dated June 23, 1999, ordering Establishment Hearing.

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Exhibit 5. Affidavit of publication from the Forest Lake Times dated July 22, 1999, of legal notice for establishment hearing.

Exhibit 6. Affidavit of publication from the Anoka County Union dated July 23, 1999, of legal notice for establishment hearing

Exhibit 7. Letter dated July 8, 1999, from Jim Haertel to approximately 40 addressees notifying of establishment hearing.

Exhibit 8. Map, approximately 33" x 43", depicting boundaries of proposed watershed district.

Exhibit 9. Letter dated July 8, 1999, from Sunrise River WMO to David Koenig regarding Coon Lake water levels.

Exhibit 10. Letter dated July 13, 1999, from Dennis Coryell, Wyoming City Administrator, generally supporting a watershed district for the entire Sunrise Watershed.

Exhibit 11. Letter dated July 23, 1999, from Sherri Anderson, City of East Bethel, forwarding the City's Resolution 1999-19 opposing Watershed District Establishment.

Exhibit 12. Letter dated April 7, 1999, from Roger Hanson, Coon Lake Shoreliners Association, to Sunrise Watershed Management Organization regarding low water levels on Coon Lake.

Exhibit 13. Letter dated April 7, 1999, from Roger Hanson, Coon Lake Shoreliners Association, regarding a brief history of the association.

Exhibit 14. Letter dated October 23, 1997, from Tom Hovey, DNR, to Michael Gaynor regarding raising Coon Lake Dam.

Exhibit 15. Letter dated April 13, 1990, from Nick Tiedeken, DNR, to City of East Bethel regarding Lake Level Monitoring.

Exhibit 16. Linwood Township Resolution No. 99-10 dated July 27, 1999, opposing Watershed District Establishment.

Exhibit 17. Chisago County Resolution No. 990728-1 dated July 28, 1999, not opposing Watershed District Establishment in Anoka County, but opposing any expansion into Chisago County.

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Exhibit 18. Handwritten Anoka County memo dated October 31, 1995, regarding a meeting with DNR, Sunrise WMO and others.

Exhibit 19. DNR Directors report dated August 3, 1999, generally opposing Watershed District Establishment unless its the entire Sunrise Watershed.

Exhibit 20. Map, approximately 36" x 36", depicting boundaries of the entire Sunrise Watershed. (This is Exhibit 27 from the Comfort Lake-Forest Lake Watershed District Establishment Hearing.)

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until August 24, 1999, for receipt of written comments. The following exhibits were received while the record was open.

Exhibit 21. Letter dated August 2, 1999, from Sherren and Duane Foss, supporting Watershed District Establishment and raising the water level of Coon Lake.

Exhibit 22. Letter dated July 28, 1999, from Jon Olson, Anoka County Engineer, opposing Watershed District Establishment.

Exhibit 23. Letter dated August 5, 1999, from Dave Koenig, with attached letter to Sunrise WMO and detailed history of the Coon Lake level issue.

Exhibit 24. Letter dated August 4, 1999, from John Scheiderich, supporting Watershed District Establishment.

Exhibit 25. Letter dated August 4, 1999, from Chris Lord, Anoka Conservation District, forwarding Resolution No. 99-05 which supports total watershed management that is proactive and effective.

Exhibit 26. Letter dated August 5, 1999, from Dave and Donna Koenig, supporting Watershed District Establishment and raising the water level of Coon Lake.

Exhibit 27. Isanti County Resolution No. 99/08-09 dated August 5, 1999, opposing larger watershed district in entire Sunrise River Watershed and no comment on Watershed District Establishment in Anoka County.

Exhibit 28. Letter dated August 13, 1999, from Connie Doyle-Polk, supporting Watershed District Establishment.

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Exhibit 29. Letter dated August 15, 1999, from Ricky and Karen Wind, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 30. Letter dated August 15, 1999, from Tom and Catherine Balthazar, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 31. Letter dated August 15, 1999, from Dorothy and Richard Dahlstrom, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 32. Letter dated August 15, 1999, from Richard and Roberta Ragge, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 33. Letter dated August 15, 1999, from Virg and Bonnie Paulson, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 34. Letter dated August 15, 1999, from Shirley Diffin, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 35. Letter dated August 16, 1999, from Shawn Williams, North Branch Township Clerk, opposing larger watershed district in entire Sunrise River Watershed and no comment on Watershed District Establishment in Anoka County.

Exhibit 36. Letter dated August 17, 1999, from David Koenig, supporting Watershed District Establishment and the raising of Coon Lake water levels, with numerous attachments pertaining to Coon Lake water levels.

Exhibit 37. Letter dated August 18, 1999, from Chris and Wendie Arenz, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 38. Letter dated August 18, 1999, from Mary Hoyt, Town Manager, Town of Columbus, opposing Watershed District Establishment.

Exhibit 39. Letter dated August 18, 1999, from Mr. and Mrs. Richard Granlung, opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 40. Letter dated August 19, 1999, from Beverly Mercil forwarding a letter dated August 15, 1999, signed by 43 people opposing Watershed District Establishment and against raising the water level of Coon Lake.

Exhibit 41. Letter dated August 22, 1999, from Michael Gaynor and Patricia Moellman, supporting Watershed District Establishment.

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Exhibit 42. Letter dated August 23, 1999, from Mike and Bobbi Eischeid, supporting Watershed District Establishment and raising the water level of Coon Lake.

Exhibit 43. Letter dated August 11, 1999, from R. J. Huston, generally opposing Watershed District Establishment and against raising the lake level of Coon Lake, with attached transcript of the June 12, 1947, public hearing regarding setting the runout elevation of the dam and attached October 17, 1997, letter from DNR-Waters Director Kent Lokkesmoe regarding the process of changing the runout elevation of the dam, and attached table showing water level fluctuations from 1970 to 1998.

Exhibit 44. Letter received August 23, 1999, from Kermit and Rosemary Kulavold, supporting Watershed District Establishment and raising the water level of Coon Lake.

Exhibit 45. Letter dated August 23, 1999, from Ken Johnson, supporting Watershed District Establishment.

Exhibit 46. Letter dated August 24, 1999, from Lynda Peterson, BWSR, presenting the BWSR Metro Region position of opposing Watershed District Establishment.

Exhibit 47. Letter dated August 23, 1999, from Frank Kvidera, that BWSR check comments made at the hearing by David Koenig.

11. **Board Staff Report.** The Board's Metro Region staff report dated August 24, 1999, (Exhibit 46), recommended against establishing the Sunrise Watershed District at this time for the following reasons:
 - A. The watershed boundary is proposed on county lines and not hydrologic boundaries.
 - B. The total market value of the proposed watershed district is low and would result in an unrealistic taxing environment.
 - C. The Sunrise River Joint Powers Agreement Watershed Management Organization is presently updating their plan.
 - D. There is a local concern with Coon Lake which would yield a watershed district for a single, localized purpose.

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12. **Metropolitan Water Planning Subcommittee.** The Metropolitan Water Planning Subcommittee met on August 25, 1999, and, based on the oral and written record in this matter, decided the proposed watershed district should not be established at this time and the establishment proceedings should be dismissed for the following reasons:

A. The localized, single issue of raising the water level of Coon Lake is not sufficient justification to establish a watershed district that would benefit the public welfare and public interest, and serve the purpose of Minn. Stat. Chapters 103B and 103D, especially in consideration of the large amount of opposition to raising the water level of Coon Lake contained in the record. Also, there are other means of addressing the water level of Coon Lake that have not been exhausted, including:

- 1) existing authorities of the Sunrise River Watershed Management Organization,
- 2) existing authorities of the Anoka Soil and Water Conservation District and Anoka County under Minn. Stat. Chapter 103C, and
- 3) formation of a Lake Improvement District.

