



Minnesota Board of Water and Soil Resources.
Minutes.

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October 1999

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
OCTOBER 27, 1999**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approve Minutes of September 23, 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

Agency Reports

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

Committee Recommendations

1. Wadena County Comprehensive Local Water Plan - northern subcommittee recommendation - DECISION

New Business

1. Briefing on Farm Crisis - Commissioner Gene Hugoson, Department of Agriculture - INFORMATION
2. Children's Water Festival Report - Cindy Weckwerth - INFORMATION
3. Minnesota's Water Planning Framework and How BWSR Fits In - Doug Thomas - DECISION
4. 2000 - 2001 Natural Resources Block Grants - Wayne Zellmer - DECISION

5. Sunrise River Watershed District Establishment Hearing - Jim Haertel -
DECISION
6. Lake Management and Related Issues
 - Item #1: The Interagency Lakes Coordinating Committee (ILCC) -
Marybeth Block and Steven Heiskary, MPCA - INFORMATION
 - Item #2: Reconvene the Minnesota Lake Management Forum - Dale
Krystosek and Jack Skrypek, DNR - INFORMATION
 - Item #3: Phosphorus (P) Policy - Steve Heiskary, MPCA, and Mark Zabel,
PCA - DECISION
 - Item #4: Lake Flooding in North Central Minnesota - Dale Krystosek and
Chris Parthum, Beltrami SWCD - 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

- "Sharing the Heartland" Conference, October 29-30, Bloomington
- MAWD Annual Meeting, December 3-4, Arrowwood, Alexandria
- MASWCD Annual Meeting, December 5-7, DECC, Duluth
- AMC Annual Meeting, December 6-8, Radisson South, Bloomington
- Next BWSR Meeting, December 15, St. Paul

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: October 18, 1999
TO: Board of Water and Soil Resources Members, Advisors, Staff
FROM: Ronald D. Harnack, Executive Director
SUBJECT: October 27, 1999 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 27, 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 Recommendations:

1. Wadena County Comprehensive Local Water Plan: The Wadena County Comprehensive Local Water Plan was originally approved by BWSR in 1993. The second generation plan has been developed and reviewed by the BWSR and other state agency staff. The north ad hoc committee is scheduled to meet on October 21st to review the contents of the plan and hear a presentation from Wadena County officials. Major issues in Wadena County include irrigation development and groundwater concerns and erosion and sedimentation concerns within the Upper Crow Wing Watershed. The Board will be asked to consider approval of the updated Water County Comprehensive Local Water Plan. DECISION

New Business

1. Briefing on Farm Crisis: Commissioner Gene Hugoson, Department of Agriculture, will present perspectives on the farm crisis. INFORMATION
2. Children's Water Festival Report: Cindy Weckwerth, chairperson of the Children's Water Festival, will present a report on the Children's Water Festival that was held on October 6.
3. Minnesota's Water Planning Framework and How BWSR Fits In: As the water plan update process got underway in mid-1999, it appeared that there was significant potential for the various water-related planning efforts that were going on in the State to overlap. These major efforts include Water Plan 2000, MPCA river basin planning, Minnesota River watershed planning efforts, and watershed district planning in the Red River Valley. Significant workload issues at both

the local government and state agency levels could arise if local task force members, and staff are expected to participate in these multiple water-related planning efforts at the same time. After conducting three basin meetings with staff from the DNR, MPCA, and Department of Health, it was apparent that there was a potential for the time frames for many of the planning efforts to overlap and that there is a lack of understanding by some as to what the purpose of each of the planning efforts is and how it all fits together. Staff will be presenting an overview of the attached paper on this subject and seeking BWSR endorsement on the proposed strategies. DECISION

4. 2000 - 2001 Natural Resources Block Grants: The Natural Resources Block Grants (NRBG) is an annual grant formulated to assist LGUs in implementing state mandated programs. These programs are: Comprehensive Local Water Planning, the Wetland Conservation Act, DNR Shoreland Management, the MPCA County Feedlot, and the MPCA County Individual Sewage Treatment Systems (ISTS). We allocate this grant to counties. The staff of BWSR, MPCA, DNR, and LGUs, are proposing the NRBG be administered biennially instead of annually. We request that the Board authorize staff to implement the 2000 - 2001 biennial NRBG Program. DECISION
5. Sunrise River Watershed District Establishment Hearing: A citizen petition was submitted to establish a watershed district in the entire Sunrise River Watershed. The requisite number of signatures was certified by the Washington County Auditor. The proposed watershed district would include land in Isanti and Chisago Counties and the recently established Comfort Lake-Forest Lake Watershed District and the recently dismissed Sunrise Watershed District in Anoka County. Ordering the Establishment Hearing per the attached draft Order would bring the matter before the Board at a future date, likely in January. DECISION
6. Lake Management and Related Issues:
Item #1: The Interagency Lakes Coordinating Committee (ILCC) was established in 1993 through a memorandum of agreement (MOA) among MPCA, DNR, BWSR, MDA and Met Council. The MOA has recently been revised and the committee hopes to acquire the commissioners and directors signatures at the EQB retreat on October 21. The board meeting will provide an opportunity to familiarize members with the committee and get the signatures of those unable to sign at the retreat. INFORMATION

Item #2: Reconvene the Minnesota Lake Management Forum. In 1991 and 1992 a group of stakeholders with a major interest in lakes looked at the issues facing lakes in Minnesota and made recommendations for improving lake management in the state. The forum published in a report in November of 1992. Reconvening the group would provide an opportunity to revisit the recommendations and try and measure the progress made toward implementing them. Also, new recommendations for lake management could be made. INFORMATION

Item #3: Phosphorus (P) Policy. Lawn fertilizer is but one of many man-made sources of nutrients which threaten our waters. Reducing the amount of P which enters Minnesota's waters from commercial lawn fertilizers is essential to the long-term health of Minnesota's lakes and streams. To that end, the ILCC has drafted a policy statement to adopt. In doing so all agencies with water management responsibilities will speak with a unified voice on this important issue. DECISION

Item # 4 Lake Flooding in North Central Minnesota. Record precipitation recently has caused several lake-related problems in northern Minnesota. Lake shore erosion has been accelerated by high lake levels in Beltrami, Cass, Hubbard and Becker counties (along with others). SWCDs have been inundated with cost-share assistance requests for projects to protect structures, infrastructure and water quality. Engineering assistance requests have also been high. The board may want to consider emergency measures to address this problem. DECISION

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

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PRELIMINARY AGENDA

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Adjourn

NEW BUSINESS

3. Minnesota's Water Planning
Framework and How BWSR Fits In

Minnesota's Water Planning Framework
An Approach to Managing Water Resources
Minnesota Board of Water and Soil Resources

By Doug Thomas
October 1999

As the water plan update process got underway in mid 1999 it appeared that there was significant potential for the various water-related planning efforts that were going on in the State to overlap. These major efforts include Water Plan 2000, MPCA river basin planning, Minnesota River watershed planning efforts, and watershed district planning in the Red River Valley. Significant workload issues at both the local government and state agency levels could arise if local task force members, and staff are expected to participate in these multiple water-related planning efforts at the same time. After conducting three basin meetings with staff from the DNR, MPCA, and Dept. of Health it was apparent that there was a potential for the timeframes for many of the planning efforts to overlap and that there is a lack of understanding by some as to what the purpose of each of the planning efforts is and how it all fits together.

The purpose of this paper is threefold. First it will attempt to identify the overall water planning framework currently in place in Minnesota, and how they interact and influence each other. The second purpose will be to identify the planning activities in four of the state's major river basins: the Upper Mississippi, Red River, Minnesota, Lower Mississippi & Cedar, and the Missouri & Des Moines. The third purpose will be to outline a strategy on how BWSR may use its authorities to assist counties and watershed management organizations in updating their local water plans in an orderly and understandable manner.

Water planning framework in Minnesota

At first glance to the casual observer the water planning framework in Minnesota probably seems awkward and cumbersome. In reality this framework, which has developed in Minnesota over the past 40 years, reflects the complex nature of both water management and the institutions that are in place to manage it.

There are a number of ways in which the state's framework for water planning can be viewed. In this paper the framework is presented in a hierarchical model, with each level being impacted or influenced by the other.

WATER PLAN 2000

The State Water Plan is a 10-year framework which will include objectives and targets to measure the results of state and local policies and programs by river basins. It is prepared under the direction of the MN Planning, Environmental Quality Board. Water Plan 2000 will be the next state water plan and its focus is to:

- provide policy direction for the legislature

- identify funding initiatives
- give direction to agency efforts
- measure the state's progress in meeting environmental goals

BASIN PLANS

Basin water quality planning in Minnesota is being done under the direction of the Minnesota Pollution Control Agency. It is a geographically-based approach to water quality protection and restoration. The approach focuses on the state's major river basins and is designed to 1) identify water quality problems, 2) work with local governments to establish shared goals and priorities, and 3) develop pollutant reduction strategies. The focus of this level of planning is to:

- refine water quality related state objectives
- set basin level water quality priorities
- define priority water quality pollutants & problem areas

Red River Basin Flood Damage Reduction Work Group Agreement – This agreement was the product of 8 months of consensus-based mediated negotiations. The agreement, which in essence is a basin plan, established both flood damage reduction and natural resource goals for the basin. The agreement also included, 1) agreed to principles and strategies for future decision making by the nine watershed districts and the state agencies in the basin, 2) a new project review and permitting process, and 3) guidelines for a new comprehensive watershed planning process by the 9 watershed district. One of the end results of this agreement will be preparation of major watershed level plans by the 9 watershed districts.

MAJOR WATERSHED PLANS

This level of planning is less structured than the previous two efforts. In fact, planning at this level is not being done uniformly in the 81 defined major watersheds. The planning that is being done at this level is by various groups, including watershed districts, joint power entities, or organized citizen groups. The focus of this level of planning is to:

- Create sub basin plans
- Establish specific water related goals, objectives & priorities for:
 - individual environmental pollutants (i.e. phosphorous, sediment, etc.)
 - flood damage reduction
 - natural resources management
 - restoration, enhancement, or protection areas

COUNTY WATER PLANS & WATERSHED MANAGEMENT ORGANIZATION PLANS

Implementation is the focus of this level of planning. Planning at this level is done by counties, watershed districts, and joint powers watershed management organizations. A major strength of this level of planning has been the strong support and participation from the

state's resource agencies. All of these organizations have 1) a focus on implementation of programs and projects, 2) their own source of funding, and 3) some level of land use authority. The focus of this level of planning is:

- County & minor watershed level plans that:
 - assess local resource conditions
 - set local priorities in context of watershed & basin plans
 - identify available fiscal & human resources
- Implementation focus
- Coordinate local activities of:
 - county
 - swcd
 - watershed organizations
 - extension office
 - municipalities
 - citizen organizations
- Identify opportunities for partnerships with state and federal agencies
- Track & report accomplishments in measurable terms

RIVER BASIN SPECIFIC EFFORTS

Minnesota is comprised of ten major river basins. Each river basin is made up of major and minor watersheds, which correspond to areas of land that drain to lakes, rivers, and streams.

(basin map)

This paper will focus on 7 of the 10 river basin in the state. The discussion that follows is not intended to be a detailed description of all of the water planning activities occurring in an area, instead it is intended to give the reader perspective on the scope and extent of activities that are occurring. Finally the descriptions will not attempt to address the question of why the particular planning activity is being done.

Red River of the North

If one were to rank the river basins in Minnesota by the volume of planning activity, the Red River would surely be at or near the top. International coordination, record flooding, and water supply all contribute to high planning activity.

Basin level planning activities

- International Joint Commission (IJC) - Flooding task force strategy
- Red River Basin Board - Basin water plan
- Red River Water Management Board – mediation agreement
- MPCA, Basin Information Document (complete)
- MPCA, Basin Plan (completed 9/99)

Major watershed level planning activities

- Watershed District – comprehensive plan revisions resulting from the mediation agreement (scheduled to be completed over the next 6 years – districts scheduled to begin in 2000 include Bois De Souix, Wild Rice, and Roseau River)
- Minnesota Department of Health – source water assessments (4 communities with surface water supplies – due 5/2003)
- Minnesota Department of Health – Consumer Confidence Reports (required in 2000 by all public water suppliers)
- Otter Tail River Plan (being completed by SWCD's anticipated completion 7/2001)

Local & minor watershed planning activities

- County Water Plan Updates – 4 counties are scheduled to update in 2000, 5 in 2001, 9 in 2002, and 2 in 2003 or beyond.
- USDA Natural Resources Conservation Service – Environmental Quality Incentive program (EQIP) proposals (ongoing).
- Pelican Lake, Lake Improvement District – Mapping and Hydrologic Study
- Red River mediation – Watershed Work Teams (problem area investigation – ongoing)
- Wellhead Protection Plans – required for all public water suppliers
- Pelican River Watershed District – plan completed
- Cormorant Lakes Watershed District – plan completed

Potential for conflict between the scheduled timeframes of the various water planning efforts in the Red River basin is high. The primary conflict is likely to occur between the timing for watershed district comprehensive plan updates and county water plan updates.

Upper Mississippi River Basin

The Upper Mississippi River Basin is comprised of the Mississippi River and its tributaries north of its confluence with the Minnesota River near St. Paul. This basin is unique in that the condition of the waters in upper portions of the basin are generally thought of as in good condition while the southern portions of the basin the waters are considered impaired by non-point sources of pollution. Respectively, programs and activities by local government tend to be protection efforts in the north and restoration efforts in the south.

Basin level planning activities

- MPCA, Basin Information Document (scheduled for completion by 10/99)
- MPCA, Basin Plan (basin plan will be organized by 5 geographic areas which have similar land uses and geomorphic characteristics, plans are scheduled to completed during the year 2000 and 20001)

Major watershed level planning activities

- Mississippi Headwater Board, Main Stem Corridor Plan (scheduled for revision in 2000)
- Long Prairie River, TMDL establishment & Response Plan for documented water quality impairment, 2001 – 2003)
- Minnesota Department of Health - Source Water Assessment for St. Cloud water supply (surface water withdrawal from Mississippi)
- Sauk River Watershed District – comprehensive plan update in progress
- North Fork Crow River Watershed District

Local & minor watershed planning activities

- County Water Plan Updates – 10 counties are scheduled for updates in 2000, 2 in 2001, 5 in 2002, and 4 in 2005.
- Mille Lacs Lake Clean Water Partnership
- Wellhead protection Plans, required for all public water supplies.
- South Two River Watershed District
- Clearwater River Watershed District
- Thirty Lakes Watershed District
- 18 watershed districts and joint power WMO's in Anoka, Carver, Hennepin and Ramsey Counties tributary to the Mississippi river

Potential for conflict between the scheduled timeframes of water planning activities in the Upper Mississippi River Basin is moderate. The primary conflict exists between the schedule for completion of the MPCA basin plan and counties in the lower end of the basin. Adding to the conflict is that 5 of the counties in the lower end of the basin and associated with the Crow River unit also have territory in the Minnesota River basin where major watershed based planning efforts are underway.

Minnesota River Basin

The Minnesota River Basin is synonymous with watershed planning. Basin planning and major watershed planning and implementation has been happening in the Minnesota River basin since 1992. The Minnesota River basin is the only river basin in Minnesota, which has an organization, the Minnesota Rivers joint Powers Board that covers the entire geographic area of the basin.

Basin level planning activities

- MN River Citizens Advisory Committee Report, Working Together – A Plan to Restore the Minnesota River (1994)
- MPCA, Basin Information Document (complete)
- MPCA, Basin Plan (scheduled for completion in 7/2000)
- DNR, Minnesota River Watershed Comprehensive Guidance Document (completed)
- DNR, Minnesota Rivers Greenways Collaborative (ongoing)

- BWSR, Conservation Reserve Enhancement Program (CREP), (completion 2002)
- 13 County Southcentral Water Planning Joint Powers Board

Major watershed level planning activities

- MPCA Clean Water Partnership Projects
 - Phase I Diagnostic Studies / Implementation Plans
 - Redwood River watershed (completed)
 - Yellow Medicine River watershed (completed)
 - LeSueur River watershed (1999)
 - Watonwan River watershed (1999)
 - Blue Earth River watershed (1999)
 - Chippewa River watershed (2000)
 - Cottonwood River watershed (2000)
 - Hawk Creek watershed (2001)
 - High Island River watershed (in discussion)
 - Lac Qui Parle River watershed (in discussion)
 - Pomme De Terre River watershed (in discussion)
 - Phase II Implementation Projects
 - Redwood River watershed (2001)
 - Yellow Medicine River watershed (2006)
 - Upper Minnesota Watershed District Comprehensive Plan update (draft stage)
 - Buffalo Creek Watershed District
 - High Island Watershed District
 - Lac Qui Parle Yellow Bank Watershed District
 - Yellow medicine River Watershed District

Local & minor watershed planning activities

- County local water plan updates, 5 counties in 2000, 6 in 2001, 5 in 2002, 1 in 2003, 2 in 2005, 1 in 2006, and 4 in 2007
- Minnesota Department of Health, source water assessments for the surface water supplies for the communities of Fairmont and Mankato
- Minnesota Department of Health, wellhead protection plans for all public water suppliers
- 14 watershed districts and joint power WMO's in Carver, Dakota, Hennepin, and Scott counties that are tributary to the Minnesota river

Potential for conflict between the scheduled timeframes of the various water planning efforts in the Minnesota River basin is high. Planning at the major watershed level is occurring rapidly with most planning efforts expected to be done by the year 2002. This major watershed effort and the priority placed on the implementation of CREP in the basin poses a major workload issue for many counties in relation to updating their local water plans. The potential for overlapping schedules is greatest in the northern and western portions of the basin.

Lower Mississippi River & Cedar River Basin

These river basins are located in southeastern Minnesota and occupy a part of the state with some of the greatest topographic relief. This area is also one of the few areas that was not covered by glaciers during the last period of glaciation and is often referred to as the driftless area. Water planning has been active for many years with its genesis in groundwater protection.

Basin level planning activities

- MPCA, Basin Information Document (1/2000)
- MPCA, Basin Plan (completion date not yet determined)

Major watershed level planning efforts

- Cannon River Partnership
- Whitewater River Watershed project
- South Zumbro River Watershed project

Local & minor watershed planning activities

- County local water plan updates, 3 counties will updates their plans in 2000, 1 in 2001, 2 in 2002, 1 in 2003, 4 in 2005, and 1 in 2006.
- Minnesota Department of Health, Wellhead protection plans for the cities of Rushford and Preston
- Belle Creek Watershed District
- Bear Valley Watershed District
- Cooks Valley Watershed District
- Stockton-Rollingstone-Minnesota City Watershed District
- Crooked Creek Watershed District
- Turtle Creek Watershed District
- 3 joint powers WMO's in Dakota County which are tributary to the Lower Mississippi River

Potential for conflict between the scheduled timeframes of the various water planning activities in these basins is low. Opportunities may exist in this area to have counties do water plan updates at the same time as watershed planning efforts due to geographic proximity and the long history of cooperative efforts in this part of the state.

Missouri River & Des Moines River Basins

The Missouri River and Des Moines River basins are located in southwestern Minnesota. These areas represent very small portions of the Missouri and Des Moines watersheds which extend far beyond the boundaries of Minnesota. One of the major water resource issues facing this part of the state is the lack of abundant good quality groundwater supplies.

Basin level planning activities

- MPCA, Basin Information Document (completion scheduled in 2000)
- MPCA, Basin Plan (completion date not yet determined)

Major watershed level planning activities

- Heron Lake Watershed District comprehensive plan update
- USGS, Des Moines River hydrologic investigation
- Heron Lake Watershed District
- Kanaranzi-Little Rock Watershed District

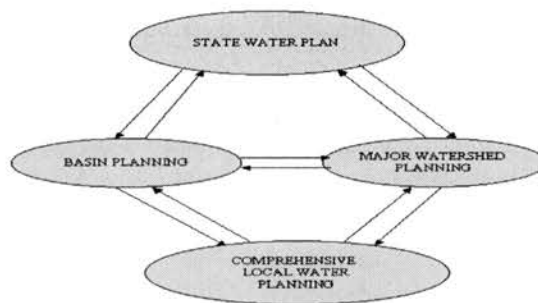
Local & minor watershed planning activities

- County water plan updates, 1 in 2002, 1 in 2005, 3 in 2006, and 2 in 2007.
- Heron Lake Watershed District, Heron Lake Clean Water partnership
- Minnesota Department of Health, Lincoln-Pipestone and Red Rock Rural Water, wellhead protection plans
- Okabena-Ocheda Watershed District

Potential for conflict between the scheduled timeframes of the various water planning efforts is low in these basins. The schedule for water plan updates will allow other efforts to be completed beforehand allowing the water plan updates to capitalize on the assessment of resource conditions and the identification of priority pollutants by the basin and major watershed level planning efforts.

CONCLUSION

In spite of first appearances the water planning framework in Minnesota does make sense. It provides an orderly way of communicating water management goals and objectives back and forth between local and state government. The tiered approach provides us with the ability to recognize regional differences and capitalize on the expertise of individuals at all levels. This is particularly evident in the area of resource assessments. In many instances the people who are best equipped to assess resource conditions are not at the local level but are often times agency staff at the regional and state level. Utilizing these individuals expertise to do resource assessments at the watershed level is far more efficient than having each local government doing them on their own



The framework in its purest sense allows each level to do what it is best at doing. If the framework is successful we should end up with 1) a state plan, with its broad goals, objectives and indicators, 2) major watershed level plans, which identify specific pollutants, reduction targets, and problem areas and 3) local plans that are focused on implementation. This framework then supports what local government are best at doing which is focusing on implementation activities that will work towards achieving the specific water related objectives and standards set for each of the major watershed units that occur within their jurisdiction. This framework also makes the wisest use of the human resources, fiscal resources, programs, and authorities that exist at each level with the least amount of duplication.