B. The watershed boundary is proposed on political lines and not hydrologic boundaries. This is in direct opposition to the statutory intent of Minn. Stat. Chapter 103D to manage water along its natural boundaries.

C. All affected local units of government are opposed to establishment of the proposed watershed district.

D. The total market value of the proposed watershed district is low and would likely result in insufficient funds to carry out the administrative duties required of a watershed district, particularly in the metropolitan area.

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CONCLUSIONS

1. The petition for establishment of the Sunrise Watershed District is valid in accordance with Minn. Stat. § 103D.205.
2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.
3. The establishment of the Sunrise Watershed District would not promote the public welfare and public interest, and would not advance the purpose of Minn. Stat. Chapters 103B and 103D.
4. All relevant substantive and procedural requirements of law and rule have been fulfilled.
5. The Board has proper jurisdiction in the matter of dismissing the establishment proceedings.

ORDER

The establishment proceedings for the Sunrise Watershed District petition dated May 4, 1999, are hereby dismissed in accordance with the aforestated Findings and Conclusions.

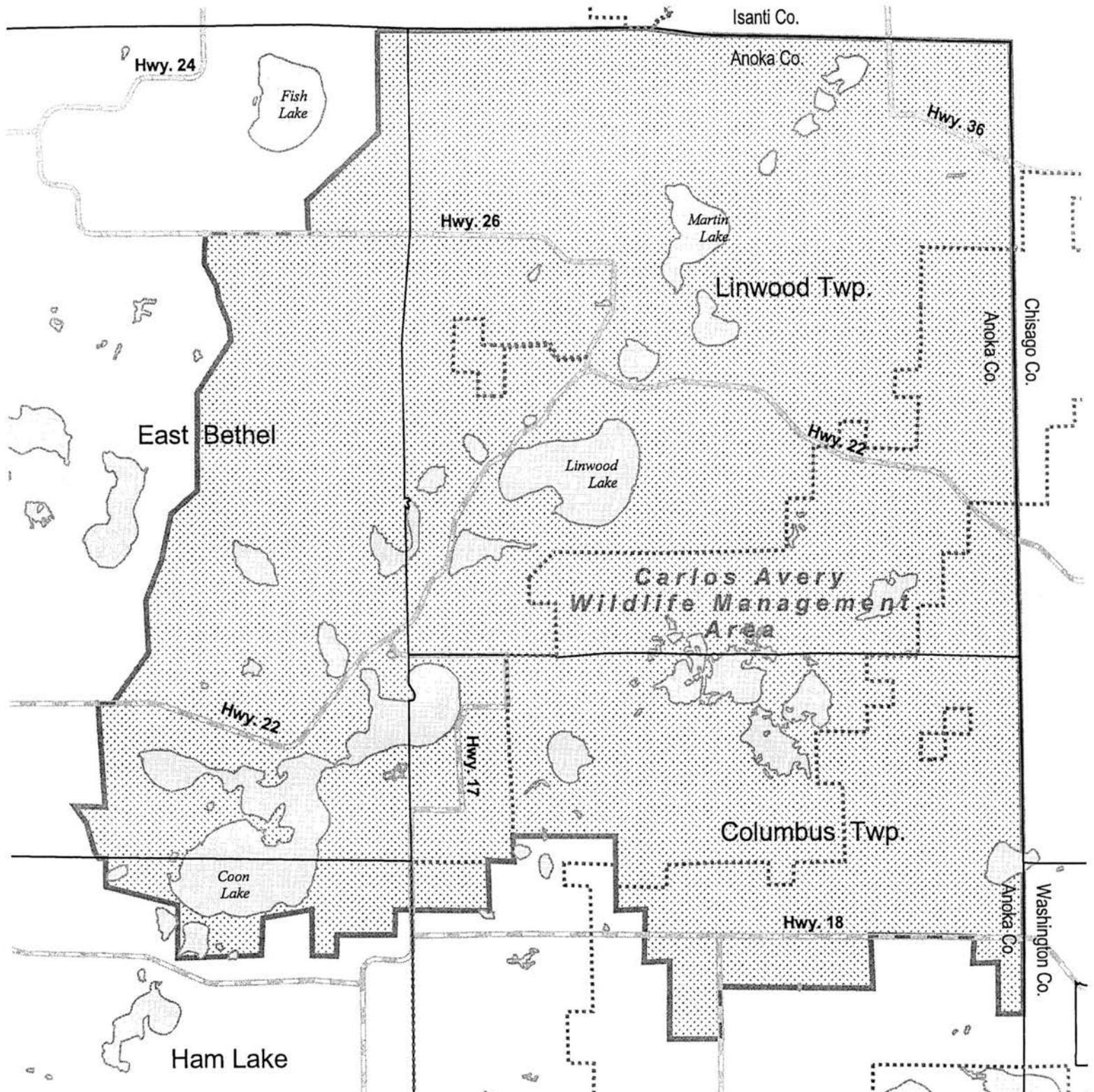
Dated this 23rd day of September, 1999.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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By: _____
Kathleen M. Roer, Chair

Proposed Sunrise Watershed District



Ham Lake

City and Township Boundaries



Proposed Sunrise Watershed District



Wildlife Management Areas



County State Aid Highways



New Business

3. Additional Funding for CREP

Funding for CREP

(8-31-99)

\$6,875,000	Available for CREP from 1998 capital bond appropriation (in approved workplan)
<u>\$5,908,903</u>	Total CREP application amount to date for 8,690 acres
\$ 966,097	Balance available from the 1998 appropriation

The \$966,097 still available from the 1998 appropriation will be totally gone, or obligated, by the end of September at the current CREP sign-up pace.

An additional **\$3,430,000** is also available for CREP. This amount comes mainly from federal grant reimbursements (NAWCA) - \$2.0 million, RIM/WRP partnership "savings" - \$1.0 million, and landowner cancellations and unspent practice dollars - \$430,000.

Total dollars available for new CREP applications:

\$3,430,000	available from old bond accounts
<u>+ \$966,097</u>	balance from 1998 CREP
\$4,396,097	

In light of the great demand for CREP and it's continuous non-competitive sign-up, the \$3,430,000 needs to go to CREP. We still have a long ways to go towards our 100,000 acre goal for CREP. As it is, this additional amount will only keep us going through approximately the end of December 1999.

From the 1998 appropriation we still have \$1.0 million in reserve for the RIM / WRP partnership with the NRCS, and \$2.4 million for the 'regular' RIM and PWP sign-up this fall (99-03 sign up).

New Business

**4. CRP Extension with RIM
Reserve**

Continuous CRP Extension With RIM Reserve - 1999 Regular RIM Sign up

The MN Legislature approved an amendment to the RIM Reserve statute that allows the state to place an easement on top of an existing CRP contract, without the landowner having to cancel their CRP contract. In the past this could not be done. RIM Reserve eligibility criteria prohibited enrollment of land where an existing contract or conservation easement existed.

MS 103F.515, Subd. 2(c)(3), eligibility criteria, has been amended as follows:

(3) not be set aside, enrolled or diverted under another federal or state government program unless enrollment would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program.

This statute change was needed primarily in the MN River basin relating to the CREP. Before the CREP Agreement was approved with USDA-FSA, many landowners were signing up for continuous CRP with the expectation of ultimately getting into CREP. When the CREP Agreement was finally approved in February of 1998, it required "new" CRP lands which prohibited landowners with already approved CRP contracts from getting into CREP. For this fall's regular RIM sign-up, these landowners are the focus of our efforts. They can't enroll in CREP, so we intend to offer "CREP-like" payments via the regular, competitive sign-up process.

Policy for this fall's 1999 regular RIM Reserve sign-up for CRP extensions

- The RIM extension option will only apply to continuous CRP contracts containing CP-21 (filter strip) and CP-22 (forest riparian buffer) practices.
- Will be available statewide, not just in the MN River watershed.
- Only perpetual easement extensions will be allowed.
- Payment rates will use the weighted average base soil rental rate that landowners received with their approved CRP contract, excluding any CRP bonus or incentive payments. The CREP payment calculation will be used to determine the RIM bonus payment (i.e., base soil rental rate X 15 yrs. X 40%).
- Funding for applications will be coming out of the Board Conservationist's "regular" RIM funding allocation for the 99-03 sign-up. Applications from landowners will be screened and prioritized by local RIM screening committees.
- CRP contracts on CP-22 marginal pasture sites will not be eligible for extension.

Future application of this new ability for the RIM Reserve program with other land retirement programs (regular CRP, WRP, etc.) will need to be approved by the BWSR Board because associated RIM payment rates, program priorities, and coordination of practice plans will be more complicated.

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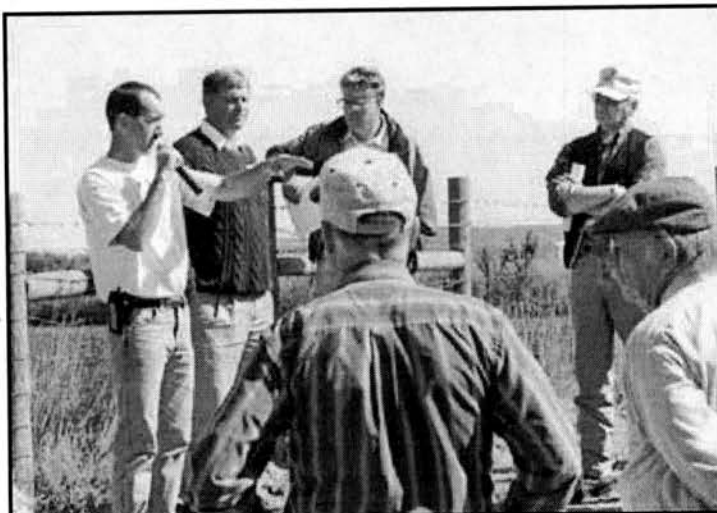
State board tours feedlots in Stearns County

This article submitted by Michael Jacobson on 9/29/99.

In conjunction with one of its monthly meetings, the Minnesota Board of Water and Soil Resources (BWSR) toured several feedlots in Stearns County last Wednesday.

The board--which is comprised of three county commissioners, three Soil and Water Conservation District Supervisors, three watershed representatives, three citizens, and five representatives from state agencies--acts as a conduit between the state and the local bodies of government that actually initiate most conservation projects.

"We try to get out of St. Paul and look at different areas of the state at least a few times a year," said Ron Harnack, BWSR executive director. "This is the best way for us to keep in touch with what soil and water conservation districts and counties are doing to manage resources locally."



Keith Schaefer explains some features of his family's dairy farm to tour group that included the Minnesota Board of Water and Soil Resources.

On Wednesday, BWSR board members and staffers toured five Stearns County farms, and drove through Spring Hill to catch a glimpse of the small municipality's new wetland-based sewer system. On Thursday, the board held its monthly meeting in St. Cloud.

The out-state visit was hosted by the Stearns County Soil and Water Conservation District (SWCD) in honor of its 50 years of existence. The SWCD held its first meeting on Aug. 9, 1949. At lunch at the Roadside Tavern in Roscoe, a representative of the BWSR presented a plaque to commemorate the anniversary to Urban Spanier, chairman of the board of supervisors for the SWCD.

In addition to the state board, SWCD invited a number of local participants, bringing the total number on the tour Wednesday to 50. "We tried to get key partners together," explained Dennis Fuchs, SWCD administrator, "and that includes watershed districts. They are one of the key partners in the cooperative effort."

Fuchs said SWCD has received \$500,000 in cost-share grant money from BWSR. "We can get the money on the ground," he said.

The tour focused on feedlots, according to Fuchs, because that is the leading industry in Stearns County and an agriculture issue on people's minds. Stearns County has an estimated 2,700 feedlots.

The tour started at a dairy farm near St. Rosa that has a potential pollution problem. The farmer is working with the SWCD and the Natural Resource Conservation Service on a remedy.

The remaining stops on the tour displayed completed projects. The next stop was at a farm near Melrose that bordered on a creek.

Near Spring Hill, the tour stopped at the Victor and Ann Uphoff farm, whose feedlot is adjacent to the Sauk River. Their project was initiated in 1992 and completed in 1996. Using gravity flow from the feedlot, the waste is now collected in a 500,000-gallon manure pit.

The group took a driving tour of Spring Hill to see that municipality's new sewer system. A city-wide collection system is in place, and work is being completed on the treatment portion, which will consist of two 10,000-gallon septic tanks, two constructed wetlands, and a drip irrigation field.

Before lunch, the tour stopped at the Keith and Roman Schaefer farm between St. Martin and Roscoe. A waste control system was established for the feedlot on their farm to prevent runoff to nearby surface water. The Schaefers have also expanded their dairy operation, but the cost sharing was limited to the size of the original operation.

After lunch, a group discussion was held that included: Rose Arnold, Stearns County supervisor; Steve Sellnow, district conservationist for the Natural Resources Conservation Service; state Senator Steve Dille; Ron Mehr, a farm consultant from Richmond; and Dr. Robert Bixby, a geography professor at St. Cloud State University.

Arnold said that the county will be considering a zoning ordinance in the future. Such an ordinance might ease the feedlot ordinance now in existence by eliminating some reciprocal setbacks.

Sen. Dille said Minnesota has lots of government, and Minnesotans seemed to like it. He views our amount of government as more than adequate and stressed that the controls should be as local as possible. "In the future, it's going to be especially important for counties to do zoning," he agreed.

Dr. Bixby said that conservation was a good example of the function of different layers of government. Township borders, he pointed out, crisscross the state, but they "don't make sense when you look at conservation problems" because "none of them contain the problem."

The panelists agreed that the best way to approach farmers about conservation was through education and cost-sharing benefits. The least productive method was punitive action. Dr. Bixby estimated that 95 percent of people wanted to do the right thing. "All the rules are directed at the other five percent, and that's a tragedy," he said.

To make conservation more efficient, Sellnow advocated more prioritization of conservation needs. He also noted that the federal government only participates in projects with a complete remedy, but suggested that maybe they should consider nonperfect solutions.

"It seems to me," agreed Sen. Dille, "(that) government likes to lower the risk to zero, which is very expensive."

Most agreed that the government had a responsibility to help farmers financially with conservation projects. Mehr said that when the government backs a cheap food policy, "there has to be some governmental assistance for problems like this."

In the afternoon, the tour concluded with a stop at the Richard and Cathy Pflueger farm west of Paynesville. Their farms borders the North Fork of the Crow River and the conservation project was completed in 1997.