THE STRATEGY

In order for local government to respond and participate fully in the various water-related planning that is being done in the state and to take advantage of the products produced at the state, basin and major watershed level the BWSR should:

- Maintain maximum flexibility over water plan update deadlines. Water plans are required, by statute, to be updated on a regular basis. Statute also allows the BWSR to grant up to a two-year extension for just cause. The BWSR should grant extensions to those county's and watershed management organizations where the extension will allow them to fully participate in basin and major watershed level planning efforts. BWSR should also support counties in advancing their plan update deadline where opportunities exist to match up with current or planned water-related planning efforts.
- Endorse the participation of BWSR staff with local governments and state agencies to discuss and plan for an orderly water plan update process particularly in those areas where the potential for conflict between planning efforts has been determined to be high.
- Continue to endorse the concepts of local water plans, with a strong emphasis on implementation strategies and establishment of measurable outcomes. In some areas

of the state this made lead us to placing less emphasis on data collection and assessment, to a model which places greater emphasis on implementation. Historically considerable amounts of time were spent during a local water planning update, were spent on data collection and assessment of that data. If the water planning framework, identified in this document, is successful it presents an opportunity to use the data collection, resource assessments, problem identification, and resource objectives established at the major watershed level thereby reducing or eliminating the duplication of that by local governments. In turn this allows local governments in their next local water plan update or revision to focus more heavily on implementation, including 1) the development of specific implantation strategies to achieve watershed goals and objectives, 2) the allocation of limited human & fiscal resources, and 3) how they will use and/or target their existing programs and authorities; and how the coordination with other local efforts and entities.

NEW BUSINESS

4. 2000 - 2001 Natural Resources
Block Grants

2000 - 2001 NATURAL RESOURCES BLOCK GRANT

BACKGROUND

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Planning, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

CHANGE TO BIENNIAL GRANT

The staff of BWSR, MPCA, DNR, and LGUs, are proposing the NRBG be administered biennially instead of annually. Highlights of this biennial grant include:

- BWSR will receive from each applicant one application for the biennium (FY 00 - 01). This is a change from previous years when an annual application was required.
- Counties will receive an annual payment upon BWSR receipt of an annual resolution appropriating the required local match.
- Counties will be required to report annually.
- Counties may revise their application as needed in 2001.

Staff and LWP Coordinators also point out that the biennial grant would:

- Reduce workload for BCs and other state agency staff, and local staff
- Expedite payment in the second year of the biennium because application approval not needed.
- Allow biennial planning and implementation in a more realistic time frame to accomplish goals.

2000 - 2001 NRBG Schedule

October 27, 1998	BWSR requested to authorize the 2000 - 2001 NRBG
November 13, 1999	NRBG Program announced in the State Register
	NRBG Application sent to all counties
February 1, 2000	NRBG Applications due in Central Office
March 2000	Grant Agreements sent to counties
February 1, 2001	Resolutions and 2000 reports due
February 2001	Second payment

Selected Program Highlights of the 2000 - 2001 NRBG:

Comprehensive Local Water Planning - \$2,613,978 Annually

This component is for implementing comprehensive local water plans. A local levy match is required. This levy is determined from a county's equalized taxable net tax capacity. The grant amount is derived from the formula of \$37,500 - local levy, but all counties are eligible for a minimum of \$18,750.

Wetland Conservation Act - \$1,744,790 Annually

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county WCA activity. SWCDs are entitled to receive at least \$5,000 of this grant for performing mandated WCA activities.

DNR Shoreland - \$518,000 Annually

This component is for the administration of state approved shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity.

MPCA County Feedlot Program - \$1,470,000 FY 00, \$1,841,000 FY 01

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. Level 1 amounts are calculated at \$50 per feedlot. Counties that have conducted a Level 2 inventory are eligible to receive an amount calculated at \$80 per feedlot. A local 1:1 cash and/or in-kind match is required. The 1999 legislature adjusted the allocation formula to increase grant amounts.

MPCA County Individual Sewage Treatment Systems Program - \$86,000 Annually

Based on 1997 changes to Minnesota Statutes, all counties are required to pass ordinances regulating ISTS county-wide. All county ordinances were required to be in compliance by January 1, 1999. All counties that have enacted county-wide ordinances are eligible to receive this grant. No local match is required.

Proposed base grants for the 2000 - 2001 NRBG are itemized on the enclosed spreadsheet.

Recommendation

On behalf of the BWSR, DNR, MPCA, and LGU staffs, the Board is requested to authorize the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

**PROPOSED 2000 AND 2001
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2000 AND APPROX. 2001		2000 AND 2001		2000 AND 2001		2000 AND 2001		2000 AND 2001	
	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT		DNR SHORELAND		MPCA COUNTY FEEDLOT PROGRAM		MPCA COUNTY ISTS PROGRAM	
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	MPCA BASE GRANT	LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY	MPCA BASE GRANT	MPCA BASE GRANT
AITKIN	\$4,978	\$32,522	\$19,200	\$12,375	\$11,300				\$988	
ANOKA	\$80,330	\$18,750	\$40,500	\$3,000	\$4,150				\$988	
BECKER	\$7,153	\$30,347	\$24,200	\$12,321	\$25,350				\$988	
BELTRAMI	\$6,191	\$31,309	\$36,000	\$6,317	\$17,350				\$988	
BENTON	\$7,010	\$30,490	\$36,000	\$3,771	\$24,550				\$988	
BIG STONE	\$1,416	\$36,084	\$10,000	\$3,087	\$6,100				\$988	
BLUE EARTH	\$15,399	\$22,101	\$19,200	\$3,722	\$13,300	\$37,840			\$988	
BROWN	\$6,004	\$31,496	\$10,000	\$3,070	\$22,650	\$45,360			\$988	
CARLTON	\$6,610	\$30,890	\$19,200	\$4,506	\$9,250	\$22,720			\$988	
CARVER	\$21,300	\$18,750	\$36,000	\$3,000	\$22,500	\$36,160			\$988	
CASS	\$12,453	\$25,047	\$51,000	\$12,275	\$17,850				\$988	
CHIPPEWA	\$3,582	\$33,918	\$10,000	\$3,012	\$6,050				\$988	
CHISAGO	\$10,661	\$26,839	\$26,700	\$5,671	\$9,850				\$988	
CLAY	\$8,908	\$28,592	\$16,700	\$3,378	\$11,650				\$988	
CLEARWATER	\$2,389	\$35,111	\$19,200	\$3,630	\$20,000				\$988	
COOK	\$3,726	\$33,774	\$12,200	\$4,814	\$200				\$988	
COTTONWOOD	\$3,685	\$33,815	\$10,000	\$3,181	\$13,550				\$988	
CROW WING	\$22,639	\$18,750	\$36,000	\$21,946	\$10,450				\$988	
DAKOTA	\$117,149	\$18,750	\$41,000	\$3,000	\$11,450				\$988	
DODGE	\$4,164	\$33,336	\$16,700	\$3,069	\$12,750	\$31,520			\$988	
DOUGLAS	\$9,719	\$27,781	\$19,200	\$9,803	\$23,800				\$988	
FARIBAULT	\$4,993	\$32,507	\$10,000	\$3,138	\$11,300	\$32,720			\$988	
FILLMORE	\$4,445	\$33,055	\$10,000	\$3,089	\$49,950	\$41,200			\$988	
FREEBORN	\$7,906	\$29,594	\$10,000	\$3,602	\$15,900	\$41,040			\$988	
GOODHUE	\$17,008	\$20,492	\$16,700	\$3,181	\$35,800				\$988	
GRANT	\$1,981	\$35,519	\$13,980	\$3,507	\$5,950				\$988	
HENNEPIN	\$447,162	\$18,750	\$36,000	\$0	\$7,100				\$988	
HOUSTON	\$3,592	\$33,908	\$12,200	\$3,127	\$32,150				\$988	

**PROPOSED 2000 AND 2001
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2000 AND APPROX. 2001		2000 AND 2001	2000 AND 2001	2000 AND 2001		2000 AND 2001
	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM		MPCA COUNTY ISTS PROGRAM
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT		MPCA BASE GRANT
					LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY	
HUBBARD	\$5,911	\$31,589	\$26,700	\$9,677	\$7,450		\$988
ISANTI	\$6,378	\$31,122	\$26,700	\$4,595	\$5,900		\$988
ITASCA	\$14,603	\$22,897	\$36,010	\$11,596	\$8,400		\$988
JACKSON	\$4,276	\$33,224	\$10,000	\$3,455	\$13,700	\$40,000	\$988
KANABEC	\$2,468	\$35,032	\$26,700	\$4,693	\$13,700		\$988
KANDIYOHI	\$10,671	\$26,829	\$19,200	\$7,748	\$20,650		\$988
KITTSO	\$2,376	\$35,124	\$16,700	\$3,038	\$5,500		\$988
KOOCHICHING	\$3,448	\$34,052	\$19,200	\$3,123	\$3,850		\$988
LAC QUI PARLE	\$2,282	\$35,218	\$10,000	\$3,017	\$3,900		\$988
LAKE	\$3,222	\$34,278	\$16,700	\$5,295	\$0		\$988
LAKE OF THE WOODS	\$1,001	\$36,499	\$26,700	\$4,007	\$2,950		\$988
LE SUEUR	\$6,698	\$30,802	\$16,700	\$5,643	\$13,700	\$25,920	\$988
LINCOLN	\$1,711	\$35,789	\$10,000	\$3,176	\$16,950		\$988
LYON	\$6,615	\$30,885	\$10,000	\$3,141	\$18,450		\$988
MCLEOD	\$7,760	\$29,740	\$16,700	\$3,429	\$22,200		\$988
MAHNOMEN	\$933	\$36,567	\$12,200	\$3,855	\$5,400		\$988
MARSHALL	\$3,414	\$34,086	\$19,200	\$3,000	\$8,000		\$988
MARTIN	\$7,335	\$30,165	\$10,000	\$3,470	\$14,600	\$58,240	\$988
MEEKER	\$4,974	\$32,526	\$19,200	\$5,433	\$20,000		\$988
MILLE LACS	\$4,007	\$33,493	\$19,200	\$5,517	\$18,800		\$988
MORRISON	\$5,714	\$31,786	\$26,700	\$4,526	\$53,350	\$52,880	\$988
MOWER	\$8,127	\$29,373	\$12,200	\$3,746	\$19,550	\$72,720	\$988
MURRAY	\$3,244	\$34,256	\$10,000	\$3,696	\$17,950		\$988
NICOLLET	\$7,105	\$30,395	\$16,700	\$3,077	\$14,750	\$33,520	\$988
NOBLES	\$5,099	\$32,401	\$10,000	\$3,054	\$23,550		\$988
NORMAN	\$2,105	\$35,395	\$12,200	\$3,011	\$5,350		\$988
OLMSTED	\$32,019	\$18,750	\$26,700	\$3,614	\$29,350		\$988
OTTER TAIL	\$14,543	\$22,957	\$33,200	\$20,362	\$67,400		\$988

**PROPOSED 2000 AND 2001
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2000 AND APPROX. 2001		2000 AND 2001		2000 AND 2001		2000 AND 2001		2000 AND 2001	
	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT		DNR SHORELAND		MPCA COUNTY FEEDLOT PROGRAM		MPCA COUNTY ISTS PROGRAM	
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT	LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY	MPCA BASE GRANT		MPCA BASE GRANT
PENNINGTON	\$2,375	\$35,125	\$16,700	\$3,251	\$6,550			\$988		
PINE	\$5,258	\$32,242	\$36,700	\$6,768	\$23,500			\$988		
PIPESTONE	\$2,261	\$35,239	\$10,000	\$3,000	\$21,150			\$988		
POLK	\$7,638	\$29,862	\$16,700	\$3,967	\$13,150			\$988		
POPE	\$2,745	\$34,755	\$15,200	\$4,877	\$18,900			\$988		
RAMSEY	\$153,399	\$18,750	\$26,700	\$0	\$100			\$988		
RED LAKE	\$810	\$36,690	\$12,200	\$3,297	\$7,650			\$988		
REDWOOD	\$5,131	\$32,369	\$10,000	\$3,000	\$18,650			\$988		
RENVILLE	\$6,020	\$31,480	\$10,000	\$3,055	\$15,400			\$988		
RICE	\$12,617	\$24,883	\$19,200	\$4,806	\$21,850			\$988		
ROCK	\$2,998	\$34,502	\$10,000	\$3,000	\$20,300		\$51,280	\$988		
ROSEAU	\$2,940	\$34,560	\$26,700	\$3,095	\$13,450			\$988		
ST. LOUIS	\$39,136	\$18,750	\$36,700	\$22,873	\$7,900			\$988		
SCOTT	\$26,373	\$18,750	\$36,000	\$3,000	\$14,500			\$988		
SHERBURNE	\$24,198	\$18,750	\$36,000	\$5,591	\$6,700			\$988		
SIBLEY	\$3,998	\$33,502	\$12,200	\$3,098	\$20,800		\$52,560	\$988		
STEARNS	\$28,694	\$18,750	\$51,500	\$10,330	\$96,850		\$176,000	\$988		
STEELE	\$9,088	\$28,412	\$12,200	\$3,290	\$15,400			\$988		
STEVENS	\$2,459	\$35,041	\$10,000	\$3,130	\$7,700			\$988		
SWIFT	\$2,741	\$34,759	\$12,200	\$3,149	\$9,100			\$988		
TODD	\$3,356	\$34,144	\$19,200	\$5,660	\$50,750			\$988		
TRAVERSE	\$1,781	\$35,719	\$10,000	\$3,218	\$2,600			\$988		
WABASHA	\$4,625	\$32,875	\$12,200	\$4,037	\$28,200			\$988		
WADENA	\$1,897	\$35,603	\$21,700	\$3,539	\$17,500			\$988		
WASECA	\$4,763	\$32,737	\$12,200	\$3,450	\$9,250			\$988		
WASHINGTON	\$68,798	\$18,750	\$36,000	\$3,000	\$6,500			\$988		
WATONWAN	\$2,910	\$34,590	\$10,000	\$3,136	\$7,750		\$24,480	\$988		
WILKIN	\$2,876	\$34,624	\$10,000	\$3,021	\$2,300			\$988		

**PROPOSED 2000 AND 2001
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2000 AND APPROX. 2001 LOCAL WATER PLANNING		2000 AND 2001 WETLAND CONSERVATION ACT	2000 AND 2001 DNR SHORELAND	2000 AND 2001 MPCA COUNTY FEEDLOT PROGRAM		2000 AND 2001 MPCA COUNTY ISTS PROGRAM
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT		MPCA BASE GRANT
					LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY	
WINONA	\$10,493	\$27,007	\$12,200	\$3,043	\$34,250		\$988
WRIGHT	\$25,739	\$18,750	\$36,000	\$10,716	\$28,950		\$988
YELLOW MEDICINE	\$3,001	\$34,499	\$10,000	\$3,017	\$11,250		\$988
MARSHALL-BELTRAMI SWCD			\$5,000				
ST. LOUIS RIVER BD.				\$35,000			
NORTH SHORE MGMT. BD.				\$50,000			
TOTALS	\$1,491,709	\$2,613,978	\$1,744,790	\$518,000	\$1,466,500	\$876,160	\$85,956

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT, DNR SHORELAND, AND MPCA FEEDLOT BASE GRANTS REQUIRE A 1:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

NEW BUSINESS

5. Sunrise River Watershed District
Establishment Hearing

DRAFT

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

DRAFT

In the Matter of the Establishment of the
Sunrise River Watershed District in Anoka,
Chisago, Isanti, and Washington Counties
pursuant to Minnesota Statutes § 103D.221 Subd. 1.

**ORDER
ESTABLISHMENT
HEARING**

Whereas, more than fifty (50) resident owners residing in the proposed Sunrise River Watershed District in Anoka, Chisago, Isanti, and Washington Counties filed a Petition dated September 2, 1999, with the Board of Water and Soil Resources (Board) on September 2, 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 OF FACT

1. **District Name.** The name of the proposed district shall be the "Sunrise River Watershed District".
2. **Property Description.** The territory to be included in the watershed district is the area in the entire Sunrise River Watershed that is in Anoka, Chisago, Isanti, and Washington Counties, approximately 370 square miles in several communities, which includes land in the Cities of East Bethel and Ham Lake, and the Towns of Columbus and Linwood, in Anoka County; and the Cities of Almelund, Center City, Chisago City, Harris, Lindstrom, North Branch, Stacy, and Wyoming, and the Towns of Chisago Lakes, Fish Lake,

DRAFT

Franconia, Lent, Shafer, Sunrise, and Wyoming, in Chisago County; and the Towns of Athens, Cambridge, Isanti, North Branch, Oxford, and South Branch in Isanti County; and the City of Forest Lake, and the Towns of Forest Lake and New Scandia, in Washington County.

3. **Necessity for Watershed District.** The Establishment Petition does not specify any necessity for a watershed district. The Establishment Petition has several defects, however, pursuant to Minn. Stat. § 103D.205, Subd. 6, the petitioners must be allowed to amend a defective establishment petition at any time before the end of the establishment hearing, as long as the Establishment Petition contains the requisite number of signatures.
4. **Contemplated Improvements.** The Establishment Petition does not specify any contemplated improvements. The Establishment Petition has several defects, however, pursuant to Minn. Stat. § 103D.205, Subd. 6, the petitioners must be allowed to amend a defective establishment petition at any time before the end of the establishment hearing, as long as the Establishment Petition contains the requisite number of signatures.
5. **Number of Managers.** The Establishment Petition does not specify the proposed number of managers. The Establishment Petition has several defects, however, pursuant to Minn. Stat. § 103D.205, Subd. 6, the petitioners must be allowed to amend a defective establishment petition at any time before the end of the establishment hearing, as long as the Establishment Petition contains the requisite number of signatures.
6. **Signatures.** The Establishment Petition dated September 2, 1999, was filed with the Board on September 2, 1999. 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 October 11, 1999, Molly F. O'Rourke, Washington County Director of Assessment, Taxpayer Services and Elections, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district.
7. **Filing.** The Petition was filed with the Anoka County Auditor, the Chisago County Auditor, the Isanti County Auditor, the Washington County Auditor, the Commissioner of the Department of Natural Resources, the Director of the Department of Natural Resources-Division of Waters, and the Board.

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8. **Hearing Location.** The hearing should be held at the Chisago County Senior Center, 931 Sixth Street, North Branch, Minnesota. The facility is handicap accessible and located within the proposed watershed district.
9. **Hearing Panel.** Some of the members of the Board's Metro Water Planning Subcommittee should preside over the hearing due to their familiarity with the issues, plus some other members of the Board.
10. **Hearing Time.** The hearing should be held on Monday, December 13, 1999, starting at 7:00 PM.

CONCLUSIONS

1. The Petition for establishment of the Sunrise River Watershed District is valid in accordance with Minn. Stat. § 103D.205.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district establishment hearing.

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ORDER

The Board hereby orders that the hearing on the Establishment Petition for the Sunrise River Watershed District be heard by the assigned Board members on Monday, December 13, 1999, starting at 7:00 PM at the Chisago County Senior Center, 931 Sixth Street, North Branch, Minnesota.

Dated this 27th day of October, 1999.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____

Kathleen M. Roer, Chair

NEW BUSINESS

6. Lake Management and Related
Issues

Item #1: The Interagency Lakes
Coordinating Committee

Interagency Lakes Coordinating Committee: 1997 and 1998

Establishment: The Interagency Lakes Coordinating Committee (ILCC) was established in 1993 through a memorandum of agreement (MOA) among the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (MDNR), the Minnesota Department of Agriculture (MDA), the Board of Water and Soil Resources (BWSR), and the Metropolitan Council (Council).

Membership and Meetings: One or more members appointed by the Commissioners, Directors or Chairs of the parties of the aforementioned memorandum of agreement (core members). The chair of the committee rotates annually on a fiscal year basis, with each agency serving a one-year term. The committee has authority to appoint advisory members as appropriate and with the consensus of the core members. Quarterly meetings are held in July, October, January and April. The current ILCC appointed members are:

BWSR:	Marybeth Block and Dale Krystosek
MDA:	Mark Zabel
Met Council:	Randy Anhorn
MDNR:	Jack Skrypek and John Linc-Stine
MPCA:	Steve Heiskary, Linda Ulland (recently retired)

Other advisory members have included:

Jim Halloran	- Minnesota Lakes Association (MLA)
Barb Liukkonen	- Rivers Council of MN
Pat McCann	- Minnesota Department of Health (MDH)
George Orning	- University of MN Center for Urban and Regional Affairs (CURA)
Carl Swanson	- Focus 10,000 magazine
Pat Wulff	- Citizen

Goals and Responsibilities: To foster an interdisciplinary approach for agencies to work closely with local units of government and MN citizens to protect and manage the state's lake resources. The ILCC goals include:

- 1) Implementing policies and procedures that provide an effective working relationship among agencies, local units of government, and citizens;
- 2) Support common objectives and to resolve differences and enhance coordination and sharing of agency expertise;
- 3) Inform and educate the public about lake and watershed management issues; and
- 4) Serve as a forum for citizen input on the management of MN lakes.

The ILCC is and has been responsible for:

- 1) Coordinating and communicating agency work plans pertaining to lake management by;
 - a. developing and refining a lake management manual; (this has been completed)
 - b. exchanging information pertaining to lake management activities; and
 - c. sharing lake and watershed data.
- 2) Developing means for communicating available information relating to a lake.
- 3) Distributing a lake-related state services directory.
- 4) Listening to the topics of interests brought to the group by interested parties.

Examples of two ILCC products include: Minnesota Lake and Watershed Data Collection Manual (1994) and Developing a Lake Management Plan (1996).

Joe Montonye, Grant County Water PlannerENDFIELD

19 Central Avenue NorthENDFIELD

Elbow Lake, MN 56531ENDFIELD

Dear Joe:ENDFIELD

ENDRECORD

FY 97 Actions and Accomplishments:

During its quarterly meetings the committee continued to:

- 1) Share information pertaining to lake management activities and pertinent databases;
- 2) Foster and improve communication about agency priorities and budgeting;
- 3) Improve decision-making;
- 4) Broaden perspective and/or representation (statewide and metro) in agency decisions;
- 5) Minimize duplication and improve efficiency.

In July 1997 the Interagency Lakes Coordinating Committee agreed to act as a technical advisory committee to the Minnesota Lakes Association Sustainable Lakes Project (an LCMR funded project). George Orning of the University of Minnesota Center for Urban and Rural Affairs (CURA) is the project manager.

In August 1997, and continuing through into 1998, the Interagency Lakes Coordinating Committee worked with respective agency management in development of the "Lakes Initiative". The overall package that was developed in this Legislative Initiative did not pass. Components of the Initiative were supported under separate legislation however and did pass into law.

At the regular quarterly meeting of the ILCC in October 1997 Steve Heiskary of MPCA presented and discussed the MPCA Water Quality Division's report from the Phosphorus Strategy Task Force. George Orning also provided an update regarding the Sustainable Lakes Project. The ILCC also received a proposal from *FOCUS 10,000* magazine regarding communication initiatives.

At the regular quarterly meeting of the ILCC in January 1998 members heard a presentation from Kristina Valen of DNR regarding Project WET and a proposal to include monitoring with project WET educational activities by teaming schools with active lake associations. Marcia Baer of *FOCUS 10,000* magazine gave a brief overview of the magazine and provided clarification on the proposal presented in October 1997. George Orning also provided an update on the Sustainable Lakes Project.

In March 1998 the ILCC assisted staff of EQB in the development of the Water Policy Report. The purpose of this coordinating activity was to assure that discussion in the report in regard to lake issues was fully informed and accurate. This development was discussed both in the regular quarterly meeting of the ILCC and also in a special meeting held on March 9th, 1998 with EQB staff. Also in March 1998 the ILCC was afforded the opportunity to provide peer review and input to the MPCA's "Lake Prioritization for Protecting Swimmable Use" document.

FY 98 Actions and Accomplishments:

During its quarterly meetings the committee continued to:

- 1) Share information pertaining to lake management activities and pertinent databases;
- 2) Foster and improve communication about agency priorities and budgeting;
- 3) Improve decision-making;
- 4) Broaden perspective and/or representation (statewide and metro) in agency decisions;
- 5) Minimize duplication and improve efficiency.

Other committee issues:

- Although the ILCC was not directly involved in the development of the 1998 version of the "Lakes Initiative", member agencies were, and the final draft embraced an interagency approach to lake management that was to be strongly "citizen driven." The Initiative as a whole was unsuccessful.

John FaxENDFIELD

MN Dept. of Natural Resources -Division of WatersENDFIELD

Interoffice Mail -St. PaulENDFIELD

Dear John:ENDFIELD

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- ILCC members took part in a joint effort by BWSR and MN Sea Grant Extension to create a Lakes Guide Book. The purpose of the guide book is to review, update, and consolidate existing shoreland and lake related guidebooks, manuals, fact sheets, and publications into a single comprehensive document (in CD ROM or Internet format as well as hard copy).

Currently, there are several existing manuals and guidebooks and other educational materials that summarize pieces of a comprehensive shoreland management program, but no single document synthesizes the kind of information that local resource managers, educators, or water plan coordinators need to deal with shoreland issues. A advisory committee will no doubt identify a need for some new material. An example is an apparent need for some sort of "Primer on Rivers" similar to the "Primer on Limnology." A single document will make it easier for local resources to coordinate shoreland management programs, will ensure a more consistent response and message, and will minimize duplication and reduce reinvention.

- CURA has continually updated the ILCC on its Sustainable Lakes Project. Some of the project outcomes have included: the results of a user survey for the Whitefish Chain of Lakes, a copy of an article to be included in the January/February 1999 MLA Reporter entitled "Sustainable Lakes Project Identifies Critical Needs For Successful Lake Management," and a progress report for the project. Additionally, minor watershed maps (statewide), recently completed, are available through the MN Science Museum.

As part of CURA's Sustainable Lakes Project update to the committee, an on-site tour/presentation at Sugar Lake in Wright County (one of the five pilot study lakes for the project representing the state's five lake regions), was hosted by CURA and the Sugar Lake Association in July.

CURA also discussed a statewide volunteer shoreland education program. The goals and objectives of the program are:

- 1) To establish a long-term statewide education program for shoreland management with consistent and periodically updated curriculum, resource materials, and delivery mechanisms involving a coordinated statewide network of educated volunteers
 - 2) To educate shoreland property owners about stewardship techniques and leadership skills.
- Two new MDNR projects were presented to the ILCC and then discussed. The first project is developing methods to assess cumulative effects of development on lakes. The objectives of the project include;
 - 1) a review of literature on assessment of cumulative effects,
 - 2) identify MDNR priorities for development issues,
 - 3) conduct detailed studies of selected effects of development,
 - 4) incorporate consideration of cumulative effects into decisions-making, and
 - 5) increase public awareness of the issue.

The second is a lake watershed-mapping project. This was originally proposed as a part of the 1997 Lakes Initiative. The project will delineate the watersheds of all MN lakes ≥ 100 acres in a GIS format. The original idea of the project was to aid in local lake and watershed planning and protection efforts. Mapping is currently underway in several minor watersheds.

- MPCA's new phosphorus strategy was presented to the ILCC in April of 1999 and discussions followed. Some key points mentioned were;
 - 1) Phosphorus [P] is the most significant pollutant associated with eutrophication of lakes.
 - 2) For point sources, rule 7050 applies [P] removal to 1 mg/l when a discharge affects a lake or reservoir. An example would be the Melrose WWTP and the Horseshoe Chain on

Marilyn LundbergENDFIELD
MN PlanningENDFIELD
Interoffice MailENDFIELD
Dear Marilyn:ENDFIELD
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the Sauk River. There is a statistically significant decline in the lake's [P] concentration since the effluent limitation was implemented in the late 1980's

- 3) The Strategy has seven action steps.
 - a) Develop generalized and customer-specific education/outreach/information relative to impacts of phosphorus in the environment. Share this information with stakeholders at every opportunity.
 - b) Initiate/co-sponsor basin-wide phosphorus forum(s) to address all sources to achieve phosphorus load reductions and to involve a wide range of agencies and stakeholders in developing solutions.
 - c) Use basin management as the main policy context for implementing the phosphorus strategy.
 - d) Broader implementation of Minnesota's effluent limit and non-degradation rules.
 - e) Broadly promote lake protection initiatives.
 - f) Address phosphorus impacts on rivers.
 - g) If necessary, modify Minnesota's water quality standards in the future

- And finally we started to discuss the future directions of the ILCC and updates to the MOA.

Proposed FY 99 Workplan Goals:

- Rewrite MOA to update language and to include Department of Health and State Planning;
- Prepare a ILCC "[P] in fertilizer" policy statement to ultimately be shared with MLA, COLA's water planners;
- Determine possibility of reconvening the "Lakes Forum" group to revisit recommendations and determine if public opinion on lake management priorities have changed;
- Become more involved in any lake-related legislative efforts;
- Continue to seek opportunities to cooperate on lake-related monitoring, protection, educational, and overall management issues.

Ongoing:

- Share information and coordinate agencies strategic plans to lake management programs and activities.

Mark Gamm, Dodge County Water Planner

ENDFIELD

PO Box 337

ENDFIELD

Mantorville, MN 55955-0337

ENDFIELD

Dear Mark:

ENDFIELD

ENDRECORD

NEW BUSINESS

6. Lake Management and Related
Issues

Item #2: Reconvene the Minnesota
Lake Management Forum

MANAGING MINNESOTA'S LAKES

A REPORT OF THE
MINNESOTA LAKE MANAGEMENT FORUM

November 1992



*FreshwaterTM
Foundation*

Acknowledgements

The time and dedication of the members of the Minnesota Lake Management Forum is gratefully acknowledged. Obviously, without their efforts, this project could not have happened.

We also acknowledge the Blandin Foundation for their financial support of the Minnesota Lake Management Forum. Their dedication to environmental protection, especially in rural Minnesota, makes Minnesota a better place to live.

Dave Brostrom and Don Imsland kept the Forum focused and challenged. Their assistance in this project as well as their dedication to its success must be acknowledged.

Thanks to the efforts and support of those mentioned above, Minnesota's lakes ought to remain the centerpiece of our natural environment. We are all better off with healthy lakes.

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Executive Summary

Perhaps no aspect of Minnesota's environment symbolizes its rich natural heritage as well as its lake resources. By any measure, lakes have contributed tremendously to Minnesota's economic, commercial, and recreational development. Yet in spite of their nearly incalculable value, the quality of our lakes is suffering from increasing use. The increasing impacts on Minnesota's lakes include water quality deterioration, more surface use and users, shoreland and watershed development, the spread of exotic species, and exposure to toxic contaminants. In spite of the resources applied to the management of lakes in Minnesota, we are faced with the inescapable conclusion that our lakes are being threatened and degraded. The efforts undertaken in the past to manage lakes in Minnesota are no longer sufficient.

The Minnesota Lake Management Forum was created in early 1991 through the efforts of the Blandin Foundation and the Freshwater Foundation. Its purpose is to critically review lake management in Minnesota and to recommend how this management can be improved. Through a series of thirty personal interviews, four two-day workshops, approximately thirty-five task force meetings, and numerous reports, the Forum has addressed lake management issues in Minnesota and suggested strategic responses to those issues. Membership in the Forum is comprised of individuals who are actively involved in lake management in Minnesota: State and local government, lake associations and lake user groups, environmental groups, academia, and other lake interests.

The Lake Management Forum has reviewed the status of lake management in Minnesota, identified those factors that constrain effective lake management, and formulated recommended actions and strategies to overcome these constraints and build a coordinated lake management system in the state. The following recommendations represent the primary conclusions of the Lake Management Forum. Accompanying each recommendation is a brief description of the problem as well as the opportunity related to it. The text of the report provides an elaboration of each recommendation, including a description of the specific actions necessary to implement the recommendations.

Recommendation: The economic value of Minnesota's lakes should be determined and this information should become an integral part of a lake management system for the state.

The problem: ✓ The contribution of our lakes to Minnesota's state and local economies has not been measured, which prevents the calculation of appropriate lake management budgets, and results in a lack of appreciation for the value of lake resources.

The opportunity: By developing an understanding of the economic value of lakes, state and local government can establish lake management budgets and priorities that reflect their value and provide for the long-term protection of valuable economic, as well as environmental, resources.

Recommendation: The concept of lake sustainability should be the primary goal of lake management, to be achieved by the evaluation of impacts on the quality of Minnesota lakes.

The problem: Lake management activities in Minnesota have typically not been centered on broad goals, which makes lake improvement more difficult to accomplish and measure. The ability of lakes to withstand the impacts of the demands placed on them is not currently a primary lake management consideration.

The opportunity: The concept of sustainability represents an ecologically sound basis for managing and protecting lakes that provides a common management goal that can be understood and shared by all lake management entities.

Recommendation: A partnership should be developed between state and local lake management interests to foster a collaborative approach to lake management in Minnesota, including the initiation of planning processes at the local level to develop comprehensive management plans for lakes.

The problem: The lack of a well-defined and systematic approach to lake management in Minnesota discourages broad and cooperative participation in managing lakes, particularly on the part of local government and lake organizations, thereby reducing lake management capacity.

The opportunity: By developing and using a collaborative approach to lake management, the considerable skills and energy available through local government and lake organizations can be used to complement state-level lake management efforts.

Recommendation: Lake management in Minnesota should be based on natural boundaries - lake watersheds.

The problem: Historically, management activities relating to lakes have focused on the lake and its shoreline. Many lake impacts, however, are associated with activities that take place away from the lake, in its watershed. Therefore, much of the activity that affects lakes has not been addressed by traditional lake management efforts.

The opportunity: Focusing lake management on lake watersheds provides an opportunity to address the most significant source of lake pollution, namely non-point source pollution. The causes, rather than the symptoms, of lake impacts are more readily addressed by adopting a watershed-based approach to lake management.

Recommendation: A coordinated lake data collection and application system should be established to support the management of lakes in Minnesota at the state and local levels.

The problem: ✓ There are currently insufficient data to support effective lake management in Minnesota. While considerable lake resource data exist, and are collected by various entities, such data are not collected with comprehensive lake management needs in mind, and tend to relate to specific program needs.

The opportunity: Developing a coordinated lake data collection and application system in Minnesota would not only yield the information necessary to comprehensively manage lakes, but would make current lake-related data efforts more efficient, useful, and cost-effective.

Recommendation: A comprehensive lake classification system should be developed and implemented in Minnesota to guide the management of lakes.

The problem: ✓ Lake use in Minnesota is guided more by user demands than by the characteristics of the resource. As a result, lakes may be degraded by the uses made of them. There does not currently exist in Minnesota a lake classification system to guide lake use and management, taking into account lake sustainability and the ecological characteristics of lakes.

The opportunity: The development of a lake classification system that incorporates ecological as well as cultural factors will provide a guide for the management and use of lakes, as well as a means to evaluate the effectiveness of lake management over time.

Recommendation: A comprehensive lake management education and information delivery system should be established in Minnesota to support the management of lakes.

The problem: ✓ Education and communication is a critical and necessary component for achieving the goal of an integrated, comprehensive, watershed-based lake management system. A systematic program to gather and distribute lake resource information does not exist, and needs to be established.

The opportunity: The quality of lakes, and the effectiveness of their management, can be improved through the education of those whose actions influence lakes, including lake managers, lake users, decision-makers, and the general public. Improving the level of lake knowledge will expand lake management capacity in Minnesota.

Future work of the Forum should center on two activities. The first is the communication and delivery of the Forum's findings, conclusions, and recommendations to various audiences throughout the state. These audiences include state agencies and executive offices, the legislature, local communities and government bodies, and lake users and user groups. The second activity relates to the implementation of the Forum's recommendations, resulting in the establishment of a lake management system in Minnesota. In order to advance these recommendations, several working groups should be established and implementation measures undertaken. This would entail a continuation of the Forum effort and the coordination of the specific initiatives that are the product of the Forum's work. Putting this system in place could require several years. However, the lake management partnership and sense of lake stewardship fostered by the Forum should become a permanent feature of lake management in Minnesota.

ACTION:: Reconvene the Minnesota Lake Management Forum

WHAT IS THE FORUM? A group of stakeholders that have major interest in lakes. The original group had 54 active participants. Thirteen represented local government, 17 were from state government, 11 from lake associations, 7 from non-profit organizations, 5 from commercial organizations and 1 from the federal government.

WHAT DID THE FORUM DO? Over a two year period it looked at lake management issues in Minnesota and made recommendations for improvements in the management process.

WHO SPONSORED THE EFFORT? It was funded by the Blandin Foundation and carried out under the auspices of the Freshwater Foundation. They used some of their own staff with the help of Dave Brostrom and others to facilitate the effort.

HOW WAS THIS EFFORT DOCUMENTED? A final report was published in November, 1992. Meetings were held with individual agencies and the EQB to publicize the recommendations and seek support.

WHAT IS THE PURPOSE OF RECONVENING THIS GROUP? The meeting would revisit the recommendations to see if they are still valid and try to measure progress made in implementation. Also, new recommendations for management of lakes could be made.

WHAT ARE THE REASONS FOR DOING THIS? There is a general feeling that the recommendations are good and there is disappointment that it has not had a bigger impact on lake management activities. Lake interests have failed twice in getting a lakes initiative passed by the legislature despite good support by citizens. This could perhaps be the first step in gaining support for a lakes initiative by the Ventura Administration and inclusion in the budget for the next biennium. Some progress has been made in improving lake management but many of the same problems still exist, use and development pressures continue to increase and the level of investment by the state in protection and management is judged by most as not adequate.

QUESTIONS

- * Is it possible to do this in one meeting or are several required?(issues are complex)
- * How much advance information needs to be developed such as trends in lake quality?
(Clarence Turner and I are working together on a discussion paper on lake management)
- * How much time is needed to analyze the major recommendations? (There were 7)
- * Meeting process?
- * Timing? (Seems that this Fall is desirable)
- * Funding? (There is money in Eco budget and several other agencies have indicated \$support)
- * Assuming that as many members of the original forum participate as are available, how many others should be invited?

NEW BUSINESS

6. Lake Management and Related
Issues

Item #3: Phosphorus (P) Policy

**Interagency Lakes Coordinating Committee (ILCC)
Policy Statement on Phosphorus in Lawn Fertilizers.**

Recommended by ILCC Staff Representatives on October 5, 1999

Adopted by Member Agencies on _____

Background

Phosphorus is the primary pollutant associated with the eutrophication of Minnesota's surface waters. Excess phosphorus results in nuisance algae blooms and reduced transparency that makes waters unsuitable for swimming and other activities. In the urban (residential) environment lawn fertilizers are recognized as an important source of phosphorus in urban stormwater runoff. As such, some communities have instituted community-wide bans on the use of phosphorus (P)-bearing fertilizers by commercial applicators (e.g., City of Shoreview) and most recently at retail outlets as well (City of Plymouth), task forces have considered Metro-wide bans of P-bearing fertilizer (e.g., Minneapolis Park Board), the MPCA has embarked on the development of a statewide phosphorus strategy which notes urban runoff as a significant source of phosphorus, and research in Wisconsin and Minnesota has been conducted to assess the relative contributions and sources of P in urban runoff -- with a special emphasis on the role of lawn fertilizers. Two such efforts include:

a) work conducted by the Wisconsin Department of Natural Resources in Madison, Wisconsin. Some important findings as excerpted from: *Bannerman et al. 1993. Sources of pollutants in Wisconsin stormwater. Wat Sci. Tech. No. 3-5:241-259*. In this report Bannerman et al. document research on the quantity and quality of urban runoff in two areas in Madison WI. Pertinent findings include:

- Source areas with the largest amount of connected impervious area produced the most runoff.
- Lawns had the largest amount of area in the residential and industrial land use category, but produced a relatively small amount of runoff. Fairly intense storms were needed to generate measurable runoff. Based on 4 years of study, lawns contributed 18 percent of the total runoff measured in the study.
- P loads from lawns were high though because of high P concentrations in the runoff. TP concentrations in runoff from lawns were about 2 to 18 times larger than the concentrations in runoff from other residential source areas. Geometric mean TP and DP were 2.67 and 1.16 mg/L respectively.
- The relative percentages of TP loading by source area was as follows: feeder streets 39%, driveways 20%, collector streets 19%, lawns 14 % and sidewalks 8%.
- Streets were a critical source area for most contaminants in each land use.
- Contaminant loads in runoff from lawns, especially phosphorus, may become critical if rainfall results in significant runoff.
- A decrease in the amount of fertilizers applied to lawns would decrease the amount of phosphorus coming from the residential and industrial land uses.

b) More recent (1997) research by John Barten, with the Hennepin Regional Park District, found the following:

- Approximately 70 percent of the lawns in the suburban Twin Cities metro area have high levels of fertility as reflected by high soil test P concentrations.
- Application of P-bearing fertilizer to high-fertility lawns significantly increases the amount of P transported in the storm water system by rainfall runoff.
- 70 percent of the P was in a soluble (dissolved) form which suggests that the P is more likely originating from fertilizer rather than associated with the movement of soil particles or grass clippings.
- A case was made regarding the economic benefit of banning the application of P-bearing fertilizers as a best management practice (BMP) as compared to the cost of removal via sedimentation basins and other BMPs.
- While education on the use of P-free fertilizers has increased in recent years these formulations account for only a small portion of the total fertilizer sales in the Twin Cities metro area. Most large retail chains do not carry P-free formulations.

Policy Statement

Lawn fertilizer is but one of many man-made sources of nutrients which threaten our waters, however it is a controllable source. Considering the aforementioned research and desire by the public to reduce the input of P into Minnesota's lakes and streams the ILCC feels that reducing the amount of P which enters Minnesota's waters from commercial lawn fertilizers is essential to the long-term health of Minnesota's lakes and streams. As such, the ILCC recommends the following:

1. Extensive efforts are needed to educate homeowners and other turf managers regarding best management practices associated with turf management generally and with the reduction of potential water quality impacts particularly. This education should include need for soil testing to determine lawn fertility needs, proper timing of application, and proper handling and dispensing of product.
2. In shoreland areas, in particular, alternative landscape management should be promoted (using native vegetation for example) which reduces management intensity, stabilizes shoreland areas, and reduces the need for added inputs and potential for transport of nutrients to surface waters.
3. Engage lawn fertilizer suppliers to retail chains and commercial applicators in conversation (at the state level) on this issue in order to encourage the wide spread availability and promotion of P-free lawn fertilizers for use by homeowners. Collaborate with MLA and other interested groups on this effort.
4. Seek financial assistance and support from the state legislature to carry out this dialogue (item 3) and educational efforts (items 1 and 2).
5. Contingent on the success of the previous action items, participate (promote) in the development of legislation that would seek a statewide ban on P in commercial and retail lawn fertilizers (absent proof of need via approved soil tests).