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Conservation tour visits area feedlot sites

by Deb Freiborg
Staff Writer

Dennis Ritter has about 135 head of cattle on his dairy farm northeast of Melrose. He also has an uncompliant feedlot, according to standards of the Pollution Control Agency. He registered his feedlot last February and waited over four months before hearing back. He got a letter in July stating that he had been issued a interm permit and was supposed to start work on his pit by November 15th to bring it into compliance, and have it done by May 15, 2000.

Ritter didn't know what he was supposed to do or how much it would cost. At present, all his cowyard water goes into a DNR protected wetland. He has been trying to work with Soil and Water and PCA to get some answers, as well as postpone the deadline.

Winter is not a good time for overhauling a manure pit. It may have been the best thing that could have happened though, as it led to open discussion at a Melrose Forum in August where many people were wondering the same things.

Ritter is Chair of the Stearns County Dairy Advisory Committee, which is presently exploring the issue of permitting feedlots with greater than "zero" discharge ratings.

On Wednesday, September 22 a Board of Water and Soil Resources tour visited the Ritter farm to observe and compare it to several compliant feedlots and projects. The tour was sponsored by the Stearns County Soil and Water Conservation District.

With 2,700 feedlots in Stearns County there should be some

prioritization system depending on surface versus ground water, but there isn't. Although Ritter's feedlot is considered a lower priority project because it does not feed into the river, it represents "one of the more difficult sites in the state to correct."

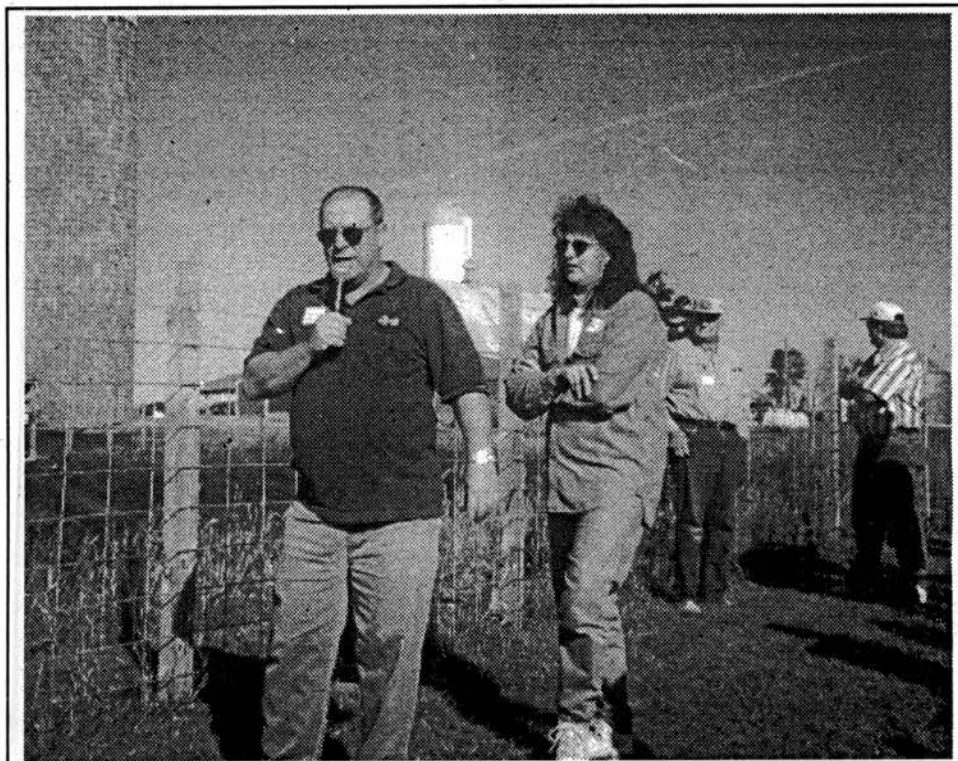
A clay liner for his pit would cost \$40,000 to \$50,000 or \$500 to \$600 per head. His feedlot runoff pollution is at 49 percent or a FLEVAL rating of 49/1. Ritter had built his pit in 1984 according to specs.

Second stop on the tour was Don and Bertha Hartung's farm four miles south of Ritter. They completed an animal waste control facility this year using BWSR Feedlot grant funds and grant funds from the Sauk River Watershed District. Their feedlot is adjacent to Adley Creek and is within a designated "shoreland" area. It uses gravity flow into a pit constructed of clay material found mostly on the site with a lot of their own labor.

The pit alone cost \$46,000 and had been emptied for the first time the previous day. It can hold 63,000 pounds of liquid manure and qualifies for 115 animal units, although Hartung only has 60.

In addition to the new pit, Hartung had concreted out the feedlot, put rain gutters on buildings and installed temporary silt fencing near the river. There was also a safety fence put up around the perimeter of the pit. His manure management plan will be refined on a yearly basis and is 100 percent contained, with zero discharge.

Other feedlot sites visited on the tour included Victor and Ann Uphoff of



One of the sites toured was the Don and Bertha Hartung's farm near Melrose. (photo by Deb Freiborg)

Spring Hill, (who started the planning of their project in 1992 and completed the Animal Waste Control Facility in 1996), Keith and Roman Schaefer of St. Martin, (who started in 1991 and finished in 1997 on their large dairy operation that produces 5.6 million gallons of manure annually, with 1100 acres of cropland available for manure application), and Richard Pflueger of Paynesville, (uniquely designed with a portion of the structure located in the river floodplain with large rock riprap protecting the integrity of the pond from the North Fork Crow River during peak runoff periods).

The day also included a visit to Spring Hill where a wetland was constructed for treatment of municipal waste, a pig roast in Roscoe, and a Conservation Needs Forum to answer questions about feedlots and natural resource concerns. Moderator was Ron Shelito, BWSR Regional Supervisor. Panel members included: Rose Arnold, Stearns County Commissioner and President of the Association of Minne-

sota Counties; Robert Bixby, Geography professor at St. Cloud State; Senator Steve Dille; Ron Mehr, farm consultant with the Richmond Mill and member of the Stearns County Dairy Advisory Committee; and Steve Sellnow, USDA-Natural Resources Conservation Service District Conservationist for the past 25 years.

Dennis Ritter attended the panel discussion and felt that some of the issues that needed to be addressed are:

- How badly the runoff actually pollute? (The Watershed District is going to pull samples from the pond on his property for testing.)
- Who is going to pay?
- What is exactly zero discharge? How do you know you've reached zero discharge?
- What about cats and dogs in the city? Does anyone test to see if they have polluted the soil?

It appears that manure management is creating a huge load for everyone. It maybe even larger than the manure itself.

and his wife, Elizabeth Lanasa, 72, and Eileen Dolan, 75, all died from injuries they suffered in the 2:20 p.m. crash at U.S. Highway 10 and County Road 7.

Troopers said Thomas Lanasa was driving and the women were passengers in his car.

Lanasa was driving east on County Road 7 and failed to stop for a stop sign at Highway 10, troopers said, and drove in front of a southbound pickup truck driven by Timothy Gray, 30, of Tenstrike. The car was struck broadside.

Gray and his passenger, Gregory Spaulding, 47, of Bagley, were injured in the collision. There were both treated at St. Gabriel's Hospital in Little Falls and released.

Richmond man hurt in motorcycle crash

RICHMOND — A Richmond man was severely injured when he was struck by a car Wednesday evening while riding a motorcycle, authorities said.