**ILCC Member Agency Signatories
For
Policy Statement on Phosphorus in Lawn Fertilizers**

Commissioner
Minnesota Department of Natural Resources

Date

Commissioner
Minnesota Pollution Control Agency

Date

Commissioner
Minnesota Department of Agriculture

Date

Chair
Metropolitan Council

Date

Executive Director
Board of Water and Soil Resources

Date

Commissioner
Minnesota Office of Strategic and Long Range Planning

Date

Commissioner
Minnesota Department of Health

Date

FOR YOUR INFORMATION

- Board Member Update
- "Growing smart in Minnesota"
- House Agriculture & Rural Development Finance Committee will hold hearings between October 20 and December 16, 1999
- Articles regarding Board Tour in Stearns County



Board member Update

October 1999

Wetlands

Wetland law consolidation

A stakeholder group, led by the Board of Water and Soil Resources (BWSR) and the Department of Natural Resources (DNR), is continuing to work on consolidation of the Wetland Conservation Act (WCA) and the Public Waters (PW) Law. Senate File 83 (introduced by Sen. Dan Stevens in 1999) is the impetus behind this effort; the group's purpose is to develop wetland regulations that are more consistent and provide a more streamlined approach for landowners. The goal of this effort is to have a package of recommendations for legislative changes developed by the end of November, prior to the local government conventions. For more information, contact John Jaschke at BWSR or John Stine at the DNR Division of Waters.

Wetland banking

BWSR, MnDOT and DNR Division of Wildlife recently completed a Memorandum of Agree-

ment to restore approximately 700 acres of wetlands in Polk County that will eventually become a 2000-acre wildlife management area just west of the city of Winger. The Vesledahl project is a joint effort between MnDOT and BWSR to establish wetland banking credits to offset impacts due to public road improvements. Once the project is completed over the next 3 or 4 years, the area will be turned over to DNR permanently for wildlife management; it will also be open to the public. The benefits of this project include the large-scale ecological restoration, public access and a site that is very cost effective (due to its large scale) for wetland regulatory purposes.

Other projects are underway in various parts of the state, some of which have been completed and some of which are being still negotiated. BWSR will be seeking additional funding in cooperation with MnDOT and the local road authorities to continue this program during the next biennium. For more details on the status of these projects, contact Bruce Sandstrom, wetland banking administrator.

The Vesledahl project is a joint effort between MnDOT and BWSR to establish wetland banking credits to offset impacts due to public road improvements.

*Existing
Conservation
Reserve
Enhancement
Program
(CREP)
applications
have around
7,500 acres
enrolled in
Minnesota
(Illinois is
around 6,000).*

Wetland banking database

BWSR is moving ahead with the development of a wetland banking database that should provide staff with a tool to manage the wetland credits established by private and public account holders, as well as a way to manage the projects that the agency is undertaking under the Road Replacement Program. Information resources staff, wetland staff and a private contractor are working together to develop this database. For more information on this project or to get a copy of a Wetland Banking Status Report, contact Natasha DeVoe, wetland planner.

Southern Region

Local Water Planning

Board conservationists in the southern region are providing assistance to fourteen local governmental units (LGUs) that were successful in receiving approval for fiscal year 2000 challenge grant funding. Their current focus is on the development and review of the required work plans and budgets.

Conservation easements

Existing Conservation Reserve

Enhancement Program (CREP) applications have around 7,500 acres enrolled in Minnesota (Illinois is around 6,000). A brief survey of the watershed showed that there are at least another 10,000 acres in some stage of development. In order to achieve the 100,000 acre goal by September 30, 2002, production needs to be increased by more than 500 percent. Program funding and staff resources appear to be issues on the horizon. BWSR needs to focus on the fiscal year 2001-02 bonding bill, implementation at the local level, and marketing of the program.

BC Chris Hughes, with the assistance of BWSR Forester Jim Lemmerman and staff from DNR and NRCS, recently provided a one-day workshop on Reinvest in Minnesota (RIM) Reserve land management. Local staff from nine of the thirteen SWCDs in the south central region attended. Information included management issues for cool season grasses, warm season grasses, and trees and shrubs as well as weed control, maintenance methods, and future needs. Classroom information was provided in the morning. The afternoon included field visits to two very different RIM Reserve sites.

Miscellaneous

BCs continue to do Cost-Share Program closeouts. These are done to see that program dollars are used according to the grant agreements and program rules. Although no problems have been found during the close-outs, many SWCDs continue to raise concerns about the amount of cost-share funding. Due to the loss of

federal cost-sharing funds from the old Agricultural Conservation Program (ACP) and the limited federal funds through the new Environmental Quality Incentives Program (EQIP), state Cost-Share Program funds are being used up quite quickly by the SWCDs. Most SWCDs are seeing an increase in interest by landowners for cost-sharing assistance to implement conservation practices. In many SWCDs, the only funds available are the state Cost-Share Program funds.

On August 4, BC Tabor Hoek and Kevin Lines of the DNR conducted a tour at the Dallenbach CREP first acres site in Redwood County for the Legislative Commission on Minnesota Resources (LCMR). The tour was well attended by LCMR legislators and staff. Partner agencies and organizations were also represented. Pheasants Forever, the Natural Resources Conservation Service (NRCS), Farm Services Agency, SWCDs, DNR, and, most importantly, the landowners all had input into the tour stop. This was an excellent opportunity to show support for CREP and answer specific questions on taxes, permanent easements, marginal cropland, water quality, and erosion problems. A written script could not have covered the important issues more thoroughly. CREP took another step closer to its goal of 100,000 acres.

Metro Region

Education

Ron Struss completed a major role in pulling off the Children's Water Festival at the State Fair grounds. This event attracted 1,200 elementary school kids and represented a major coup for the state's environmental agencies and members of the Watershed Partners Group.

Water planning

Personnel also spent time with the Thousand Friends of Minnesota, getting to know their programs and initiatives a little more clearly. The hope is that efforts of non-profits like the Friends (and others with whom we've met, including Friends of the Mississippi River, Friends of the Minnesota Valley and the Land Trust) can be folded into the watershed planning process to leverage the watershed management organization's (WMO's) money with the non-profits low-cost "ground troops."

The northeast part of the metro remains an interesting area. Three recent petitions in for watershed district formation in that area either succeeded, died, or merely puzzled many of us. Comfort Lake-Forest Lake watershed district was established and a kick-off meeting was presided over by BWSR staff member Jim Haertel. The "Little Sunrise" petition, which addressed an area concurrent with the existing Sunrise River WMO boundary, did not

On August 4, BC Tabor Hoek and Kevin Lines of the DNR conducted a tour at the Dallenbach CREP first acres site in Redwood County for the Legislative Commission on Minnesota Resources (LCMR) committee.

Last year's law, which provides a December 31, 1999, deadline for removing city employees from sitting as voting members of joint powers WMOs, continues to create a stir in the region.

receive a recommendation for district formation from the BWSR Metro Region due to insufficient tax capacity and the ongoing planning effort by the still-alive-but-not-entirely-kicking Sunrise River WMO.

Subsequent to these events, a petition came out of the blue from some citizens sympathetic with the Forest Lake WMO (which is now functionally superseded by the Comfort Lake-Forest Lake Watershed District). This latter petition called for the creation of a "Big Sunrise" district extending all the way to the St. Croix River. Metro Region's current position on this petition is that insufficient groundwork has been completed in Isanti and Chisago counties; citizens in those areas may not be supportive. BWSR is more interested in seeing the Comfort Lake-Forest Lake district get established and a few successes under its belt. The Comfort Lake-Forest Lake group seems motivated and we are not interested in ball-and-chaining them to struggling areas in Anoka, Isanti, and Chisago counties at this time. Once a suitable foundation is laid for a big Sunrise district, BWSR would support it as it would represent a much more comprehensive approach to managing the resources of the watershed.

Last year's law, which provides a December 31, 1999, deadline for removing city employees from sitting as voting members of joint powers WMOs, continues to create a stir in the region. Approximately half of the board members of these organizations

are either city employees or consultants for the members. The most interesting location to watch how this controversial, but not very significant, showdown occurs between supporters and detractors of the law will be the Vermillion River Watershed Management Organization (VRWMO). The VRWMO faces not only this law but also an expiring Joint Powers Agreement at the end of this year. The most visible supporter of the law is Rep. Dennis Ozment, who represents constituents in the Vermillion watershed. Expect attempted legislation from the Hennepin County area to repeal or modify the language of this law. It will be an interesting January.

Meanwhile, BWSR staff has informed the VRWMO, as well as Scott and Dakota counties, that the counties will be charged with implementing the Metropolitan Surface Water Management Act beginning in January if the twenty-one member communities do not execute a new JPA. The odds are long on this being successfully completed. The understanding is that the WMO is considering an attempt to get its members to sign on to an eight-month extension of the existing JPA in order to complete their planning process.

In the southwest part of the metro, BC Doug Snyder has been working with the Scott and Carver SWCDs to submit an application to the Metropolitan Council for a portion of their \$7.9 million funds for water quality. Met Council thus far has been extremely receptive to this application, which would allow these two counties to augment CREP payments

to meet existing market rates. Ron Harnack has been helpful by meeting with the higher-types at Met Council Environmental Services (MCES) to garner their support for this specific geographic area as well as the overall programmatic goals for CREP.

Northern Region

Wetlands

Board Conservationist (BC) Keith Grow reports that the first two—of ultimately four—restoration orders have gone out the door regarding the activities of Mr. Lawrence Kreger of Mille Lacs County. Two more orders related to sites in Sherburne County will follow the week of October 18. This is a huge violation, requiring massive amounts of BWSR and other agency staff time. You will be hearing more on this matter.

BC Bill Best and Wetland Specialist Dan Eklund have spent a lot of time recently working on wetland issues in Polk County. Bill spent a day with the latest West Polk Soil and Water Conservation District (SWCD) Wetland Conservation Act (WCA) administrator and the East Polk WCA person. Bill helped them close out 95 percent of their open files and discussed what to do with the remaining 5 percent that are open. Dan Eklund met with staff from East and West Polk SWCDs and Polk County to lay out some things that need to be done to ensure seamless WCA coverage across all of Polk

County. This has been a bit of a struggle in the past. Good one-to-one work by Bill and Dan.

Water Planning

Dan Steward, Brainerd BC, attended a meeting called by the Crow Wing County Board to evaluate the administration of the county water plan. After the Crow Wing County water plan coordinator recently resigned, the Crow Wing SWCD made a pitch to have the plan administered by the district instead of the county. The Crow Wing County Chair clearly favors a County Environmental Services Department that would handle the water plan. This issue will continue to be discussed over the next year.

Keith sent in this news flash: Kanabec County, for reasons unknown, is assuming administration of the county water plan. The Kanabec SWCD currently administers the water plan. The county is also reducing the allocation to the SWCD by \$3,000 annually.

Dan Steward attended the Leech Lake Watershed Project's annual meeting on September 10, 1999, in Walker. Ron Harnack gave the keynote speech. After his talk, Ron was presented with a plaque by the watershed for leadership by BWSR in the implementation of the Little Boy Lake shoreland easement. This was the first shoreland easement in the state.

Brian Dwight, watershed district specialist, reports that Ron Harnack has been working with IFMI, an interstate/international group working

*Board
Conservationist
(BC) Keith
Grow reports
that the first
two—of
ultimately
four—
restoration
orders have
gone out the
door
regarding the
activities of
Mr. Lawrence
Kreger of
Mille Lacs
County.*

on unified flood activities. This group has been putting together a federal proposal that mirrors our flood storage easement pilots. Brian will be reviewing and providing comments on their proposal and will also participate in their work group.

Engineering and Technical Services Section

Nonpoint Engineering Assistance (NPEA)

NPEA program base grants for FY 2000 are on the board agenda for approval this month. BWSR pass-through appropriations, together with \$209,000 transferred to BWSR from the Minnesota Pollution Control Agency (PCA) feedlot grant programs in June 1999, will fully fund the eleven engineer and technician teams in FY 2000. However, we still expect a shortfall in FY 2001, unless a number of joint powers area staff vacancies occur during FY 2000. A subcommittee of the NPEA Advisory Committee was proposed in May to look at the expected future funding situation and alternatives. We expect this to be a topic of discussion at the next NPEA Committee meeting.

An SWCD recently reported using the BWSR web site as a convenient source for the Feedlot Evaluation Model. We hope to use the

web site as an efficient distribution tool for other engineering analysis programs and design information in the future.

Feedlots

The Feedlot and Manure Management Advisory Committee (FMMAC) met again on August 16 to discuss the draft feedlot rules. This was the final of five FMMAC meetings since May 1999 devoted entirely to discussion of the draft feedlot rules. Although all of the major rule issues have been discussed by FMMAC, consensus was not reached on all issues. A number of comment letters from producer and other advocacy groups to PCA reportedly address these and other concerns. PCA intends to respond in writing to these letters before the rescheduled public hearing process begins later this fall.

The Citizens Advisory Committee (CAC) for the Generic Environmental Impact Statement (GEIS) for Animal Agriculture recently gave its support for a pilot feedlot inventory process recommended by Environmental Quality Board (EQB) staff and a feedlot inventory design team, of which Al Kean, BWSR chief engineer, is a member. The pilot will involve a partnership between the state and the U.S. Department of Agriculture (USDA) Agricultural Statistics Service to put geo-referenced locations on Census of Agriculture data for animal feedlots. Existing level 3 county feedlot inventories and other public data sets will also be utilized. This approach will enable geographic information

The Feedlot and Manure Management Advisory Committee (FMMAC) met again on August 16 to discuss the draft feedlot rules.

system analysis of feedlot and other data layers to answer questions identified in the GEIS scoping document. Although this approach will require analysis behind closed doors to protect the confidentiality of individual producers, it is expected to cost far less than any other statewide feedlot inventory approach and produce information much sooner.

In response to a mandate by the legislature and then Governor Ventura, EQB staff have been working for more than a year to revise rules requiring mandatory Environmental Assessment Worksheets (EAWs) for certain feedlots (the "phased" and "connected" actions issue). Kathleen Roer, BWSR chair, and Rock County environmental services staff raised some questions to BWSR and EQB staff members just before the latest version of the proposed rules was brought to the EQB for approval on August 19. It seems that some eleventh hour coordination, good local government unit testimony and facilitation by our chair helped correct a problematic change in the rule, which would have unreasonably required mandatory EAWs in all of designated drinking water management areas (often much larger than wellhead protection areas). Jim Birkholz, assistant director, and Al Kean assisted with coordination.

Conservation easements

There are now 21 counties participating in the Minnesota River

Conservation Reserve Enhancement Program (CREP). Tabor Hoek and other board conservationists are planning to visit SWCDs in nonparticipating counties in the near future to help get them involved. A total of 221 applications for 7,500 acres have been approved to date, at a state cost of \$5,447,163. Of these, 35 have been recorded and paid, as processing tenaciously moves forward.

Tim Fredbo, easement program manager, indicates that there is approximately \$1.2 million remaining of the \$6.8 million set up for CREP in the easement program biennial work plan (meaning that the CREP is selling very well!). Tim recently reviewed our budget figures to identify regular Reinvest in Minnesota (RIM) Reserve funding that has been freed up due to cancellations, North American Wetland Conservation Act (NAWCA) grant reimbursements and the RIM/Wetland Reserve Program (WRP) partnership. The result is approximately \$3.4 million of additional funding that will be redesignated to the Minnesota River CREP to keep this continuous sign-up program funded, probably until sometime this winter. Tim notes that \$2.4 million has been reserved for a regular RIM Reserve sign-up this fall.

Tim Fredbo, easement program manager, indicates that there is approximately \$1.2 million remaining of the \$6.8 million set up for CREP in the easement program biennial work plan (meaning that the CREP is selling very well!).

Robert "Bob" Ness
State Representative

District 20A
Meeker, McLeod, Stearns
and Wright Counties



**Minnesota
House of
Representatives**

Bd. Members
OCT 06 1999 *M-Team*

COMMITTEES: CHAIRMAN, AGRICULTURE AND RURAL DEVELOPMENT FINANCE;
VICE-CHAIR, K-12 EDUCATION FINANCE; AGRICULTURE AND RURAL DEVELOPMENT POLICY; EDUCATION POLICY
October 4, 1999

Ron Harnack, Director
Board of Water & Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107

Dear Ron,

The House Agriculture & Rural Development Finance Committee will hold a series of 14 field hearings between October 20 and December 16, 1999. A schedule of these hearings is on the back of this letter. These hearings will have five purposes: 1) to provide oversight on programs funded through the Committee; 2) to provide access to the workings of government for farm families who are often excluded from the process; 3) to listen for new policy ideas from the people most directly affected by state farm policies; 4) to review the status of the farm economy; and 5) to identify those state laws and regulations which place Minnesota farmers and farm-related businesses at a disadvantage with their competitors in other states or nations.

I would like to ask for your help in three ways.

First, will you help us to get people to attend these hearings, and to participate in the open-microphone sessions which will occupy the last hour of each hearing? We are looking to hear from real farm families about their immediate needs and long-term ideas.

Second, will you help us in identifying potential witnesses for the topics which are of immediate concern to your organization? The first hour of each hearing will be on a major topic in agriculture, and the second hour will be spent in evaluating state programs relating to that topic. If you have people with useful information, we would appreciate the chance to hear from them.

Third, if there is a state law or regulation which places the Minnesota farm economy at a disadvantage, could you let me know about that. Laws or regulations that are overly burdensome or cost prohibitive need to be addressed in a legislative initiative next session. We are hoping to hear testimony on such regulations at our hearings. To keep controversies over feedlots from derailing our overall effort to reduce red tape, this effort will not include regulations relating to feedlot regulations. We have entrusted the feedlot issue to the GEIS process, and we should let that effort run its course.

If you can help us on any of these requests, please contact my office at (651) 296-9463.

Working together, we are going to continue to make a difference for our farm families.

We welcome your concerns or comments. Good information helps us make good decisions. In this farm crisis, people should know that we care, we are listening, and we are taking action.

Bob Ness
Chairman, Agriculture & Rural Development Finance Committee

- over -



**SCHEDULE OF THE 1999 FIELD HEARINGS OF
THE HOUSE AGRICULTURE & RURAL DEVELOPMENT FINANCE COMMITTEE**

	<u>Town</u>	<u>Topic of Overview and Regulatory Reform</u>	<u>Topic of Committee Oversight and Review</u>
OCT 20 9-12	North Mankato Technical College	Farm Credit	The Rural Finance Agency
OCT 20	Mankato	Tour of Grain Facility	
OCT 21 9-12	New Ulm American Legion	The Dairy Industry Dairy Premiums and Contracts	Dairy Business Climate Study
OCT 21 3-6	Fairmont Martin County Library	Food Retail and Foodshelves	Dual Grocery Inspection Statute Pseudorabies Vaccine Program
OCT 26 9-12	Albert Lea City Hall	The Pork Industry Pork Producer Contracts	Price Reporting Regulation
OCT 26	Austin	Tour of Hormel & Slaughterhouse	
OCT 27 9-12	Eyota American Legion	The Soybean Industry	Nematode & Mold Research
OCT 27 2-5	La Crescent American Legion	The Beef and Orchard Industries	Research on Johnne's Disease
NOV 04 9-12	Cambridge American Legion	Organic & Sustainable Farming	The Organic Certification Program
NOV 04	Princeton	Manure Digester Tour	
DEC 01 9-12	St. Joseph American Legion	Alternative Crops & Livestock	AURI
DEC 01 2-5	Paynesville Paynesville Area Center	The Chicken Industry	Respiratory Disease Research
DEC 02 9-12	Willmar Willmar Library	The Turkey Industry	Turkey Litter Cogeneration Grant
DEC 02 2-5	Morris West Central Experiment	The Wheat and Barley Industry	Scab Disease Research
DEC 15 9-12	Marshall SSU Student Center West	The Corn Industry	Ethanol Program Update
DEC 15 3-6	Worthington Technical College Theater	Producer Contracts	MDA Study and Guidelines
DEC 16 9-12	Luverne Rock County Library	Ownership of Farmland	Passing on the Farm Center
DEC 16 2-5	Luverne Lake Benton	Corn-er Stone Ethanol Plant Tour Wind Farm Tour	

Growing smart in Minnesota

Framework for action

Minnesota is growing and changing fast. The question before Minnesota is not *whether* we grow — we will. The real question is *how* we can grow in ways that improve the prosperity and quality of life for all as Minnesota competes in the knowledge, service-based and just-in-time economy of the 21st century. Our edge in this competition is the vitality of our economy, the soundness of our infrastructure, the quality of our workforce, the health of our environment, the quality and abundance of our farmland and natural resources, and the attractiveness of our communities.

Economic competitiveness is important not only to urban areas, but to regional growth centers and rural communities as well. All parts of the state face the challenge of maximizing economic opportunity and connecting people to housing, transportation and jobs. At the same time Minnesota must protect and enhance the environment and other assets that keep communities attractive places to live and work. This is what smart growth is all about.

With smart growth, some things must grow — jobs, productivity, wages, education, housing opportunities, savings, profits, opportunity and knowledge. Others — pollution, waste and poverty — must not.

Goals of the Ventura Smart Growth Initiative

Minnesotans care deeply about their state and want a strong economy, a healthy environment and robust, vital communities, both for themselves and for future generations.

First, the state must listen to citizens, businesses and local governments, and encourage their participation and involvement at the local level in deciding what smart growth will look like in their community.

The goals of Governor Ventura's Smart Growth Initiative are to:

- Maximize economic opportunity for all while protecting and enhancing the assets that make Minnesota a great place to live — healthy communities, clean air and water, and Minnesota's unique natural, cultural and historical areas.
- Manage natural resources and agricultural land to ensure they are sustained for future generations.
- Be fiscally prudent by building on existing public investments and avoiding future costs down the road.

Second, the state must be consistent. Minnesota needs to cut out the mixed signals, policies and investments that encourage short-sighted growth and re-align its policies, resources and incentives to foster smart growth. In addition, Minnesota needs to evaluate and realign state regulations so they *deter* activities contrary to smart growth principles and *promote* activities consistent with these principles.

Third, the state needs to support communities as they pursue smart growth strategies. The state should offer incentives rather than top-down mandates, and support local governments around the state that make sustainable development choices.