Julian John Kuhl, 42, was listed in critical condition this morning at St. Cloud Hospital, where he was taken after the 5 p.m. accident.

The accident occurred on Stearns County Road 71 south of Minnesota Highway 23 in Wakefield Township.

Stearns County sheriff's officers said Ruth Heinen, 39, of Richmond, was driving south on County Road 71 and was turning into a driveway when her vehicle collided with Kuhl's motorcycle.

Twin Cities get cleaner gasoline

ST. PAUL — About 100 Twin Cities gas stations got a jump Wednesday on proposed new federal environmental requirements by offering a new, low-sulfur gasoline.

The fuel called Blue Planet produces 10 to 20 percent fewer emissions than the average gasoline, said officials from Koch Petroleum, which produces it.

The gas is refined at Koch's Pine Bend facility and is the only fuel available at more than 100 Twin Cities Holiday Station stores. Initially, it won't cost any more than the fuel available elsewhere.

But eventually, Koch Petroleum President Jim Imbler hopes "consumers would be willing to pay a couple more cents for it."

Counterfeit bills turn up in Winona

WINONA — Police here are searching for a person who is passing counterfeit money at area businesses.

Late week, one counterfeit \$50 bill turned up at Kentucky Fried Chicken. The Winona National & Savings Bank reported getting a counterfeit \$50 bill in the deposit from a liquor store.

Another liquor store discovered a counterfeit \$20 bill, the second the store had received in a week. Both bills had the same serial number.

All told, \$160 worth of counterfeit money has been used at Winona businesses.

Police Sgt. Glen Erdmann said the bills look like they were produced on a high-quality computer scanner or photocopy equipment.

He said the bills lacked a certified water mark and they failed a test with a special ink pen used to determine authenticity of federal reserve notes.

Have a tip?

Do you know of an issue that the St. Cloud Times should investigate? Are there cases of wrongdoing that should be explored?

Please call our hotline at (320) 202-5411. Leave a detailed message about the situation and where information might be available.

Please leave your name and number in case we need to talk with you. You also can mail us information: St. Cloud Times Investigations, Box 768, St. Cloud, MN 56302.

Or e-mail us by visiting our Web site at www.sctimes.com

Approval of a building improvement plan would add about \$2.5 million to the St. Cloud school district's proposed tax collection in 2000.

St. Cloud school board members will discuss the building improvement plan at their 7:30 meeting tonight in the council chambers at St. Cloud City Hall.

If that plan is approved and school board members vote to certify the local levy, the St. Cloud

district will receive a notice about the impact of the school levy on their property taxes in November.

Then, in December, the school district will hold a truth-in-taxation hearing where residents can address board members about how tax money is being used in the district.

Tonight, Lee will outline the maintenance needs of the school district in the next 10 years.

State law allows school dis-

trict officials to vote on whether to approve the deferred maintenance plan for the following year.

Projects scheduled for the first year of the maintenance plan include resurfacing and restriping 32,000 feet of a parking lot and hard surface play area at Clearview Elementary School.

That project will cost \$160,920. The district will spend \$300,384 to replace the wood gym floor at Apollo High School. At South Junior High School, the district

will vote on whether to approve the deferred maintenance plan for the following year.

The St. Cloud school district has about 2 million square feet of space, Lee said. The average age of the St. Cloud school district's buildings is 30 years and older.

To be eligible for the levy, school district officials must submit a 10-year facility maintenance plan, which must be approved by the state education

department. Among improvements at McKinley Elementary School will be repairing floor and wall cracks, which will cost \$4,470.

Among the repairs at Technical High School will be a \$596 job to replace weather stripping on some of the school's doors.

The maintenance of the schools is important, Lee said.

"This is like preventive maintenance," Lee said. "If you put it off, it has the potential of costing more later."

Stearns farm trip focuses on the environment



TIMES PHOTOS BY KIMM ANDERSON

Members of the Minnesota Board of Water and Soil Resources and several watershed districts look at a manure pit Wednesday near the Sauk River on a feedlot at the Victor and Ann Uphoff farm near Spring Hill during a tour. The Uphoffs were concerned about runoff from their farm getting to the Sauk River and received help to construct the \$23,000 holding pit.

Feedlot tour shows off successes

By Kirsti Marohn
TIMES STAFF WRITER

MELROSE — A few years ago, manure from Don and Bertha Hartung's dairy farm near Melrose was leaking downhill into Adley Creek, which flows into the Sauk River.

Today, manure runs from the barn through a pipe into a clay-lined pit, with almost no odor and no leaks.

Local soil and water conservationists got an up-close look Wednesday at the Hartungs' farm and four others in Stearns County. Members of the Minnesota Board of Water and Soil Resources, the Stearns County Soil and Water Conservation District and several watershed districts took the tour.

The Hartungs' operation is one of the county's success stories, said Dale Walz, Stearns County Soil and Water Conservation District board member.

"I think this is a good example of what can be done," Walz said.

The Hartungs received state and federal grants and loans to help pay for the \$46,000 project. They also contributed time, money and sweat, said Lynn Nelson of the Sauk River Watershed District.

"Don and his family put a lot of their own labor into this pro-



The visitors board the bus to head for the next site after viewing the Uphoff farm near Spring Hill.

ject," Nelson said.

Native grasses growing around the manure pit help prevent erosion, and a high fence reduces the chance of an accident.

"We're always concerned with safety ... especially with children on a family farm," Walz said.

But not all feedlots in Stearns County are considered as safe as Hartungs'. The tour also made a stop at Dennis Ritter's dairy farm near St. Rosa, where a potentially leaky manure pit overlooks a wetland protected by the Department of Natural Resources.

The Ritter farm is one of between 400 and 600 feedlots in Stearns County that do not have permits from the county or the Minnesota Pollution Control Agency, said Dennis Fuchs, county soil and water district administrator. There are about 2,700 feedlots in Stearns County, many of which existed before permits were required.

Ritter's farm poses especially difficult problems because of the steep slope down to the wetland and the area's high water table.

"This is one of our most difficult sites in the state," said

Steven Sellnow, district conservationist with the U.S. Department of Agriculture.

Upgrading a faulty manure pit can be extremely costly. Just testing the pit for leaks would cost about \$2,500, Sellnow said.

Ritter said his well water has been tested and is "excellent." But in an area with a high water table, the possibility of nitrates and pathogens leaking into the ground water is a real threat, Sellnow said.

"There is research that shows ... they will leak, and there is a potential for pollution," Sellnow said.

Another stop on the tour was the Victor and Ann Uphoff farm near Spring Hill. After learning that manure from their dairy farm was seeping into the Sauk River, the Uphoffs installed a 500,000-gallon manure pit.

The Sauk River Watershed District helped the Uphoffs with the \$23,000 cost with a grant and loan through its Clear Water Partnership Program.

Victor Uphoff is a good example of farmers in Stearns County working to protect natural resources, Walz said.

"He's trying to do the right thing," he said. "He's trying to clean up the environment."

Police arrest three boys in gang rape of 8-year-old girl

ST. PAUL (AP) — Three boys, ages 10, 11 and 13, were arrested Wednesday in the alleged gang rape of an 8-year-old girl, police said.

"We figured that enough had come together to bring them in," said St. Paul Police spokesman Michael Jordan. "They are accused of a significant crime."

The boys must be charged within 48 hours. They are being held on preliminary charges of first-degree criminal sexual conduct.

Police expected to present their case to the Ramsey County attorney's office by the end of the week.

Because the boys are younger than 14, they cannot be tried as adults. If convicted, they could be confined in a juvenile institution, but only until they turn 19.

Cases of juvenile criminal sexual conduct are rare. In Ramsey County, between 48 and 63 juveniles have been charged per year since 1992. Seventeen juveniles

had been charged through June 30 of this year.

The other four boys accused in the rape are younger than 10, the minimum age for criminal prosecution in Minnesota. A defendant younger than 10 would be referred to child protection services and could be placed in a treatment or rehabilitation center.

One of those too young to be prosecuted as a criminal is the victim's 9-year-old brother, who police say led the attack on his sister.

"They are still out and about," Jordan said of the younger boys. "They're beyond our reach because they are not accountable."

The victim was placed in 72-hour protective custody for a physical examination, counseling and to identify her attackers from a photo lineup.

The attack occurred Sept. 7 or 8, but wasn't reported to police until last week by the victim's mother.

St. Cloud's help sought to advance rail project

Northstar Authority will asked City Council to persuade Stearns County to do its share

By Dave Aelkens
TIMES STAFF WRITER

Supporters of a commuter rail service in St. Cloud want the City Council Monday to urge the counties to help pay construction costs.

While the resolution the Northstar Regional Development Authority wants passed mentions no specific counties, it is clearly aimed at Stearns County. Stearns has refused to join the coalition of counties, cities and townships that form the Northstar project.

"This will help them decide," said Gerry Donlin, St. Cloud City Council member and a member of the Northstar Regional Development Authority board.

Northstar officials are touting

their recent survey that showed 83 percent of the people in Stearns, Benton and Sherburne counties support commuter rail service and 17 percent would ride the trains.

However, a push from the St. Cloud council, for now, seems unlikely to budge a reluctant Stearns County board.

Some say the county's support of the high-speed rail line from St. Cloud to Minneapolis is crucial. One plan calls for a station downtown across from the Stearns County Courthouse. If Stearns stays out, the city of St. Cloud might have to pick up the costs or the downtown station won't be built. One station is set for southeast St. Cloud near the city garage in Sherburne County.

"At this point, as good as this project is, the dollars aren't there," Stearns County Commissioner Mark Sakry said.

Please see ST. CLOUD, 6B ►

SCSU enrollment jumps 6%

By John Hoogesteger
TIMES STAFF WRITER

St. Cloud State University's fall enrollment is up 6 percent from last year, figures released Wednesday show.

The university has 14,708 students this semester compared with 13,872 in the fall semester of 1998. Those figures were compiled on the 10th day of classes.

University leaders are pleased with the numbers, said Suzanne Williams, acting St. Cloud State president.

"We believe this increase is indicative of the excellence of the education we provide ..." Williams said. "Credit for this success belongs to many people who have worked hard to increase awareness of the quality programs we provide at SCSU."

The increase leaves the uni-

versity on track to reach its goal of 14,900 students for the 2000-2001 school year.

The university exceeded two of its goals for attracting students this year, bringing in 2,492 freshmen (2,400 was the goal) and registering 1,359 transfer students (1,300 was the goal).

It also came within 1 percent of its goal of having 37 percent of the freshman class having graduated from the top 25 percent of their high school class.

Eugene Gilchrist, vice president of administrative affairs, echoed Williams' comments.

"More and more people are finding that we provide a high quality education," he said. "We set out to get larger and better at the same time. That's exactly what we've done."

St. Cloud State is the second-largest university in the state.

Blom's hearing continued until today

Arraignment was expected but court never convened

CARLTON (AP) — Lawyers for the man charged with abducting and killing a convenience store clerk met privately with prosecutors and a judge Wednesday, and Donald Blom's arraignment was then continued until Thursday.

Judge Dale Wolf would not talk to reporters about the two-hour closed-door meeting, and lawyers are under a gag order

not to talk about the case. Wolf said the hearing will continue at 10:30 a.m. Thursday.

Blom is charged with kidnapping and killing Katie Poirier last May. The six-time convicted sex offender said Sept. 8 that he killed Poirier and burned her body, but later he refused to plead guilty during a court hearing.

Poirier's family sat in the back of the courtroom Wednesday, expecting to watch Blom's arraignment, but court was never convened.

Blom, charged with first-degree murder in the Barnum

teen-ager's death, also faces federal charges of being a convicted felon in possession of firearms. The federal case is scheduled to go to trial Oct. 25 in Minneapolis.

Documents recently released in the case show Blom's marriage was plagued with sexual problems and he was taking the drug Viagra.

Two psychologists with experience evaluating and treating

sex offenders said such people may depend upon threats of violence to their victims to become sexually aroused.

"It does have to do with power and control, but the violence and control is eroticized. It has an arousal value to the offender," said Jerry Kaplan, a psychologist and executive director of Alpha Human Services of Minneapolis, the country's only inpatient, community-based adult sex-offender program.

Kaplan acknowledged that he was speaking in general terms and had never examined Blom.



Donald Blom
CHARGED WITH KILLING KATIE POIRIER

Welcome to Stearns County!!

**Conservation Tour and Needs Forum
Wednesday, September 22, 1999**

Sponsored by:

**Stearns County Soil and Water
Conservation District**



Celebrating 50 Years

Stearns County SWCD
110 Second Street South, Suite 128
Waite Park, MN 56387
(320) 251-7800, Extension 3