Principles for success

Smart growth offers options for how Minnesota can develop and change while enhancing its quality of life. It is not a one-size-fits-all approach. While there are many options for smart growth, these common-sense principles will guide public decisions and achieve the results Minnesotans expect:

■ **Stewardship: Use land and natural resources wisely to sustain them for the future.** Minnesota will protect the environment and conserve agricultural land, open space and other lands that support sustainable outdoor recreation, tourism and natural-resource-based industries. This will allow for growth that is sustainable for the long term.

■ **Efficiency: Make more efficient, integrated public investments in transportation, housing, schools, utilities, information infrastructure and other public services.** Minnesota needs to coordinate and link its tax policies with smart growth. It also must coordinate and link public investments in transportation, information infrastructure, land use, housing, schools and utilities so they expand economic opportunity for the entire state. By maintaining and improving existing investments in roads, schools and utilities, rather than needlessly making expensive new investments on the edges of communities, Minnesota will avoid wasteful public spending and support economic growth.

■ **Choice: Give communities smart growth options and choices.** Communities can be shaped by choice, or they can be shaped by chance. The state will work with local governments to encourage citizen and business participation in decisions about what smart growth should look like. Minnesota will create choices and incentives for linking transportation, housing, jobs, education and the amenities that make communities desirable places to live.

■ **Accountability: Reinforce responsibility and accountability for development decisions.** For smart growth to become a reality, everyone — individuals, businesses and government — must make smart choices and take responsibility for the true costs and consequences of the decisions they make. The marketplace can be an effective force for smart growth, but only if state and local policy sends consistent signals and development decisions are predictable, fair and cost effective. If communities choose to make short-sighted development decisions, it is not up to Minnesota taxpayers to pay the costs of their mistakes.

"We need community involvement and collaboration, not conflict. We need common-sense incentives for making smart decisions, and consequences, when necessary, for making short-sighted ones."

Governor Jesse Ventura

Strategies for growing smart in Minnesota

To accomplish Minnesota's smart growth goals, the Ventura administration has identified three major strategic directions.

Strategy 1: Engage citizens in planning and decision-making

For smart growth to become a reality, Minnesota needs an active, informed citizenry and business community participating in planning and decision-making at the local level. To accomplish this, the state of Minnesota will partner with local governments, business groups, civic organizations and others to:

- Engage citizens in defining what smart growth looks like and assessing the costs and consequences of development alternatives, through visual preference surveys, community dialogs, forums and other tools.
- Promote better coordination and communication with state, local and regional interests on planning and development through comprehensive planning.
- Continue to provide citizens with comprehensive planning choices by eliminating the June 2001 sunset of the Community-Based Planning Act. Conduct an independent analysis of the Community-Based Planning program as the basis for future changes to the Act.

Strategy 2: Position and align state government for smart growth

For smart growth to work, Minnesota must align its incentives with its goals. This means linking investments and policies for transportation, housing, economic development, environmental protection and natural resources management so they encourage economic opportunity while sustaining Minnesota's quality of life. The state must lead by example, by incorporating smart growth principles into its planning and spending process, and by providing incentives for local governments to make smart growth choices.

To accomplish this, the Governor's Smart Growth Initiative will:

- Inventory current state government policies and incentives and resources to determine how they work for or against smart growth. Identify and focus on "flash points" where competing policy goals hamper progress on smart growth.
- Work with Governor Ventura's Tax Reform Project to evaluate what changes to the tax system are necessary to promote smart growth. Ensure that any new tax incentives for smart growth can demonstrate measurable results and are consistent with Governor Ventura's goals for a simpler, more equitable tax system.
- Reform other state incentives and policies to reinforce smart growth principles. Ensure consistency between transportation and other infrastructure investments and land-use plans.

- Craft a flexible state development strategy and support regional strategies that link investments and policy to:

reflect the needs and preferences of citizens, communities and businesses

conserve Minnesota's farms, farmlands, greenways and other natural resources

tie public investments to smart growth plans

- Create a system of greenways throughout the state, built on collaborative public-private partnerships and voluntary approaches, with minimal public land acquisition.

- Develop tools for reviewing major statewide spending and bonding bills to assess how well new state investments promote smart growth.

- Develop smart growth indicators that demonstrate our progress and success.

Strategy 3: Provide communities with effective tools for smart growth

"As a former mayor, I believe in local control, but I also believe that since public investments cross local boundaries, we must have regions that work as a whole."

Governor Jesse Ventura

All around Minnesota, local governments are bringing smart growth principles to reality with innovative new development and zoning policies. Often, the best solutions are those hammered out at the local level. It's up to local governments and regional organizations, with the substantive participation of citizens, to decide what smart growth will look like in each community. The state must support these efforts so that the whole makes sense.

To accomplish this, Minnesota will:

- Change the way the state does business, to provide integrated, responsive service to communities.

- Provide communities with better tools and assistance for evaluating the costs and consequences of development decisions, and more effective incentives for incorporating smart growth principles into planning and development.

- Strengthen and improve tools for agricultural land preservation.

- Identify those areas of urban life and development where we need better understanding and develop that understanding through the Urban Development Generic Environmental Impact Statement.

This information was prepared for the Governor's Office by Minnesota Planning and the Metropolitan Council in cooperation with other state agencies. For more information, call Minnesota Planning at 651-296-3985 or the Metropolitan Council at 651-602-1000. Upon request, this information will be provided in an alternative format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Minnesota Planning. October 1999

December 1999

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MN 55107
DECEMBER 15, 1999**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approve Minutes of October 27, 1999

Reports

- ▶ Chair - Kathleen Roer
- ▶ Executive Director - Ron 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

Agency Reports

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

Old Business

1. Report from Ad-Hoc Subcommittee Comprehensive Local Water Plan (CLWP) Third Generation Plans - Ginny Imholte - DECISION
2. Wetlands Committee Recommendations Regarding Senate File #83 - John Jaschke - DECISION

Recognition of Outgoing Board Members Glenn Annexstad and Barb Cobb

New Business

1. Minnesota Greenways - Commissioner Allen Garber - INFORMATION
2. Extension of Regular CRP with RIM for Flood Storage Easement Pilots - Al Kean - DECISION

3. Minnesota River Update
 - a. Minnesota River Basin Joint Powers Board (MRBJPB) Report - Steve Hansen, Executive Director of the MRBJPB - INFORMATION
 - b. Minnesota River Water Quality Improvement Projects - Jeff Nielsen INFORMATION
 - c. Minnesota River Basin Special Cost-Share Projects - Jeff Nielsen - INFORMATION
 - d. Minnesota River Basin Water Quality Improvement Projects (1999 LCMR Funds) - Jeff Nielsen - DECISION
4. Preliminary Review of LCMR Proposals - Jim Birkholz - INFORMATION
5. Update on Feedlot Rule Informational Meetings - Al Kean and MPCA Staff - INFORMATION
6. Convention Review and Evaluation - Ron Harnack - INFORMATION

Advisory Comments

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

Upcoming Meetings

- ▶ Next BWSR Meeting, January 26, 2000, St. Paul
- ▶ NACD Annual Convention, January 30 - February 3, 2000, Colorado Springs, CO

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:

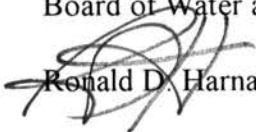
One West Water Street
Suite 250
St. Paul, MN 55107
(612) 282-9969
Fax (612) 297-5615

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DATE: November 30, 1999

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

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: December 15, 1999 BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 15, 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:

Old Business

1. Report from Ad-Hoc Subcommittee Comprehensive Local Water Plan (CLWP) Third Generation Plans: In September, an ad-hoc committee of the Board was appointed to identify BWSR expectations for third generation comprehensive local water plans. In addition to developing a list of board expectations for adoption by the Board, the ad-hoc committee reviewed revisions to the strategies presented at the October board meeting aimed at managing workload associated with multi-planning efforts local governments are involved in. **DECISION**
2. Wetlands Committee Recommendations Regarding Senate File #83: The SF#83 work group has reached agreement on most of the issues and a vast majority agree on all the changes. It is important for BWSR, representing local government, citizens, and agencies to review and endorse or direct modifications to the work group's efforts. The WHAC and BWSR Wetland Committee have met and recommended changes or option preferences for the Board's consideration. This will provide the framework for legislative changes. **DECISION**

New Business

1. Minnesota Greenways: Commissioner Allen Garber, Department of Natural Resources, will present "Minnesota Greenways" a sustainable approach to natural resource management in the 21st century. The way in which this type of initiative relates to current programs such as CREP, RIM, metro greenways, agricultural preserves, etc., should be of particular interest. **INFORMATION**

2. Extension of Regular CRP with RIM for Flood Storage Easements Pilots: In September, the Board approved a statewide CREP-like extension of continuous CRP contracts with RIM Reserve. The opportunity exists to extend regular CRP contracts for the two flood storage easement pilots being implemented by the Wild Rice and Red Lake Watershed Districts. Lands with existing regular CRP contracts are being considered for pilot flood storage easement sites. Extension of existing CRP contracts with RIM would substantially leverage available RIM funding. Recall that these two pilots have a total of \$220,000 of RIM Reserve funding for easement acquisition. It is requested that the Board approve extension of regular CRP contracts with RIM Reserve for the two flood storage easement pilots in the Red River Valley, including the following policies:
 - ▶ Use of flood storage easement funding and regular RIM sign-up funding for flood damage reduction and natural resource components of the pilot projects.
 - ▶ Limited to compatible CRP contracts and practices.
 - ▶ Payment rates as previously approved by the Board for the two flood storage easement pilots and for RIM extension of continuous CRP contracts. DECISION
3. Minnesota River Update
 - a. Minnesota River Basin Joint Powers Board (MRBJPB) Report: Steve Hansen, Executive Director of the MRBJPB, will overview what the Board is about, review their accomplishments in 1999 and plans for 2000. BWSR's relationship with the MRBJPB is through staff assistance, a \$100,000 annual grant to them for administrative purposes, and administer a \$475,000 general fund grant and a \$300,000 LCMR grant for water quality improvement projects. INFORMATION
 - b. Minnesota River Water Quality Improvement Projects: The 1997 legislative session appropriated \$475,000 for completion of water quality improvement projects within the twelve major watersheds of the Minnesota River Basin. Projects were approved by BWSR in January of 1999. A quick progress review of the fifteen projects will be presented. INFORMATION
 - c. Minnesota River Basin Special Cost-Share Projects: Annually the BWSR allocates \$500,000 of cost-share funds for projects on watershed basis within the Minnesota River Basin. Since 1994, \$3,500,000 has been allocated to accelerate installation of water quality best management practices through the State Cost-Share Program. A summary will be presented on the accomplishments thus far. INFORMATION
 - d. Minnesota River Basin Water Quality Improvement Projects (1999 LCMR Funds): The 1999 Minnesota legislative session resulted in an appropriation of \$300,000 for work in the twelve major watersheds of the Minnesota River Basin. Development of local leadership at the watershed level received \$100,000, and completion of water quality projects received \$200,000. The projects must utilize practices that are proven effective, must have landowner support, and must be prioritized by the MRBJPB and BWSR. The BWSR shall appropriate funds only for those projects where the local landowner and counties provide at least 25% of the project cost.

In September of 1999, the MRBJPB announced the process for local government units (LGUs) to apply for these funds. The Major Project Review Team (representatives from MRBJPB, BWSR staff, and LGUs) reviewed and prioritized them on November 15, 1999. The Review Team's recommendation was presented to and approved by the MRBJPB at their special meeting on December 6, 1999. The funding recommendation will be presented to BWSR on December 15, 1999, for their approval. Please refer to the attachment for specific information.

DECISION

4. Preliminary Review of LCMR Proposals: The Legislative Commission on Minnesota Resources (LCMR) has issued its request for proposals for the 2002-2003 biennium. We will review preliminary BWSR proposals at the December board meeting. The purpose is to discuss the BWSR proposals and share perspectives of board members. This will also prepare our agency to work with the other environmental cluster agencies, coordinate executive branch recommendations to the LCMR. INFORMATION
5. Update on Feedlot Rule Revision: The MPCA held information meetings about the proposed rule revisions for producers and other interested people at seven locations around the state in November. Other involved agencies and the Minnesota Extension Service participated to provide information about programs they administer related to feedlots. The MPCA and MDA also met with members of the House and Senate Agriculture Policy and Environment and Natural Resources Committees in November to provide briefings on the proposed feedlot rule revisions and the role of the Feedlot and Manure Management Advisory Committee. Public hearings on the proposed rules are scheduled for January and February 2000. MPCA staff will brief the Board about the proposed rule revisions and status of the rule making process. INFORMATION

If you need additional information, please feel free to give me a call. Lunch will be delivered at noon. I look forward to seeing you next week!

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MN 55107
DECEMBER 15, 1999**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Approve Minutes of October 27, 1999

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- ▶ Executive Director - Ron Harnack
- ▶ Dispute Resolution Committee - Glenn Annexstad
- ▶ Wetlands Committee - Darrell Bruggman
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- ▶ NACD Annual Convention, January 30 - February 3, 2000, Colorado Springs, CO

Adjourn

DRAFT

DRAFT

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
OCTOBER 27, 1999**

BOARD MEMBERS PRESENT:

Kathleen Roer, Lee Coe, Clair Nelson, Darrell Bruggman, Barb Cobb, Allan Oehlke, Pat Bloomgren-MDH, Jim Dahlvang, Jim Anderson-MES, Ginny Imholte, Steve Morse-DNR, Mark Dittrich-MDA, Glenn Annexstad

BOARD MEMBERS ABSENT:

Paul Krabbenhoft, Jerome Deal, Dwain Otte, Rod Massey-PCA

STAFF PRESENT:

Ron Harnack, Mary Jo Anderson, Jim Haertel, Doug Thomas, Marybeth Block, Dale Krystosek, Al Kean

OTHERS PRESENT:

Ray Bohn, Minnesota Association of Watershed Districts
Jack Skrypek, DNR
Wayne Edgerton, DNR
Steven Klein, Barr Engineering
Tori Boers, Metropolitan Council
Franklin Denn and Johnnie Olson, Minnesota Association of Townships
LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts

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Vice-Chair Dahlvang called the meeting to order at 9:10 a.m.

Adopt Agenda - Ron Harnack stated that an item under New Business, #6, item 4 should be a discussion item rather than for decision. Moved by Clair Nelson, seconded by Lee Coe, to adopt the agenda as presented, with that change. Motion passed on a voice vote.

Minutes of September 23, 1999 - Moved by Barb Cobb, seconded by Allan Oehlke, to approve the minutes of September 23, 1999, as circulated. Motion passed on a voice vote.

Reports

Executive Director's Report - Ron Harnack attended the EQB retreat on October 21, on behalf of Chair Roer. Ron stated that it was a good retreat. Discussion included key policy issues for the future, coordination of interagency activities, six new members introduced.

Ron reported that discussions continue on SF83, wetlands regulatory simplification. Specific recommendations will come before the Board in December. Ron stated that the key is to eliminate confusion and streamline efforts.

Ron reported that he has received responses from the Attorney General's office, Department of Natural Resources, and the Pollution Control Agency regarding representation on the Interagency Drainage Team. Awaiting responses from the Department of Agriculture and Minnesota Extension Service.

Ron reported that he received letter from Dean Barkley, Director of Minnesota Planning, regarding a "Revisiting Reform" project initiated by Minnesota Planning, Department of Administration, and the Humphrey Institute to examine government reform efforts. This short-term project will provide insight as to what has and hasn't worked in the past, and to identify good ideas that were never implemented. Ron will represent BWSR, with Jim Birkholz as an alternate.

Ron reported that Jerome Deal is in Washington, D.C. meeting with various constituent groups and the congressional delegation discussing Red River mediation funding.

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October 27, 1999
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Dispute Resolution Committee (DRC) - Glenn Annexstad reported that there are five pending appeals, all are WCA appeals. One appeal involves a violation and restoration order in Mille Lacs County. The issue is about 3,000 square feet of fill near the lake shore. Another appeal is the Cub Foods proposal in Forest Lake. The DRC previously heard an appeal on the Forest Lake decision. Now Chisago County has denied the replacement site which is the subject of the Cub appeal. Two other appeals involve a decision by the Rice Creek Watershed District and are brought by the Audubon Society and the League of Women Voters. The hearing is set for November 4, 1999, so the matter will probably be before the Board at the next meeting in December. The last appeal is the Judicial Ditch #4, flood control project in Big Stone County. The appeal appears settled but has not been officially withdrawn yet.

Wetlands Committee - Darrell Bruggman reported that the Wetlands Committee met on October 14.

Cost-Share/Soil Conservation Committee - Barb Cobb reported that the Grants Team will meet next week to review the cost-share formula and the Cost-Share Committee will meet on November 17 to finalize the formula recommendation and bring the recommendation before Board on December 15. Barb asked that board members contact Wayne Zellmer with questions regarding the cost-share formula.

Education Committee - Jim Anderson reported that the Education Committee met this morning to discuss drainage education; education activities for general county commissioners around watershed districts relating to water management problems; and how to interact with functions and available services through SWCDs.

Financial Oversight Committee - Ginny Imholte reported that the Financial Oversight Committee will meet on November 17 in St. Paul.

Administrative Advisory Committee - Chair Roer reported that the Administrative Advisory Committee met after the last board meeting to discuss some issues with Ron Harnack, which have been resolved.

Chair's Report - Chair Roer attended the Animal Ag GEIS Subcommittee meeting. EQB is in the process of filling Susan Schmidt's position. Chair Roer also attended the citizens advisory committee meeting for the GEIS. A two-volume document of literature has been put together for review. This document is an overview of what research has been done, and what's available in sub-areas. This document will be distributed to agencies November 1; BWSR's copy will be available at the Board office. Ron said the document will be discussed at a future board meeting to review sources and assess the information.

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October 27, 1999
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Chair Roer reported that she and Ron Harnack met with Commissioner Karen Studders, PCA, to talk about commonalities and joint efforts.

Chair Roer will attend the "Sharing the Heartland Conference".

Agency Reports

Mark Dittrich, Department of Agriculture, reported that MDA participated in the Children's Water Festival. Mark stated that Commissioner Hugoson will go to Japan with the Governor in November to discuss trade issues. Mark reported that MDA will be speaking at the "Sharing the Heartland" conference.

Pat Bloomgren, Department of Health, reported that she attends the citizens advisory committee for feedlot GEIS issues. The committee is looking at studies and agency compilation. Pat attended the FEMAC meeting last month. The committee discussed new feedlot rules. Pat reported that MDH is finalizing the development of information about source water protection for wells to be sent to producer groups that are promoters of feedlot development. MDH is dedicating a staff person to this effort and getting information out wherever they can. Pat stated that MDH staff attended the Midwest Groundwater Conference; she complimented DNR for an excellent conference.

Steve Morse, Department of Natural Resources, stated that GEIS needs to be updated, and then move forward on this effort. Steve stated that the "Smart Growth in Minnesota" publication distributed from the Governor's office, is a good document, he encouraged board members to review the information. DNR will review this document and align programs and plan for the future. Steve stated that the "Statewide Greenways" program is a concept being developed to focus on the resources we have. Steve reported that legislative initiatives are moving forward, awaiting Department of Finance to finish that process. A good initiative is CREP. Steve reported that a proposal has been forwarded to the Legislature regarding designation of acres on concon lands in northwestern Minnesota, a conservation and habitat issue. Steve stated that DNR continues to work on the wolf issue, anticipates this will be in the legislative arena again this year. Steve announced that Dennis Stauffer was recently hired as the new director of communications. Steve will speak at the "Sharing the Heartland" conference.

Jim Anderson, Minnesota Extension Service, reported that drainage education continues; watershed mediation activities continue with joint efforts; water quality development of curriculum is something being looked at. Tomorrow night MES is having a satellite video conference on alternative sewage treatment systems,

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October 27, 1999
Page Five

concentrating on technical issues and management of the systems. This video conference will be accessible nationwide.

Committee Recommendations

Wadena County Comprehensive Local Water Plan - Lee Coe reported that the northern subcommittee met to review the Wadena County plan and recommends approval.

** Moved by Lee Coe, seconded Ginny Imholte, to approve the Wadena County
99-67 Comprehensive Local Water Plan. Motion passed on a voice vote.

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

New Business

Briefing on Farm Crisis - Commissioner Gene Hugoson, Department of Agriculture, reported on the current farm crisis situation. He stated that the federal government payments will add to the cash payment per acre. Higher production, record crops and yields, yet loss through overseas market trading. The long range prognosis is good - dairy prices are rebounding, optimistic that beef will rebound as well. Hog prices are a disappointment. He anticipates a two-year gradual come back. Commissioner Hugoson thanked BWSR for their efforts and commitment to work together and he looks forward to working together in the future. Chair Roer stated appreciation for Commissioner Hugoson's time today with the BWSR.

Children's Water Festival Report - Cindy Weckwerth reported that Susan Seachrist is the founder of the Children's Water Festival. The 1999 Metro Children's Water Festival Program is a project of the Metro Area Groundwater Alliance (MAGWA). MAGWA applied for and was granted a BWSR challenge grant. The second annual Metro Children's Water Festival was held October 6, 1999, at the Minnesota State Fairgrounds. The program was designed to provide hands-on opportunities for students to learn about the importance of water at 25 different learning stations. 1200 students from 21 metro schools attended. This was a very successful event, with over 700 volunteers that worked cooperatively to make this happen. The Children's Water Festival will be an annual event. Cindy expressed appreciation for the financial and staff support of BWSR. Chair Roer thanked Cindy for this great effort and appreciated the opportunity to see where BWSR dollars go.

Minnesota's Water Planning Framework and How BWSR Fits in - Doug Thomas presented an approach to manage water resources in preparing for the Minnesota Water Plan 2000. The purpose is threefold: 1) identify the current water planning efforts in Minnesota and how they interact and influence each other; 2) identify the

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planning activities in the major river basins; and 3) outline a strategy on how BWSR may use its authorities to assist counties and watershed management organizations in updating their local water plans in an orderly and understandable manner. The strategy: maintain maximum flexibility over water plan schedules; endorse participation of BWSR staff to discuss and plan for orderly updates in areas with a high potential for conflict; continue to endorse the concepts of local water planning, with a strong emphasis on implementation and measurable outcomes. Chair Roer stated that she has read this document and it is so helpful to have this big picture information all in one place to organize your thoughts on the state water planning effort which is moving forward. Chair Roer stated that this document should be in board members handbook. She commended Doug for his work and efforts on this document. Discussion followed. Barb Cobb stated that the elements could be enhanced on the strategy and establishment of measurable outcomes. Chair Roer would like the water plan subcommittee to review this document when they meet this afternoon. Steve Morse stated that this document could be integrated into the big plan, go through the process, forcing land use issues, key building blocks to successful land use planning. Chair Roer stated that communication efforts need to be two-way, ideas generated at the local level need to be pushed up to the state plan level. Mark Dittrich would like to see an additional flow chart, showing all the plans out there. Chair Roer asked board members to review this document, contact Doug Thomas with questions, final endorsement will be brought before the Board in December.

2000 - 2001 Natural Resources Block Grants - Wayne Zellmer explained the proposed change to the grant, to be administered biennially rather than annually. Wayne, on behalf of the BWSR, DNR, MPCA, and LGU staffs, requested the Board to authorize the BWSR staff to allocate these grants to counties meeting the NRBG program requirements. Discussion followed. Steve Morse stated that counties need to have an incentive to do an inventory as listed in the inventories listed in level 1 vs level 2 or level 3. Wayne stated that the hope is to see progress in the implementation of the program. Moved by Allan Oehlke, seconded by Barb Cobb, to approve the 2000-2001 Natural Resources Block Grants as proposed. Motion passed on a voice vote.

**

99-68

Sunrise River Watershed District Establishment Hearing - Jim Haertel reported that the hearing for the Sunrise River Watershed District establishment is scheduled for Monday, December 13, at the Chisago Senior Center in North Branch at 7:00 p.m. Jim stated that the deficiencies in the draft order will be remedied by the hearing date. Presiding at the hearing will be Chair Roer, Dwain Otte, and Ginny Imholte. Moved by Steve Morse, seconded by Clair Nelson, to order the hearing on the establishment of the Sunrise River Watershed District with hearing committee of Chair Roer, Dwain Otte, and Ginny Imholte. Motion passed on a voice vote.

**

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Lake Management and Related Issues

Item #1: The Interagency Lakes Coordinating Committee (ILCC) - Marybeth Block briefly updated the Board on the ILCC. Marybeth introduced Steve Heiskary, MPCA. Steve reported that the Memorandum of Agreement with MPCA, DNR, BWSR, MDA, and Met Council is being circulated among agencies for signatures at this time.

Item #2: Reconvene the Minnesota Lake Management Forum - Dale Krystosek introduced Jack Skrypek, DNR, who explained the ILCC's effort to reconvene the Minnesota Lake Management Forum to revisit recommendations, measure progress, and enhance coordination to strengthen local water planning. Moved by Glenn Annexstad, seconded by Lee Coe, to endorse reconvening of the Minnesota Lake Management Forum. Motion passed on a voice vote.

**

99-70

Item #3: Phosphorus (P) Policy: Steve Heiskary, introduced Mark Zabel, MDA. Steve explained that phosphorus from lawn fertilizer clearly threatens our waters. Phosphorus and algae are directly related in lakes. Mark Zabel stated that MDA is the primary regulatory agency for fertilizer in the state. He stated that Commissioner Hugoson supports the ILCC policy statement on phosphorus in lawn fertilizers with slight revisions to it. Discussion followed. Jim Anderson, MES, stated that the proposed policy causes anguish with some agencies and industries that work with this on a daily basis. He sees possible conflict regarding various types of fertilizers. Mark Zabel clarified that this policy strictly deals with lawn fertilizers. Steve Morse stated that engaging industry people is needed. Chair Roer stated that she agreed, engage industry people before state agencies sign the policy statement. Mark Zabel clarified that the policy statement is staff recommended and they seek review, comment, and suggestions by the Board. Discussion followed. Steve Heiskary stated that the intention of this is to get this moving along, to communicate with agency heads, and incorporate discussions heard today. Steve Morse would like DNR to work more on this before it's signed. Chair Roer stated that she endorses the concept, however, ILCC needs to engage others before this is ready to be signed. Ron stated that the current authorities for fertilizer regulations need to be clarified. Chair Roer asked about the authority of the committee and what is needed of BWSR other than endorsement and support. Steve Heiskary stated the feedback received from the Board today is what was needed and the proposed policy statement will be polished, with a strategy developed on how to move this along.

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Item #4: Lake Flooding in North Central Minnesota: Dale Krystosek presented a slide presentation showing the shoreline erosion in north central Minnesota due to record precipitation recently. Chris Parthum explained the excess precipitation in Beltrami County and requests rollover cost-share assistance for this special situation. Ron Harnack suggested this be referred to the cost-share committee for review and make a recommendation to the full Board. Chris stated that the SWCD would prioritize this for the cost-share committee review.

Advisory Comments

Minnesota Association of Townships (MAT) - Franklin Denn introduced Johnnie Olson who will be Franklin's replacement representing MAT.

MASWCD - LeAnn Buck invited board members to attend their annual meeting, December 5-7 in Duluth. MASWCD is working on legislative initiatives.

Upcoming Meetings

Chair Roer asked board members to submit their annual meeting registrations for MAWD, MASWCD, and AMC to Mary Jo Anderson by November 4.

Ron Harnack distributed the current version of the engineering section in the Board Member Update.

Chair Roer adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Kathleen Roer
Chair

Old Business

1. **Report from Ad-Hoc
Subcommittee Comprehensive
Local Water Plan (CLWP) Third
Generation Plans
DECISION**

REGARDING THIRD GENERATION WATER PLANS, the BWSR expects . . .

1. Strong, active taskforces.

Involvement leads to ownership, and if local citizens and government entities are involved in the taskforce, they'll work to ensure that the actions identified in the plan are put into place.

The board expects the update was completed with the assistance of strong taskforces with diverse representation, including citizen interests and municipality and agency representation. In addition, the board expects the taskforces to remain active overseeing the implementation plan.

2. A summary of progress.

It is important to communicate, and celebrate, progress towards the goals identified. Often when people are kept apprized of the status of an effort their interest in it grows and the momentum to continue to achieve goals and objectives set forth is sustained.

The board will be expecting the executive summary of the updated plan to discuss the progress made towards the goals and strategies laid out in the county's previous plan(s). They will also be looking to see how that progress was communicated to local citizens, groups and governments.

3. Framing in a geographic watershed context.

Planning and funding efforts at the regional, state and federal level continue to be carried out using the geographic watershed approach. Many of these efforts also look to the comprehensive local water plans to communicate local water data and management issues. Presenting the contents of the CLWP within a geographic watershed context will facilitate interaction and coordination between different levels of planning.

The board will look for a strong geographic watershed context when reviewing and approving local water plans.

4. Reflect current trends.

For a plan to be effective it must consider the current trends that will influence the resource the plan is intended to address. What's happening to the population of the county? Is it increasing or decreasing? What is the percent of land in public ownership? What are the economic mainstays? How are the economic mainstays – such as agriculture – changing? What impacts will that have on water resources?

The board will look for an assessment of the current trends and their influence on water resource management.

DRAFT

5. Prioritize using the appropriate tools.

It is important that the tools used to prioritize issues; resources or geographic areas are up-to-date and respected. Examples of such tools include: total maximum daily loads, lake prioritization schemes, critical area inventories, etc.

The board expects counties to use the most appropriate, up-to-date tools to prioritize geographic areas, features, or pollutants.

6. Emphasize special areas of concern: stormwater, source water and flood damage reduction.

Increasing pressure from land development for housing, intensified agriculture and recreation has a direct, and often negative impact on water resources. Stormwater management and flood damage were both required data elements in previous plans. Sourcewater protection is a new required data element.

The board will be looking for strong sections addressing stormwater management and flood damage reduction. It is important to discuss how the trends affect water management. In addition, the plan must address well source water including identification or priority areas or a plan to identify such areas and how the county intends to protect source water.

DRAFT

BWSR internal actions regarding water planning:

- Obtain agreement on behalf of the partner agencies that all agencies will recognize priorities identified in the biennial workplan, in addition to those identified in the comprehensive plan.
- Create a review sheet for the board review ad-hoc committee members. Include a spot for them to record activities they think should be shared with other water planners.
- Work on communicating the best of the best via posting projects or activities on the BWSR website, communicating them via the local water planner's newsletter and showcasing projects at the annual water planners conference.

DRAFT

BWSR strategies to address multi-planning efforts:

- I. The board will grant extensions to counties and watershed management organizations where BWSR and LGU staff, along with the partner agency staff, have determined other water, or watershed level, planning efforts are currently underway and require the input of the water planner and associated technical advisors in the county.
- II. Where basin, major watershed or comprehensive community plans exist and contain relevant data, assessments, issues and watershed goals and objectives, encourage the comprehensive local water plan to incorporate that data by reference. The plan will be focused on implementation strategies and measurable outcomes based on the data, assessments, issues and goals and objectives from the other existing plans.

Old Business

2. **Wetlands Committee
Recommendations Regarding
Senate File #83
DECISION**

WETLANDS LEGISLATION 2000/Senate File 83

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Principles:

1. Coordination with federal programs.
2. No change in "rights", e.g., taxation if W's become P's and if necessary appropriate notice to landowners.
3. Simplification and consistency for landowners and project sponsors.
4. Maintaining wetland protection to current standards.
5. Budget neutral: i.e., for state agencies/local governments/public.
6. Retain landowner "protections"/"rights" currently in the two state laws (WCA and Protected Waters).

Major Considerations:

Who regulates?

What are the checks and balances of notice/review/oversight?

What standards and processes are used?

I. REGULATORY APPROVAL PROCESSING

A. PROJECT INITIATION

1. WCA LGU or SWCD to take all waters/wetland permit applications using Combined Project Notification (CPN) form (or the unique one for public road projects). LGU/SWCDs can charge fees for services¹.
Optional: LGU/SWCDs distribute CPN form (e.g., via certified mail) to all regulatory authorities using listing provided by state/federal agencies.
2. 60 Day Timetable for regulatory authorities to make a decision via M.S. 15.99² (DNR subject to 30 day requirement of section 103G.305).

B. UNIFIED DECISION-MAKING

1. Regulatory authorities either:
 - i. issue authorization for project as proposed (go to Step 4 below); or
 - ii. request joint field review including Technical Evaluation Panel (TEP)
Note: TEP (LGU, BWSR, SWCD) includes DNR for projects affecting or adjacent to Public Waters and Public Waters Wetlands³ added via legislation and federal agencies (Corps of Engineers, USDA) added via agreement.
2. LGU/SWCD schedules joint field review
3. Joint field review review occurs
4. Regulatory authorities render decisions to:
 - a. *Optional:* LGU/SWCD, and LGU/SWCD notifies project sponsor of decision with copies to regulatory authorities, **or**
 - b. Project sponsor directly

-
5. Appeals may be filed and acted on per existing appeals processes for each individual regulatory authority.

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II. UNDERPINNINGS

Minimalist Elements

- A. PWI Refinement
 - 1. Short Term: case-by-case petition process to change PW to WCA wetlands or P's to W's and/or W's to P's⁴.
 - 2. Long Term: revise and digitize PWI list/maps for each county
- B. Enforcement flexibility⁵
- C. Public Roads Notice / Replacement⁶
- D. Public Roads Wetland Replacement Funding - Nov. 30th meeting
- E. Soil Science Licensure Exemption⁷ for Wetland Delineation with addition of Technical Appeals option⁸.
- F. Consolidation of wetland reporting and common wetland definition⁹

Additional consistency issues to be part of Comprehensive solution

- 1. Legislatively revise Public Waters Inventory (PWI) to:
 - a. establish 3 categories of classification: i.) Public Waters ("P") = lakes and wetlands with a shoreland designation assigned by the commissioner pursuant to section 103F.201-221, and ii.) Public Waters Wetlands ("W") = wetlands on PWI without shoreland status, iii.) wetlands (WCA) = all other wetlands (no change); **and**, develop case-by-case petition process to make additional modifications: change P's to W's or W's to P's and P/W's to WCA wetlands or WCA wetlands to P /W (see endnote #4).
 - b. Long Term: revise and digitize PWI list/maps for each county
 - c. No change to jurisdictional boundaries: Wetland boundaries are determined using the '87 Manual, P/W boundaries and shoreland zones continue to use the OHWL boundary.
- 2. Process consolidation:
 - i.) LGU accepts applications for all wetlands and Public Waters Wetlands and processes using WCA standards and procedures *unless* DNR decides to require individual permit within ~15 days of receiving the application. Also, DNR and LGU can develop an agreement for LGU to waive WCA decision-making to DNR on Public Waters if a DNR Public Waters Work Permit is required¹⁰.
 - ii.) DNR is designated as a TEP member for projects affecting or adjacent to Public Waters.
 - iii.) DNR will provide comments/conditions to LGU; if anticipated LGU decision under WCA not acceptable then DNR can require individual permit within ~15 days and dual authority applies or DNR can appeal LGU decision through existing WCA process.

Benefits: obligatory teamwork with comprehensive project review, increased efficiency, closer to one-stop-shop, maintains environmental protection at current level with state oversight, consistent with federal

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regulations/agreements, eliminates two-boundary problem for many projects.

3. Wetland typing consistency¹¹ - minimal changes to be supplemented by guidance and technical appeals process.
4. Federal consistency (Clean Water Act, Federal Farm Program)¹²
5. Replacement Credit: Ratios, PVC, NWC (make same for all)¹³
6. Replacement location criteria (make same for all based on State Wetland Plan)¹⁴
7. Appeals modifications: add technical appeals option (see endnote #8)
8. SCOPE (make same for all Type 3, 4, 5 wetlands):
Modify elements of PW and WCA to make common standards for "permanently or semi-permanently flooded areas" (wetland types 3,4,5) relating to:
 - Sequencing¹⁵
 - Excavation¹⁶
 - Exemptions (De minimis)/Deregulated activities - no change needed as it is addressed with provisions in II.2.i
 - Replacement: Location/Ratios/Credit - no change needed as it is addressed with provisions in II.2.i, II.5, and II.6.
9. Public Drainage - DNR policy paper
Call DNR Waters at (651)296-4800 and ask John Stine or Bruce Gerbig for a copy of the most current version dated 10-29-99. Their email addresses are: john.stine@dnr.state.mn.us
bruce.gerbig@dnr.state.mn.us

Endnotes

1. LGU/SWCDs can charge Fee for Services

Explanation of Changes: Allows LGUs and SWCDs to charge fees for technical or administrative services rendered in assisting project sponsors with WCA or other wetland-related regulations.

103G.2242

Subd. 5. **Processing fee.** The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing the rules adopted under subdivision 1 and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

2. Minnesota Statute 15.99 - Time deadline for agency action.

No changes proposed; language provided for informational purposes only.

Subdivision 1. **Definition.** For purposes of this section, "agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

Subd. 2. **Deadline for response.** Except as otherwise provided in this section and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends notice within ten business days of receipt of the request telling the requester what information is missing.

(b) If an action relating to zoning, septic systems, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response

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was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

3. Technical Evaluation Panel (TEP) Changes

Explanation of changes: Adds DNR to TEP when project in or adjacent to a Public Water, provides for updating of '87 Delineation Manual, clarifies that TEP reviews technical matters and provides a recommendation to LGU for a variety of LGU determinations.

103G.2242 Wetland value replacement plans.

Subd. 2. **Evaluation.** Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an on-site inspection. The technical evaluation panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, ~~and~~ a technical professional with expertise in water resources management appointed by the local government unit, and technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters. The panel shall use the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987) including its updates and replacements, if any, "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition). The panel shall provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination, no-loss determination or wetland boundary or type type determination ~~under this section~~, and may recommend approval or denial of the plan. The authority must consider and include the decision

of the technical evaluation panel in their approval or denial of a plan or determination.

4. **Changes to Public Waters Inventory (PWI)**

Explanation of Changes: Clarifies Public Waters definition, and establishes a process for making changes to the PWI. Option A is initiated by the DNR and the options for change are limited. Option B allows broad initiation of changes and all possible outcomes for any changes, and thus potentially greater administrative burden on DNR. Both options provide an opportunity for local government to endorse or reject any changes.

103G.005

Subd. 15. **Public waters.** (a) "Public waters" means:

- (1) waterbasins assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221, ~~except wetlands less than 80 acres in size that are classified as natural environment lakes;~~
 - (2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
 - (3) meandered lakes, excluding lakes that have been legally drained;
 - (4) waterbasins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
 - (5) waterbasins designated as scientific and natural areas under section 84.033;
 - (6) waterbasins located within and totally surrounded by publicly owned lands;
 - (7) waterbasins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
 - (8) waterbasins where there is a publicly owned and controlled access that is intended to provide for public access to the waterbasin;
 - (9) natural and altered watercourses with a total drainage area greater than two square miles;
 - (10) natural and altered watercourses designated by the commissioner as trout streams; and
 - (11) public waters wetlands, unless the statute expressly states otherwise.
- (b) Public waters are not determined exclusively by the proprietorship of the underlying,

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overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

Subd. 15a. **Public waters wetlands.** "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas

Subd. 15b. **Protected Waters.** "Protected waters" means those waters of the state identified as public waters or public waters wetlands.

Option #A - Existing SF83 language w/o petition process.

103G.201 [PUBLIC WATERS INVENTORY.] The commissioner shall prepare a public waters inventory map of each county that shows the waters of this state that are designated as public waters under the public waters inventory and classification procedures prescribed under Laws 1979, chapter 199. The public waters inventory map for each county must be filed with the auditor of the county. The commissioner is authorized to revise the list of public waters prescribed under Laws 1979, chapter 199, to reclassify those type 3, 4, and 5 wetlands previously identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:(1) they are assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.22; or (2) they are classified as lacustrine wetlands according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition). The commissioner shall file a copy of these changes with the auditor of the county and the local government unit. The reclassification is effective upon approval by the local government unit county. *(or use process from Option B for county approval. Also, reverse the last two sentences to clarify the order of events.)*

Option #B w/ petition process

103G.201 [PUBLIC WATERS INVENTORY.] The commissioner shall prepare a public waters inventory map of each county that shows the waters of this state that are designated as public waters under the public waters inventory and classification procedures prescribed under Laws 1979, chapter 199. The public

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waters inventory map for each county must be filed with the auditor of the county. The commissioner is authorized to revise the list of public waters prescribed under Laws 1979, chapter 199, The commissioner shall file a copy of these changes with the auditor of the county and the local government unit. The reclassification is effective within 60 days of the commissioner's notice unless the local government unit county objects to the reclassification via a written statement board resolution to the commissioner within the 60 day period. *(Move previous two sentences to the end of this section.)*

Petitions to change the designations of water bodies currently identified as either wetlands, Public Waters or Public Waters Wetlands may be submitted by i.) the Local Government Unit (LGU) administering the Wetland Conservation Act (WCA) covering the petitioned water body; ii.) the Department of Natural Resources, or iii.) the wetland owner or by 100 residents of the county in which a majority of the wetland is located. Within 30 days after receiving a petition, the commissioner shall decide whether to consider the petition for change in designation. The commissioner shall consider the petition unless it is determined that the petition is meritless, trivial, or brought solely for the purposes of delay or that the petitioner has not exhausted all local administrative remedies. The commissioner will consider waterbasins assigned a shoreland management classification by the commissioner, or classification by a county or city shoreland management ordinance or local water plan as a criteria for classifying a waterbody as a Public Waters, in addition to the criteria listed Section 103G.005. (Make sure that the case-by-case petition process and the commissioner initiated comprehensive process can work in sync.)

A petition for a change, either from a Public Waters (P) to Public Waters Wetland (W), W to P, P to WCA wetland, W to WCA wetland, WCA wetland to P, or WCA wetland to W (for WCA wetland to P or W also require BWSR approval and be sure not to change any rights of access - see M.S. 103G.205), must; i.) identify the water body (name, ID #, location), ii.) be accompanied by a reason(s) based on the Section 103G.005 definition, and iii.) include informational materials supporting the change, such as aerial photos, maps or field data.

The petition must be dated, and submitted to the appropriate DNR Regional Office and the Local Government Unit responsible for administering the Wetland

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Conservation Act, along with the name(s) and address(es) of the landowner(s) affected by the petition.

The DNR will review the petition and will respond back to the petitioner and named landowners on changes accepted by the DNR unless the commissioner determines that more information is necessary. Reasons for any changes not accepted by the DNR will be provided to the petitioner.

5. **Enforcement Consistency/Flexibility for Landowner Protection**
consensus language agreed to in 1999 for SF83

Explanation of Changes: Allows peace officers to issue orders to contractors under the WCA as is currently possible for Public Waters and allows peace officers to issue cease and desist orders for Public Waters violations (rather than an automatic criminal citation) as is now done under the WCA. Together, these provisions give landowners and enforcement personnel a chance to seek administrative remedies for potential violations before a criminal complaint is filed.