BOARD OF WATER & SOIL RESOURCES TOUR

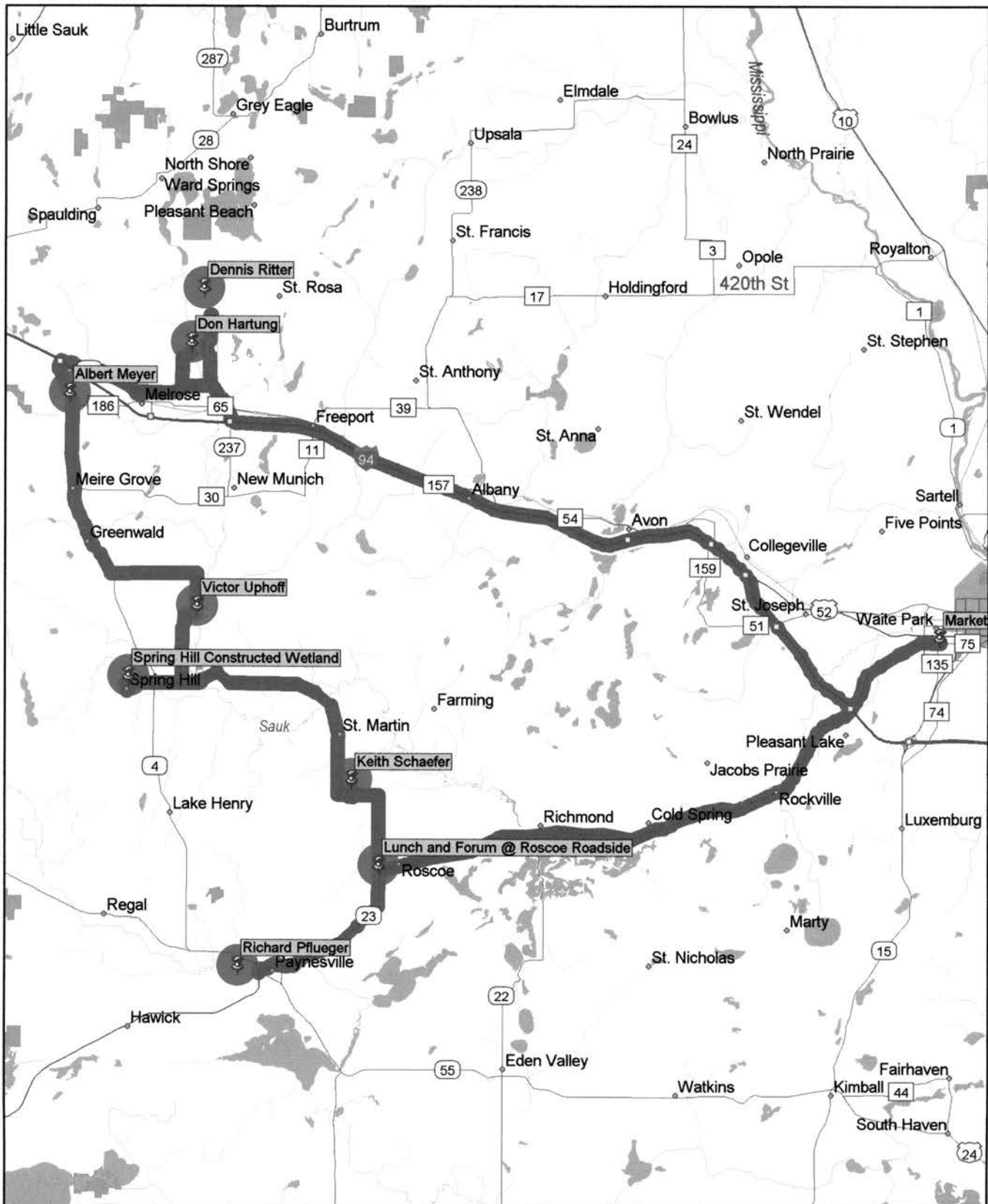
September 22, 1999

Sponsored by the
Stearns County Soil & Water Conservation District

- 8:00 **Welcome – St. Cloud Room**
Pete Waller, BWSR Board Conservationist
- 8:05 **Background Information on Stearns County SWCD**
Dennis Fuchs, Stearns SWCD Administrator
- 8:30 **Depart from Holiday Inn**
- 9:15 **Dennis Ritter Feedlot Site**
*Dennis Ritter has an **unpermitted** earthen basin and a feedlot exhibiting a high FLEVAL rating of 49/1. A DNR "protected water" is adjacent to the feedlot. SWCD/NRCS staff are currently working on options to correct this feedlot problem. Mr. Ritter serves as Chair of the Stearns County Dairy Advisory Committee. The Dairy Advisory Committee is presently exploring the issue of permitting feedlots with greater than "zero" discharge ratings. This stop will serve as a backdrop for discussion at the afternoon forum on permitting feedlots with greater than "zero" discharge.*
- 10:00 **Don & Bertha Hartung Feedlot Site**
Don & Bertha Hartung completed an animal waste control facility in 1998/99 using BWSR Feedlot grant funds and grant funds from the Sauk River Watershed District (SRWD). This feedlot is adjacent to Adley Creek and is within a designated "shoreland" area. SRWD water quality monitoring data from Adley Creek was used to prioritize feedlots in this watershed. Engineering was provided by Central MN JPA and SWCD. Note: The Hartung's son, Tom, won first place in the Jr. Division of the MASWCD Essay Contest this year!!
- 10:45 **Victor & Ann Uphoff Feedlot Site**
Victor & Ann Uphoff started the planning of this project in 1992 and completed the Animal Waste Control Facility in 1996. The feedlot is adjacent to the Sauk River and was considered a high priority project (FLEVAL rating of 48/3). The handling system uses the gravity flow method to convey manure from the barn to the storage pond. The landowner received cost-share funds from the Farm Service Agency. Engineering provided by NRCS and SWCD.

- 11:10 **City of Spring Hill Constructed Wetlands**
Raw sewage from the City of Spring Hill was flowing into Stony Creek, a high priority subwatershed of the Sauk River. To correct this problem, Spring Hill is installing a constructed wetland for treatment of municipal waste. Installation of the treatment system will complement federal and state non-point program efforts in this watershed (Refer to attached fact sheet).
- 11:45 **Keith & Roman Schaefer Feedlot Site**
Keith & Roman Schaefer started the planning stages of this project in 1991 and finished the construction in 1997. The Animal Waste Control Facility was constructed to prevent feedlot runoff (FLEVAL rating of 43/3) from entering a DNR "protected water". Mr. Schaefer received cost-share funds from the Farm Service Agency. Cost-share was limited to the size of the existing operation. Pollution prevention costs associated with expansion were the responsibility of the landowner. This is a large dairy operation that produces 5.6 million gallons of manure annually; 1100 acres of cropland are available for manure application. Engineering assistance provided by NRCS and SWCD.
- 12:30 **Pig Roast – Roadside Tavern (provided by the Stearns County SWCD)**
- 1:15 **Conservation Needs Forum**
Moderator – Ron Shelito, BWSR Regional Supervisor: A diverse group of panelists will answer questions about feedlots and natural resource concerns.
- 3:00 **Depart from Roadside Tavern**
- 3:20 **Richard Pflueger Feedlot Site**
The feedlot on the Richard Pflueger farm was identified by the North Fork Crow River Watershed District as a high priority, with a FLEVAL rating of 32/2. The Animal Waste Control Facility was constructed in 1997. The waste storage pond design is unique, with a portion of the structure located in the river floodplain. Large rock riprap protects the integrity of the pond from the North Fork Crow River during peak runoff periods. Mr. Pflueger received cost-share assistance from BWSR Special Projects, federal Long Term Agreement, and the North Fork Crow River Watershed District. Engineering assistance provided by JPA and SWCD.
- 4:00 **Leave for Holiday Inn**
- 5:00 **Arrive at Holiday Inn**

BWSR Tour 1999



Microsoft Expedia
Streets98



Spring Hill Community Wastewater System Fact Sheet



The Current System

The City of Spring Hill presently has a wastewater disposal system consisting of septic tanks and a common drain system discharging to surface water. The system is in violation of state and federal standards and poses health and safety concerns, as well as environmental concerns.

Construction Schedule

Bid	June 1999
Construction begins	July 1999
Construction completion	Oct 1999
Complete connections	Oct 2000

Description of the New System

Wideth Smith Nolting completed a preliminary engineering report in 1998 that investigated collection and treatment alternatives for the City of Spring Hill. After examining five alternatives, the City decided to construct the following:

- ◆ Standard gravity collection system
- ◆ Community septic tanks for primary treatment
- ◆ Constructed subsurface flow wetlands for secondary treatment
- ◆ Drip tubing drainfield for final soil treatment and disposal

The facility is designed to handle the existing community of Spring Hill, with a modest capacity for additional growth. The facility design flow is 9,200 gallons per day.

The Minnesota Pollution Control Agency will provide a permit for construction of the collection system. Stearns County is responsible for permitting the treatment facility.