[103G.2212] [CONTRACTOR'S RESPONSIBILITY WHEN WORK DRAINS OR FILLS WETLANDS.] Subdivision 1. [CONDITIONS FOR EMPLOYEES AND AGENTS TO DRAIN OR FILL WETLANDS.] An agent or employee of another may not drain or fill a wetland, wholly or partially, unless the agent or employee has: (1) obtained a signed statement from the property owner stating that the wetland replacement plan required for the work has been obtained or that a replacement plan is not required; and (2) mailed a copy of the statement to the local government 3.35 unit with jurisdiction over the wetland. Subd. 2. [VIOLATION IS SEPARATE OFFENSE.] Violation of this section is a separate and independent offense from other violations of sections 103G.2212 to 103G.237. Subd. 3. [FORM FOR COMPLIANCE WITH THIS SECTION.] The board shall develop a form to be distributed to contractors' associations, local government units, and soil and water conservation districts to comply with this section. The form must include: (1) a listing of the activities for which a replacement plan is required; (2) a description of the penalties for violating sections 103G.2212 to 103G.237; (3) the telephone number to call for information on the responsible local government unit; (4) a statement that national wetland inventory maps are on file with the soil and water conservation district office; and (5) spaces for a description of the work and the names, mailing addresses, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

103G.2372 [ENFORCEMENT.] Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] The commissioner of natural resources, conservation officers, and peace

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officers shall enforce laws preserving and protecting wetlands and public waters. The commissioner of natural resources, a conservation officer, or a peace officer may issue a cease and desist order to stop any illegal activity adversely affecting a wetland or public waters. In the order, or by separate order, the commissioner, conservation officer, or peace officer may require restoration or replacement of the wetland or public waters, as determined by the local soil and water conservation district for wetlands and the commissioner of natural resources for public waters. Subd. 2. [MISDEMEANOR.] A violation of an order issued under subdivision 1 is a misdemeanor and must be prosecuted by the county attorney where the wetland or public water is located or the illegal activity occurred. Subd. 3. [RESTITUTION.] The court may, as part of 6.1 sentencing, require a person convicted under subdivision 2 to restore or replace the wetland or public waters, as determined by the local soil and water conservation district for wetlands and the commissioner of natural resources for public waters.

6. **Local Government Roads - Wetland Banking**

language agreed to in 1999 for SF83 floor amendment with modifications from 9-29-99 meeting discussion and subsequent agreement at 10-12-99 meeting.

Explanation of Changes: Allows local road authorities the choice of either reporting impacts to wetlands when the project proposal is complete or to do so via an annual meeting with the technical review authorities. Allows project reviewers to appeal technical decisions and provides for state replacement/mitigation of all wetland impacts. Allows minor or emergency maintenance without prior reporting.

Amend section 103G.222, Subd. 1, item (m) as follows:

(m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site; and

(2) submit project specific annual reports by January 15 to the board, the technical evaluation panel, the commissioner of natural resources and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands ~~that have been filled or drained during the previous year and a projection of the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive~~

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notice to review projects to be commenced during the upcoming year. Those required to receive notice of public transportation projects may appeal minimization, delineation and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, Subd. 9; or

(3) are for minor and emergency maintenance work impacting less than 10,000 square feet. For such projects the public transportation authority shall submit project specific reports, within 30 days of commencing the activity, to the board, ~~the technical evaluation panel, the commissioner of natural resources and members of the public requesting a copy~~ that indicate the location, amount, and type of wetlands that have been filled or drained.

The technical evaluation panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the technical evaluation panel.

Except for state public transportation projects, for which the state department of transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads, in critical rural and urban watersheds. *(NOTE: will need to insert some language here and in Subp. 2 below to address the funding of the Local Government Roads Wetland Banking Program).*

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

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

The board shall give priority to restoration projects that will:

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

7. **Wetland Delineation/Soil Science Licensure Exemption.**

language agreed to at 10-28-99 meeting

Explanation of changes: Clarifies that persons doing wetland delineation work are exempt from licensure requirements for architects, engineers, geoscientists, land surveyors, etc. because:

- i. The 1987 U.S. Army Corps of Engineers Delineation Manual (and subsequent updates - see endnote #3) provides the three-parameter criteria (hydrology, soils and vegetation) for conducting and evaluating wetland delineations,*
- ii. the Technical Evaluation Panel provides the technical review, and*
- iii. local government decisions on technical matters are subject to appeal (see the next endnote).*

In Minnesota Statute 103G.2242 insert at the end subdivision 2 the following language:

Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of section 326.

Optional:

The Board of Water and Soil Resources, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators Association, shall establish a professional wetland delineator certification program by March 1, 2002. \$220,000 is appropriated to the Board of Water and Soil Resources for this purpose.

Note: the cost of establishing a wetland delineator certification program is \$110,000/year for 2 years for startup (salary, testing development, certification processing and training) and \$75,000/year thereafter if supplemented by user fees for processing and training.

8. **Technical Appeals option**

Rule language used here as it is more complete than the statute language. It will be necessary to convert to statute change.

Explanation of changes: Adds a process for appealing a wetland boundary or type determination independent of another determination (e.g., replacement plan or exemption request) so that landowners can get the technical matters on a property resolved before spending effort on a specific project proposal.

MR 8420.0205. DETERMINING WETLAND BOUNDARY OR TYPE.

A landowner may apply for a wetland boundary or type determination from the local government

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unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, such as, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology and groundwater both within and outside of the proposed wetland boundary.

The local government unit should seek the advice of the technical evaluation panel as described in part 8420.0240, and expand the technical evaluation panel if necessary.

The local government unit may place the decision authority for wetland boundary or type determinations with the zoning administrator, or establish other procedures it considers appropriate.

The local government unit decision must be made in compliance with Minnesota Statutes, section 15.99, which generally requires a decision to be made within 60 days of receipt of a complete application. The local government unit decision must be mailed to the landowner, members of the technical evaluation panel, the watershed district or watershed management organization if there is one, and individual members of the public who request a copy within ten calendar days of the decision. The local government unit decision is valid for three years unless the technical evaluation panel determines that natural or artificial changes to the hydrology, vegetation or soils of the area have been sufficient to alter the wetland boundary or type.

MR 8420.0250. Subpart 1. **Appeals of replacement plan, banking plan, exemption, and no-loss, and wetland boundary or type decisions.** The decision of a local government unit to approve, approve with conditions, or reject a replacement plan, banking plan, exemption, or no-loss, or wetland boundary or type request becomes final if not appealed to the board within 15 days after the date on which the decision is mailed to those required to receive notice of the decision.

. . . remainder of Subpart 1 remains unchanged. . .

Subp. 3. **Board appeal procedures.** Within 30 days after receiving the petition, the board or its dispute resolution committee or executive director shall decide whether to grant the petition and hear the appeal. The board or its dispute resolution committee or executive director shall grant the petition unless the appeal is deemed meritless, trivial, or brought solely for the purposes of delay; that the petitioner has not exhausted all local administrative remedies; that expanded technical review is needed; that the local government unit's record is not adequate; or that the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

. . . remainder of Subp. 3 remains unchanged. . .

9. **Consolidation of wetland reporting & common wetland scientific definition**

Consensus language form 1999 SF83

103G.2373 [ANNUAL WETLANDS AND PUBLIC WATERS WETLANDS REPORT.]

By March 1 of each year, the commissioner of natural resources and the board of water and soil resources shall jointly report to the committees of the legislature with jurisdiction over matters relating to agriculture, the environment, and natural resources on: (1) the status of implementation of state laws and programs relating to wetlands and public waters wetlands; (2) the quantity, quality, acreage, types, and public value of wetlands and public waters wetlands in the state; and (3) changes in the items in clause (2).

Minnesota Statutes 1998, section 645.44, is amended by adding a subdivision to read: Subd. 13a. [WETLANDS.] "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes: (1) have a predominance of hydric soils; (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances support a prevalence of such vegetation.

10. **Processing for Public Waters Wetlands and WCA Wetlands**

Explanation of changes: Allows DNR to waive the need for a DNR permit if they determine that the WCA process/standards are sufficient for a project that will impact a public waters wetland. Conversely, allows a LGU to reach an agreement with DNR that will allow DNR to process a permit that would address both WCA and Public Waters impacts.

M.S. 103G.245

Subd. 5. **Delegation of permit authority to local units of government.**

A. The commissioner may delegate public waters work permit authority to the appropriate county or municipality or to watershed districts or watershed management organizations that have elected to assert local authority over protected waters. The public waters work permit authority must be delegated under guidelines of the commissioner and the delegation must be done by agreement with the involved county, municipality, watershed district, or water management organization and in compliance with section 103G.315; and,

B. for projects affecting public waters wetlands, the commissioner may waive the need for a public waters work permit if the local government unit, as defined in section 103.005, makes a replacement, no-loss or exemption determination in compliance with sections 103A.201, 103B.3355, 103G.222 through 10G.2373, and rules adopted pursuant to these same sections; and,

C. For projects affecting both Public Waters and wetlands, the local government unit may, by written agreement with the commissioner, waive the requirement for a replacement plan, no-loss or exemption determination if a public waters work permit is required and the commissioner includes the provisions of sections 103A.201, 103B.3355, 103G.222 through 10G.2373, and rules adopted pursuant to these same sections in the public waters work permit.

11. **Wetland Typing Clarification**

Rule language used here as it is more complete than the statute language. It will be necessary to convert to statute change.

Explanation of changes: Adds a separate category for 1L (floodplain forest) and R (riverine) wetlands. These types are distinctively different than the categories they were previously contained within. No regulatory consequences will result from this change if the changes noted in the following endnote are made.

8420.0110 DEFINITIONS.

Subp. 52. **Wetlands, a wetland, the wetland, or wetland area.**

A. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

For purposes of this subpart, wetlands must:

(1) have a predominance of hydric soils;
(2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) under normal circumstances, support a prevalence of hydrophytic vegetation.

B. "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by nonwetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of "a wetland" or "the wetland."

C. Wetlands does not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, section 103G.201.

D. The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). The wetland type must be determined according to United

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States Fish and Wildlife Service Circular No. 39 (1971 edition) and Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition). The local government unit may seek the advice of the technical evaluation panel as to the wetland size and type.

Subp. 54a. **Wetland type.** "Wetland type" means a wetland type classified based on ~~according to~~ Wetlands of the United States, United States Fish and Wildlife Service Circular 39 (1971 edition), as summarized in this subpart.

A. "Type 1 wetlands" are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.

B. Type 1L Floodplain Forest wetlands are temporarily flooded and seasonally flooded forest lands, characterized by tall woody vegetation, adjacent to riverine habitats, that are usually inundated for brief periods to extended periods during the growing season. These bottomland hardwoods support a variety of mostly herbaceous plants.

—B: C. "Type 2 wetlands" are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes, and various broad-leaved plants. Meadows may fill shallow basins, sloughs, or farmland sags, or may border shallow marshes on the landward side.

—C: D. "Type 3 wetlands" are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.

—D: E. "Type 4 wetlands" are inland deep fresh marshes in which soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes

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cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, water lilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or may border open water in such depressions.

—E. F. "Type 5 wetlands" are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.

—F. G. "Type 6 wetlands" are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp privet. This type can occur ~~s-mostly~~ along sluggish streams and occasionally on floodplains.

—G. H. "Type 7 wetlands" are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one foot of water. This type can occur ~~s-mostly~~ along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.

—H. I. "Type 8 wetlands" are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and can occur along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

J. "Type R wetlands" are riverine wetlands which include all wetlands and deepwater habitats contained within a channel which is an open natural or created conduit periodically or continuously moving water or connecting two bodies of standing water; it may have lateral limits defined by vegetated (palustrine) wetlands instead of channel banks. Aquatic and non-persistent emergent vegetation may be present.

12. **Coordination with federal regulatory programs.**

Explanation of changes:

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Subd. 1. The 1991 federal farm bill has been superceded by the 1996 farm bill which will be superceded by the next farm bill. These changes are intended to allow the state and federal agencies to develop agreements to perpetuate the minimization of regulatory duplication between state wetland regulations and the federal farm program rather than face the elimination of this exemption until a legislative reinstatement can be passed.

Subd. 3 The federal nationwide permits have similarly been superceded and then eliminated in Minnesota in favor of a General Permit/Letter of Permission Process. These changes serve to allow administrative solutions to reinstate the originally legislated goal of minimizing duplicate regulation.

Subd. 9 While the federal GP/LOP incorporates much of the state de minimis exemption, it does not allow it to be used in a deductible manner. This change is needed so that the vast majority of project sponsors with wetland impacts less than 2 acres will be able to avoid a duplicative federal individual permit (the nationwide permits no longer exist in Minnesota) if they are granted a WCA replacement plan approval by the local government unit.

103G.2241 Exemptions.

Subdivision 1. **Agricultural activities.** (a) A replacement plan for wetlands is not required for:

(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;

(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;

(4) activities in a type 1 wetland on agricultural land, except for ~~bottomland hardwood~~ type 1L wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;

(5) aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit

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issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

(6) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and

(8) agricultural activities in a wetland that is on agricultural land annually enrolled in the ~~federal Food, Agricultural, Conservation, and Trade Act of 1990, United States Code, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that federal farm program that meet minimum state standards (of the WCA) and have been described in agreements with the U.S. Department of Agriculture and approved by the board of water and soil resources, and the commissioners of natural resources, agriculture and the pollution control agency.~~ Land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program.

(b) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.

Subd. 3. **Federal approvals.** A replacement plan for wetlands or a public waters work permit is not required for:

~~(1) activities exempted from authorized under federal Clean Water Act Sec. 404 or Rivers and Harbors Act Sec. 10 regulations under United States Code, title 33, section 1344(f), as in effect on January 1, 1991. that meet minimum state standards (of the WCA and Public Waters law) and that have been described in agreements approved by the board of water and soil resources, and the commissioners of natural resources, agriculture and the pollution control agency.~~

~~(2) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on January 1, 1991.~~

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Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b), (c), and (d), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project, ~~regardless of the total amount of wetlands filled as part of a project:~~

(1) 10,000 square feet of type 1, 1L, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a greater than 80 percent area;

(2) 5,000 square feet of type 1, 1L, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area;

(3) 2,000 square feet of type 1, 1L, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area;

(4) 400 square feet of wetland types not listed in clauses (1) to (3) outside of shoreland wetland protection zones in all counties; or

(5) 400 square feet of type 1, 1L, 2, 3, 4, 5, 6, 7, ~~or 8~~, or R wetland, in the shoreland wetland protection zone, except that in a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet in the shoreland protection zone in areas beyond the building setback if the wetland is isolated and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this provision, the local shoreland ordinance applies.

(b) The amounts listed in paragraph (a), clauses (1) to (5), may not be combined on a project.

(c) This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:

(1) the applicable area listed in paragraph (a), if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

~~(d) Persons proposing to conduct an activity under this subdivision shall contact the board at a toll-free number to be provided for information on minimizing wetland impacts. Failure to call by the person does not constitute a violation of this subdivision.~~

~~(e)~~ This exemption may not be combined with another exemption in this section on a project.

13. Replacement Credit

Note: The following suggested revisions to 8420.0540 were developed by BWSR staff in consultation with the BWSR Interagency Wetland Banking Committee based on local government's, consultant's, etc. experiences with the WCA over the past 3 years since the last WCA changes were made. On November 2, 1999 comments were received from the Interagency

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Wetland Group and modified accordingly. The purpose of the revisions are five-fold:

- 1) To consolidate the location of replacement criteria in one location in the rule/statute.*
- 2) To provide incentive for restoration of degraded wetlands in greater than 80 percent counties where public value credit has no use.*
- 3) To provide incentive for vegetative restoration of wetlands that are degraded by invasive species such as purple loosestrife.*
- 4) To clarify portions of the rule that are vague, most notably with regards to certain storm water facilities and gravel pits.*
- 5) To make options for establishing wetlands credits consistent with federal requirements so that one replacement/mitigation plan can generally meet the standards of all regulatory authorities. Related to this purpose is assuring that wetland credits deposited in the State Wetland Bank are eligible for use as replacement/mitigation to meet the standards of all regulatory authorities.*

Rule language used here as it is more complete than the statute language. It will be necessary to convert to statute change.

8420.0540. Subp. 2. **Type of replacement.**

A. The order of preference for the method of replacement, from most preferred to least preferred, is restoration, then creation.

B. Modification or conversion of non-degraded wetlands from one wetland type to another, for example by impoundment of additional water or excavation, does not constitute ~~adequate~~ replacement credit.

C. Wetlands drained or filled under an exemption may not be restored for replacement credit for ten years after draining or filling.

D. The following actions are eligible for replacement credit or wetland banking credit as determined by the local government unit in parts 8420.0500 to 8420.0760:

(1) restoration of the natural hydrology regime and vegetation on effectively drained or filled wetlands and created wetlands in non-wetland areas may receive **new wetland credit** in an amount not to exceed 100 percent of the total wetland area restored or created;

(2) restoration of the natural hydrology regime and vegetation of jurisdictional wetlands that have been degraded by prior drainage, diversion of the natural watershed, or filling may;

a. in a less than 80 percent area, receive **public value credit** in an amount up to 50 percent of the degraded wetland area; and

b. in a greater than 80 percent area, receive **new wetland credit** in an amount not to exceed 25 percent of the total wetland area hydrologically restored

(Note: (1) and (2), in part, moves and rephrases rule language moved from 8420.0540, Subpart

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10, F. : Page 64 of Rules)

(1) (3) reestablishment of permanent native, non-invasive (add definition) vegetative cover on a wetland that was planted with annually seeded crops, was in a crop rotation seeded to pasture grasses or legumes, or was required to be set aside to receive price supports or other payments under United States Code, title 7, sections 1421 to 1469, in the last ten twenty years prior to January 1, 1991; the date of application for a replacement plan or bank plan in accordance with one of the following considerations: Replacement credit consists of new wetland credits and may not exceed 50 percent of the total wetland area vegetatively restored;

a. if the wetland was annually seeded, in rotation, or set aside for six or more of the last ten twenty years, the wetland is eligible for public value credit not to exceed 50 percent of the wetland area; or

b. if the wetland was annually seeded, in rotation, or set aside for ten or more years of the last twenty years, the wetland is eligible for new wetland credit based on the percent of the time the wetland area was annually seeded, in rotation, or set aside during the prior twenty year period.

Note: Current rules allow 50 percent new wetland credit for a wetland area was annually seeded, in rotation, or set aside for 6 or more years out of 10 years.

(2) (4) buffer areas of permanent native, non-invasive vegetative cover established or preserved on upland adjacent and contiguous to replacement wetlands and adjacent existing wetlands, provided that the upland buffer must be established at the time of wetland replacement; must have a minimum width of 16.5 feet and the buffer vegetative establishment or preservation plan must be approved by the Technical Evaluation Panel. rReplacement credit for the buffer may not exceed 75 percent of the replacement wetland area and may only be used as **public value credits** for replacement above a 1:1 ratio;

(3) (5) wetlands areas restored for conservation purposes under terminated easements or contracts, provided that are eligible for up to 75 percent of the restored wetland area is eligible for new wetland credit and adjacent upland buffer areas reestablished to permanent native, non-invasive vegetative cover are eligible for **public value credit** above a 1:1 ratio in an amount not to exceed 25 percent of the post-restoration wetland area; and

Note: Changes to (5) restrict banking of upland buffer areas that contain invasive species.

— (4) ~~water quality treatment ponds constructed to pretreat storm water runoff prior to discharge to wetlands, public waters, or other water bodies, provided that the water quality~~

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~~treatment ponds must be associated with an ongoing or proposed project that will impact a wetland and replacement credit for the treatment ponds may not exceed 75 percent of the treatment pond area and may only be used for **public value credit** above a 1:1 ratio.~~

Note: This section was moved to Section E for continuity purposes.

(6) reestablishment and maintenance of permanent native, non-invasive vegetation cover on a wetland that is dominated by invasive or exotic species may receive **public value credit**. Replacement credit may not exceed 25 percent of the total wetland area vegetatively restored and the vegetative restoration and maintenance plan must be approved by the Technical Evaluation Panel (The Technical Evaluation Panel may require a monitoring period in excess of 12 months after the vegetative restoration is completed before approving the site for replacement credit.); and

Note: Section (6) was added to provide incentive for vegetative restoration.

(7) wetland areas established in non-wetland areas due to mineral extraction activities may be allowed for new wetland credits if all of the following criteria are met:

a. Application for replacement credit is made within five years after the last day that extraction activities have taken place and there is documentation that significant extraction activities occurred during at least one year during the five years prior to the last day extraction activities were documented.

b. The Corps of Engineers has approved the use of the area for wetland replacement,

c. The landowner relinquishes all mineral rights or transfers them to the state,

d. A wetland establishment and management plan have been approved by the TEP and implemented by the landowner,

e. The wetland area meets the criteria in standards in part 8420.0550,

f. If the land is not state owned, a conservation easement in favor of the state has been accepted by the state and recorded in the county recorder's office or if the land is state owned, covenants and restrictions are recorded that identify the wetland area is a replacement wetland subject to the provisions of the Wetland Conservation Act.

(Note: the following Section E. was deleted in entirety and replaced with a new Section E. for ease of reading in violation of rule writing protocol.

~~E. The local government unit may allow constructed storm water detention basins constructed in non-wetlands for new wetland credit if the basin conforms to the following specifications:~~

~~(1) the basin design uses a two-cell system in which the upstream cell has a 24-hour~~

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~~retention time for a two-year storm event;~~

~~(2) the downstream cell is designed for a maximum 12-inch rise in water level for a ten-year storm event;~~

~~(3) the standards in part 8420.0550 are followed; and~~

~~(4) the design goal is a palustrine emergent wetland.~~

~~Only the downstream cell can be counted for new wetland credit, and the replacement plan must include a plan and schedule for maintenance of the storm water basin system. Storm water detention basins allowed for replacement are not eligible~~

~~for the exemptions in part 8420.0122 and are subject to parts 8420.0500 to 8420.0630.~~

~~Storm water management basins constructed for the primary purpose of controlling or treating storm water runoff from impervious surfaces or developed areas, not conforming to the specifications in subitems (1) to (4), are not considered wetlands eligible for replacement credit.~~

E. The local government unit may allow constructed storm water treatment basins for replacement credit provided:

(1) the local governmental unit has adopted, implemented, and funded a storm water management plan that provides for the removal of sediments whenever the phosphorus removal efficiency drops below 50 percent efficiency based on actual water quality monitoring data, calibrated modeling, or physical measurement of the pond volume,

(2) the basins are constructed in non-wetland areas that are directly tributary to public waters, wetlands or other waters of the state that are not storm water treatment ponds, and

(3) the basins are associated with an ongoing or proposed project that will impact a wetland.