Project Budget

Collection system	\$202,500
Wetland treatment system	242,200
Contingency	54,800
Temporary financing	4,000
Preliminary engineering	2,500
Engineering	75,000
Legal	5,000
Land	9,000
Total project cost	\$595,000

Funding Agencies

USDA Rural Development-Grant & Loan	\$429,400
State of Minnesota ISTS Grant Program	\$165,600

Mayor, Clerk & Council Members

Mary Wuertz	Mayor
Dan Hemmesch	Clerk
Gordon Barten	Council Member
Cheryl Athmann	Council Member
Millie Spanier	Council Member
Hortense Walz	Council Member
Jim Klassen	Council Member

Information Prepared by

**WIDETH
SMITH
NOLTING**

Engineer & Consultant

Wideth Smith Nolting, engineer
North American Wetland Engineering,
P.A., consultant

TOM HARTUNG

39752 325TH AVENUE
MELROSE, MN 56352

MELROSE AREA PUBLIC SCHOOL

STEARNS COUNTY

I think using our land wisely should be a priority from the young to the very old. Everyone should work together to keep the earth clean and healthy for future generations.

In my opinion one of the best ways for people to become aware of our environment is through our schools. Educating young people about the dangers of pollution seems to have a greater impact at an early age. I know at our school we learn a great deal on the importance of recycling and the problems with littering. My family started recycling after I came home from school and encouraged them to.

We live on a dairy farm and our family recently did some conservation practices. We live close to Adley Creek. My father was always concerned with runoff and pollution coming from our cowyard. For many, many years he kept a grass buffer between the cowyard and the creek. Last fall he felt it was time to eliminate all possible pollution risks- so he put in an earthen based manure pit. This spring he will finish this project so the feedlot run-off will all be directed to the pit. When he manures out the pit this fall he will inject the manure directly into the ground. Many farmers are using this practice to eliminate air and water pollution. This process provides more nutrients to the soil from the animal waste than other methods. My dad also rotates the crops to help utilize the nutrients from the soil as best as possible.

Another plan we have is to add 50 trees to our farm this Spring. Trees are an excellent windbreak for the farmyard and to prevent soil erosion. They will grow strong and tall for many generations to enjoy.

Well, enough of my family's farm. This year our county celebrated 50 years of conservation. That's a lot of years. Many farmers were recognized for their efforts at a recent meeting. The improvements are tremendous. Just think what a little foresight did back then.

Our county also addressed a major issue last year. The animal feedlot ordinance went into effect in September. There were many debates and concerns heard from the residents of the county. Hopefully the ordinance will help to keep harmony between the urban and rural communities. Too many times these two sides have clashed and now there are rules and regulations to guide us through any disagreements.

Urban sprawl will always be a big concern. There is no denying that our population is on the rise and will continue. If we look and plan ahead we will be prepared for the future.

Although all types of land are important, I feel that agricultural land is our most important resource. After all it does provide the world's people with all of their daily nutrition.

There are many, many things we can do with our land. Everything we do has an impact and leaves a print on the future. Everyone needs to keep conservation in mind when we expand or build. Let's continue our good work and future generations will look back and be proud of what we have accomplished.

BWSR Tour - 9/22/99

		Lunch	Bus
* Anderson, Jim	MES	1	1
Anderson, Mary Jo		1	1
* Annexstad, Glenn	Citizen	1	1
* Clark, Sharon	Dittrick, Mark	1	1
* Cobb, Barb	WMO	1	1
* Coe, Lee	Citiz	1	1
* Deal, Jerome	WD	1	1
* Edgerton, Wayne	DNR	1	1
Harnack, Ron		1	1
* Imholte, Ginny	WD	1	1
Kean, Al		1	1
* Krabbenhoft, Paul	SUCO	1	1
* Otte, Dwain	SUCO	1	1
* Roer, Kathleen	Citiz	1	1
Shelito, Ron		1	1
Waller, Pete		1	1

Tim Gieseke

*Lori, Dennis
 Brad Wenz,
 Dale Walz
 Steve
 Stearns Bd.

BOARD OF WATER AND SOIL RESOURCES
Sleeping Room Accommodations
at the Holiday Inn, St. Cloud
320-253-9000

Tuesday, September 21

Mary Jo Anderson
Glenn Annexstad

Barb Cobb
Lee Coe

Ginny Imholte
Paul Krabbenhoft
Rod Massey
Dwain Otte
Kathleen Roer

Wednesday, September 22

Mary Jo Anderson
~~Glenn Annexstad~~

Sharon Clark
~~Barb Cobb~~
~~Lee Coe~~

~~Jerome Deal~~
Jim Haertel
~~Ron Harnack~~
~~Ginny Imholte~~
Paul Krabbenhoft
Rod Massey
~~Dwain Otte~~
~~Kathleen Roer~~

BOARD OF WATER & SOIL RESOURCES TOUR

September 22, 1999

Sponsored by the
Stearns County SWCD
Stearns County, Minnesota

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- 4:00 **Leave for Holiday Inn**
- 5:00 **Arrive at Holiday Inn – Social Hour in Legend's or "time on your own"!!**
- 6:30 **Dinner – Poolside Patio**



STEARNS COUNTY SOIL AND WATER
CONSERVATION DISTRICT

Marketplace of Waite Park
110 2nd Street South, Suite 128
Waite Park, MN 56387
Telephone (320) 251-6718
Fax (320) 251-9171

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

December 3, 1998

RECEIVED
DEC 07 1998

Ron Harnack
Board of Water and Soil Resources
Suite 200
One West Water Street
St. Paul, MN 5 5107

Dear Ron,

Stearns County SWCD is planning a yearlong 50th anniversary celebration in 1999!! The Staff and Board plan to hold a special event each quarter in 1999. Our actual anniversary date is October 28, 1949.

This letter is to officially request the BWSR Board to hold one of their outstate meetings/tours here in Stearns County in honor of our 50 years of accomplishments. Preferably, a September/October date would be ideal.

The other idea we discussed was whether we could also coordinate a statewide legislators tour the same day as the BWSR tour/meeting. In September of 1983, we hosted a statewide legislators tour, in cooperation with your office. We spent the morning touring conservation practices, in the afternoon we held a conservation needs forum (discussion between legislators, farmers and SWCD supervisors), and ended the day with a turkey barbecue and corn feed. This may be an excellent chance for our new Governor to see firsthand what SWCDs are doing!!!

Feel free to call Dennis Fuchs or me if you have any questions.

Sincerely,

Lori J. Persson
Administrative Assistant

P.S. Maybe we can talk more at the MASWCD Convention!!

Mary Jo

Dear ____

The Stearns County Soil and Water Conservation District cordially invites you to attend a "Conservation Tour and Needs Forum" on Wednesday, September 22, 1999 beginning at 8 a.m. at the St. Cloud Holiday Inn.

In honor of our SWCD's 50th Anniversary, the Minnesota Board of Water and Soil Resources (BWSR) has selected Stearns County SWCD to host their bi-annual tour and monthly meeting. This will be an excellent opportunity for you and BWSR to get an 'up close' view of our accomplishments in Stearns County. In addition, we hope we can call attention to the ongoing need for technical and financial assistance in conservation application.

We will have a short welcome and introduction at the St. Cloud Holiday Inn beginning at 8 a.m. on Wednesday, September 22, 1999. We will depart by chartered coach bus at 8:30 a.m. to tour a portion of Stearns County. After a delicious lunch of roasted pig, an interesting and challenging "Conservation Needs Forum" will be held to discuss several current issues.

We will arrive back at the St. Cloud Holiday Inn around 5:00 p.m.

To help us with our planning, please return the enclosed postcard by Tuesday, September 14.

Sincerely,

Urban Spanier
Chair

Jerome Bechtold
Treasurer

Chuck Uphoff
Vice-Chair

Ray Warga
Reporter

Victor Willenbring
Secretary