The credit allowed must be in accordance with (a) through (d) below:

(a) **public value credit** may be allowed for up to 75 percent of the normal pool area of a isolated one-cell, wet detention basin or the upper cell of a two-cell system provided the basin is designed and constructed to retain at least 60 percent of the phosphorus loading expected in the runoff from a one year - 24 hour storm based on the fully developed watershed tributary to the basin,

(b) **public value credit** may be allowed for up to 75 percent of the one-year design pool area of a storm water infiltration area that also has an established native, non-invasive vegetative cover.

(c) **new wetland credit** may be allowed for up to 100 percent of the normal pool

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area of the downstream cell of a two-cell, wet detention system provided:

1. the two cells are completely separated by a barrier for up to the ten-year critical event;

2. the upstream basin meets the criteria in E., (3), (a), above;

3. the downstream cell is designed for a maximum 12-inch rise in water level for the ten-year critical storm event;

4. the standards in part 8420.0550 are followed; and

5. the design goal is a palustrine emergent wetland for the downstream cell.

(d) Buffer areas installed adjacent to two-celled systems that are consistent with 8420.0540, Subp. 2 may be allowed for **public value credit** in an amount up to 75 percent of the acreage of the downstream cell of a two-cell system, provided the buffer is applied only to the downstream cell, is no narrower than 16.5 feet at any one location, and is adjacent to the entire periphery of the downstream cell.

(e) Storm water detention basins allowed for replacement are not eligible for the exemptions in part 8420.0122 and are subject to parts 8420.0500 to 8420.0630.

Subp. 3. Timing of replacement. Replacement of wetland values must be completed before or concurrent with the actual draining or filling of a wetland, unless an irrevocable bank letter of credit or other security acceptable to the **responsible local** government unit is submitted to the **responsible local** government unit to guarantee successful completion of the replacement. All wetlands to be restored or created for replacement must be designated for replacement before restoration or creation. Submission to the local government unit of the information required in part 8420.0530 and subsequent approval shall be considered evidence of designation for replacement, provided the information is submitted before the actual restoration or creation. The exceptions contained in subpart 5 do not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

8420.0540, Subp. 10.

~~F. Determining credit for restoration of partially drained wetlands The determination of acres credited for fully restoring the hydrology of a wetland that has been partially, but demonstrably, affected by drainage, is in two parts. The first is the *new wetland credit* (NWC) caused by the restoration, for example, if the prerestoration wetland is one acre and postrestoration will be three~~

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~~acres, the new wetland credit is two acres. The second credit is for the change in value of the prerestoration wetland acres. This is the *public value credit* (PVC) and is equal to 50 percent of the acreage of the prerestoration wetland.~~

~~The credit for increase in new acres can be used in its entirety as new wetland credit. The *public value credit* can only be used for that portion of wetland replacement requiring greater than a 1:1 ratio in less than 80 percent areas and 0.5:1 in greater than 80 percent areas.~~

~~Calculation of partial restoration credits is explained by the following example:~~

~~A partially drained five-acre Type 1 (PEMA) wetland is to be restored to its former state, which would be a ten-acre Type 3 (PEMC) wetland.~~

~~New Wetland Credit = five acres of Type 3 (PEMC) wetland~~

~~Public Value Credit = 2.5 acres of Type 3 (PEMC) wetland~~

~~(50 percent of five acres of prerestoration acreage)~~

14. **Location of replacement wetlands**

Explanation of changes: Language based on negotiated agreement (1-16-98) between state and federal agencies in the State Wetland Plan.

Rule language used here as it is more complete than the statute language. It will be necessary to convert to statute change.

MN Rule Chapter 8420.0540, Subp. 4.

Location of replacement wetland. Replacement wetlands shall be located within the same watershed or county as the impacted wetlands, except that greater than 80 percent areas may accomplish replacement in less than 50 percent areas. When environmentally preferable, replacement wetlands should be located as close to the impacted wetland as possible, preferably in the same watershed.

Siting wetland replacement must follow this priority order:

- 1) On-site or in the same minor watershed as the impacted wetland;
- 2) In the same watershed (81 USGS) as the impacted wetland;
- 3) In the same county as the impacted wetland;
- 4) In an adjacent watershed or county to the impacted wetland; and
- 5) Statewide, only for wetland impacts in "Greater than 80 Percent Areas" and for public transportation projects, except that wetlands impacted in less than 50 percent area must be replaced in a less than 50 percent areas, and wetlands impacted in the seven county metropolitan area must be replaced in the affected county, or, if no restoration opportunities exist in the county, in another seven-county metropolitan area county. This exception does not apply to replacement

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completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

When reasonable, practicable and environmentally beneficial replacement opportunities are not available in the first step of the siting priorities listed above, then the search expands to the next step.

For the purposes of this section, reasonable, practicable and environmentally beneficial replacement opportunities, are defined as those that:

- a. Take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration; and
- b. Have a high likelihood of becoming a functional wetland and remaining so in perpetuity; and
- c. Do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and
- d. Are available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

To facilitate this process, regulatory agencies, other entities involved in wetland restoration, and local governments will collaborate to identify potential replacement opportunities within their jurisdictional areas.

15. Sequencing for Type 3,4,5 areas of WCA wetlands and PWW

Explanation of changes: Bridges the current DNR standards (complete prohibition on fill for non-public purposes) with those for the WCA resulting in single standard for all Type 3,4 and 5 wetland areas ("permanently and semi-permanently flooded" = standing water areas). This allows the process described in Item II.2 on page 2 to result in a single permit decision in the majority of circumstances.

Concept language which needs to be put in 103G.222 and 103G.245

1. Permanent filling, draining or excavating in the type 3, 4 or 5 areas of wetlands or public waters wetland (PWV) is not allowed, in the following cases

A. to achieve vegetation control;

B. to create upland areas or to construct a roadway or pathway, or create or improve land accesses from peripheral shorelands to islands, or to facilitate land transportation across the public waters wetlands; except where it is determined that:

- (1) there is no feasible or practical alternative to the project that would have less

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environmental impact; and

(2) the fill, ~~drain or excavation~~ would result in only minor adverse impacts to the wetland or PWW, individually and cumulatively; and

(3) the fill, ~~drain or excavation~~ is otherwise in conformance with part 3.

C. to stabilize beds of wetlands and PWW which cannot support fill materials because of excessive depths of muck, steep bank, bed slope, or other conditions;

D. to stabilize or impound the site of active springs;

E. to dispose of rock, sand, gravel, or any other solid material resulting from activities outside of wetlands or PWW;

F. filling, ~~drain or excavation~~ of posted fish spawning areas is prohibited

G. The proposed fill, ~~drain or excavation~~ is inconsistent with floodplain, shoreland, and wild and scenic rivers management standards or other local plans and ordinances.

2. Approval required. Except for activities exempted elsewhere in WCA or Public Waters Law, a replacement plan or public waters work permit shall be required for filling, draining or excavating in type 3, 4 or 5 areas of wetlands or PWW, except as prohibited under part 1, and shall meet all of the following requirements:

A. the project will involve a minimum of encroachment, change, or damage to the environment, including but not limited to fish and wildlife habitat, navigation, water supply, and storm water retention, as guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland or public waters wetland;

(2) minimizing the impact by limiting the degree or magnitude of the public waters wetland activity to the fringe or peripheral areas of the wetland or public waters wetland;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland or public waters wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;

(5) compensating for the impact by restoring a wetland or public waters wetland;
and

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(6) compensating for the impact by replacing or providing substitute wetland or public waters wetland resources or environments in accordance with Minn. Rules 8420.0540-.0760.

B. the fill consists of clean inorganic material that is free of pollutants and nutrients in toxic amounts;

C. the existence of a stable, supporting foundation is present;

D. where erosion protection is deemed necessary, the site conditions and fill material are capable of being stabilized by an approved erosion control method such as riprap, retaining wall, or other method which is consistent with existing land uses on the affected wetland or PWW ;

E. the size, shape, depths, shoreline, and bottom character and topography, and susceptibility of the beds of wetlands and PWW to actions of wind, waves, and currents are such that the fill will be stable.

16. Regulation of Excavation in Type 3, 4 or 5 wetlands.

Explanation of changes: Bridges the current DNR standards (regulation of course, current and cross-section) with those for the WCA (by adding excavation) resulting in single standard for all Type 3,4 and 5 wetland areas ("permanently and semi-permanently flooded" = standing water areas). This allows the process described in Item II.2 on page 2 to result in a single permit decision in the majority of circumstances.

103G.222 Replacement of wetlands.

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. The provisions of this subdivision and section 103G.2241 (Exemptions) also apply to excavation in type 3, 4 or 5 wetland areas.

New Business

- 1. Minnesota Greenways
INFORMATION**

MINNESOTA GREENWAYS

A sustainable approach to natural resource management in the 21st century

Minnesota Greenways is a forward-looking way to protect and manage our state's natural resources as we head into the 21st century. It builds on Minnesota's strong tradition of preserving its outdoors heritage for future generations. Relying on partnerships among public and private landowners, all levels of government, non-profits and concerned citizens, **Minnesota Greenways** respects individual property rights at the same time that it provides a cost-effective approach to conservation.

Minnesota Greenways is envisioned as a statewide network of natural areas, wildlife habitat and other open spaces interconnected by land and water corridors. These corridors, known as greenways, can provide a wide range of benefits. They help wildlife flourish by connecting fragmented habitat. They can provide numerous environmental services such as flood control and water purification at relatively low costs. Greenways protect and improve property values. They offer numerous recreational opportunities, enhancing our multi-million-dollar tourism and outdoors industries.

Of equal importance, a statewide system of greenways will provide a practical framework to help coordinate resource preservation and sustainable land use planning. This is particularly critical now, as many areas of the state face growing development pressures. By mapping out already protected lands and significant unprotected resources, and by sketching out the corridors that might connect these areas, **Minnesota Greenways** will help guide development in a way that balances environmental, economic and social needs, thereby assuring the high quality of life we've come to expect in this state.

While greenways may be relatively new to Minnesota, other parts of the world, such as Finland, have been benefitting from them for some time. One of the oldest greenways in America, started in 1921, is the Appalachian Trail, a 2,160-mile corridor that stretches from Maine to Georgia. More recently, states with intense development pressures such as New York, New Jersey, Florida and California, have launched greenways programs to protect their natural heritage in the face of rapid growth. Voters in these states have been very supportive of the programs because of the many benefits greenways provide.

Minnesota Greenways will allow our state's residents to tap into these benefits as well. Because the program is collaborative and voluntary, it will accomplish this without major new acquisition costs. Many of the lands within a statewide greenways network may remain in private hands, with landowners being offered incentives to forego development of sensitive areas. By coordinating resource protection efforts within a statewide context, **Minnesota Greenways** will increase our return on other conservation programs such as RIM and CREP.

The first step in successfully launching a statewide greenways program will be to assign a project coordinator and support staff to spearhead the effort. These staff would be responsible for assembling a consortium of interests from around the state to more thoroughly refine the vision of **Minnesota Greenways** and to develop recommendations on how to implement the program.

Minnesota Greenways represents a proactive approach to the problems arising from diminishing natural resources, increasing demands and rapid growth. Such an approach is critical to the success of any "Smart Growth" strategy, because the health of our environment is the foundation upon which all other systems rest. By developing a statewide network of greenways, we can help to assure that the children of the 21st century will have the same prospects for health and prosperity that we have enjoyed.

New Business

- 3.a. Minnesota River Basin Water
Quality Improvement Projects
(1999 LCMR Funds)
DECISION**

**MINNESOTA RIVER BASIN JOINT POWERS BOARD
WATER QUALITY IMPROVEMENT PROJECTS
LCMR 1999 LOCAL LEADERSHIP GRANT APPLICATIONS**

APPLICANT	PROJECT TITLE	COST ESTIMATE	FUNDING REQUEST	RECOMMENDED FUNDING
Watsonwan SWCD	St. James Creek Channel Restoration Demonstration Restore approx. 1000 feet of channel on a CREP parcel	32000	24,000	24,000.00
Carver SWCD	Rock Inlet Implementation Project 130-15 foot muck pipe surrounded by pea rock	20000	15000	15,000.00
Stevens SWCD	Rock Vane Streambank Stabilization Install Rock Vane materials on 3 sites	10125	9493	9,500.00
BERBI	Accelerated Implementation Projects Projects to be identified and awarded per BERBI Policy		100000	43,500.00
Scott County Public Works	Agriculture Drain Tile Inlet Inventory @ BMPs Identify and install priority demo. and edu. sites of BMPs around drain tile inlets.		15000	3750.00
LeSueur SWCD	Blind Tile Inlets Install approx. 100 rock inlets	26667	25000	25,000.00
Chippewa SWCD	Berven Streambank Stabilization 600 feet of bank stabilization and channel bed reconstruction	30000	22500	22,500.00
WesMin RC@D	Sam Brown Cabin Streambank Stabilization 300 feet of stabilization to preserve a historical building	60000	10000	10,000.00
Scott County SWCD	Streambank Stabilization Sand Creek Watershed	25000	14195	14,195.00
Scott County SWCD	Streambank Stabilization Sand Creek Watershed	500000	30000	30,000.00
Pope County Environmental Services	Trappers Run Watershed Sediment Pond Four acre retention pond	60000	42000	none
Martin County Environmental Services	G.I.S. and G.P.S. Technology to Inventory Private drainage systems into Public Systems	23460	16776	none
Totals			323964	197,445.00
Signage dollars reserved to identify the LCMR projects				2,555.00
Total LCMR Projects recommended for funding.—				200,000.00

FOR YOUR INFORMATION

- "Board Member Update"
- Letter to DNR Deputy Commissioner Steve Morse from Marybeth Block regarding Community-Based Plans and Comprehensive Local Water Plans
- Letter to State Register from Marybeth Block, regarding proposed changes to rules relating to eligibility for state cost-share.
- Comments on EPA Draft Guidance Manual and Example NPDES Permit for Concentrated Animal Feeding Operations, by Al Kean
- Memo to Gary Pulford, MPCA, from Al Kean, regarding FMMAC Consensus Regarding Chapter 7020 Draft Feedlot Rules, and Other Comments on the Draft Rules
- BWSR Federal Partnership Conservation Easement Programs
- Public Drainage in Minnesota - An Overview of Minnesota Department of Natural Resources Responsibilities and Perspectives, by John Linc Stine
- Minnesota Water Plan 2000 Overview Fact Sheet
- Information from Ron Struss regarding the Institute of Local Self-Reliance and their promotion of the use of plant derived materials as substitutes for petroleum based materials.
- "Hay, Pasture More Attractive Than Tree Production, Study Shows"
- Brochure, "Wetland Regulation in Minnesota"
- Local Water Planning Newsletter with "Point your browser to BWSR!" magnet
- **BWSR Committees -- add to your Board Member Administrative Handbook**



Board member Update

December 1999

Northern Region

Wetlands

As you might expect, the nice fall weather has kept the backhoes, dozers, and draglines going at full tilt. Mark Nelson, Duluth BC, reports that construction in Duluth is the highest since the mid-1970s. Mark and the local technical evaluation panels (TEPs) are spending time on a variety of projects that include wetland impacts. Mark points out that the monthly St. Louis County TEP meetings are consumed entirely of actions related to wetland violations. Staff shortages and the vast areas of wetlands in St. Louis County make it hard to keep up with the midnight excavators.

Bemidji BC Dale Krystosek reports that the EPA is finally stepping in to join Otter Tail County, the DNR, the soil and water conservation district (SWCD) and BWSR to pursue federal prosecution of a Perham area landowner who has filled nearly 13 acres of wetland over the last decade. He was convicted by Otter Tail County for Wetland

Conservation Act (WCA) violations a few years ago, served jail time, got out, and has continued to fill. Now the feds have agreed to take him on.

BC Bill Best is involved with a WCA violation that could get dicey. It seems a landowner in the Thief River Falls area has impacted about 95,000 square feet in what is both a floodplain violation and a WCA violation. He has filled all of the wetlands up to the water's edge and seeded it down. Fill has been occurring at the site since 1990. DNR prosecuted him once and won, the city/county prosecuted him once and lost. Now it is the local government unit's (LGU's) turn again under WCA. Stay tuned.

Dan Steward, Brainerd BC, gets to share in the wetland fun as well. He recently traveled to Walker to attend a TEP meeting regarding two wetland sites in the city of Walker. One site is a large land clearing project on the south end of town where a cease and desist has been issued. The other site is a proposed fill west of town. Dan notes that in both cases the city is supporting the findings of the TEP. Dan also notes that it is nice to see a city experiencing a lot of growth activity taking a strong stand on wetland protection.

It seems a landowner in the Thief River Falls area has impacted about 95,000 square feet in what is both a floodplain violation and a WCA violation.

The recent annual partnership Training Needs Inventory indicated that Ag Waste Management Planning is the number one engineering training course requested.

Miscellaneous

Jim Lemmerman, Duluth forester, says the living snowfence promotion group will create material for three different audiences: landowners, general public, and potential funding sources. The priority at this time is preparing the information for landowners and the general public. BWSR's contract PR person is developing some news releases and the DNR staff will develop a poster and brochure.

Water Resources Education Coordinator Kamal Alsharif assisted with the Metro Children's Water Festival and reports that it was a big success. About 1200 kids attended this one day event. Kamal taught the kids about environmental and science jobs. Kamal also participated in the Red Lake County Environmental Day. The event is organized by the Red Lake SWCD and has been going on for several years.

Mark reports the first meeting of the group working on the Lake Superior Basin Plan. Over twenty people attended this meeting at the MPCA office in Duluth.

Pete Waller, BC in our new Fergus Falls office, participated in a meeting with the Buffalo-Red River Watershed District (WD), Wilkin Farm Services Agency, the Natural Resources Conservation Service (NRCS) and the soil and water conservation district (SWCD) staff to discuss the WDs agricultural set back levee project on Deerhorn Creek. The group reached general agreement that

Conservation Reserve Program (CRP) Continuous Buffers/Reinvest in Minnesota (RIM) CRP Extensions could/would acquire the land rights. This will dovetail nicely with Red River Valley Mediation goal for natural resource benefits and flood damage reduction via cooperation early in the process. Many details to be worked out, but Pete is optimistic that the cooperation and anticipated benefits will make the project a reality.

Engineering and Technical Services Section

Engineering Training

Al Kean, chief engineer, and Justin Jeffery, BWSR/Natural Resources Conservation Service (NRCS) cooperative engineer, are working with the Minnesota Pollution Control Agency (MPCA) to develop a joint training session for county feedlot officers, MPCA feedlot regulatory staff and feedlot technical assistance staff (soil and water conservation district, NRCS and BWSR). The objective is to increase consistency and coordination between regulatory and technical assistance staff. Tentatively, the session will be conducted in conjunction with a Livestock Odor Workshop sponsored by the Minnesota Extension Service (MES) and an Ag Waste Liner Workshop sponsored by the NRCS on March 14-16, 2000.

The recent annual partnership Training Needs Inventory indicated that Ag Waste Management Planning is

the number one engineering training course requested. Justin has recently developed a PowerPoint presentation for this course and has agreed to present it along with Feedlot Evaluation Model training in Marshall this winter. A class on wetland restoration, creation and enhancement—which we need to develop—is the next most requested training course. Justin is working with NRCS staff and the Area Training Teams to identify other engineering training that needs to be provided or coordinated at the state level.

Justin represented the BWSR on a partnership team this fall that investigated failures of two sand and gravel anti-piping collars on pipe drop outlet projects in Sibley and Blue Earth counties. The draft report is out for review by team members. Al helped arrange for SWCD staff and supervisors to also be involved.

Justin recently assisted Stearns SWCD and the NRCS to present “real world” examples of environmental computer modeling applications to a class at St. Cloud State University.

Lakeshore Engineering

Because the SWCD joint powers area 3 (arrowhead region) engineer recently resigned, Gene Clark, BWSR lakeshore engineer, is providing engineering assistance to help complete a shoreline stabilization project in So. St. Louis SWCD and a storm water

management project in Cook SWCD. Al and Mark Nelson, board conservationist, are working with the host district manager (R.C. Boheim, So. St. Louis) and member SWCDs to help redefine this joint powers engineer position before it is refilled.

Gene reports that the good weather is allowing construction of one last North Shore stabilization project this year in Cook SWCD (600 feet of armor stone revetment).

A study of potential armor stone sources in the arrowhead region was recently published by the DNR. Brad Matlack, lakeshore engineering technician, was the lead research person and author of the report. Armor stone availability has become a limiting factor for many shoreline stabilization projects.

Conservation Easements

The annual statewide regular Reinvest in Minnesota (RIM) Reserve and Permanent Wetland Preserves (PWP) Program sign-up is winding down for SWCDs and winding up for board conservationists. A total of \$3.4 million is available statewide for this sign-up. Applications were due to the BCs by December 10, 1999. Early reports indicate very high interest levels.

The RIM/Wetland Restoration Program (WRP) partnership is taking applications concurrently with the regular RIM Reserve sign-up to provide landowners with clearer options. The deadline for these applications is December 31, 1999. Funding for this partnership includes \$1 million of RIM funds from the

*The RIM/
Wetland
Restoration
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(WRP)
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We plan to continue to have SWCDs take CREP applications from landowners who will be informed that state funding will have to wait for new appropriations from the upcoming legislature

current biennial appropriation and approximately \$2 million of federal WRP funding at this time. Application review and selection will be conducted in January, in cooperation with NRCS staff.

Minnesota River CREP statistics on December 2, 1999:

No. of Easements:	386
CREP Acres:	11,907
RIM Add. Acres:	2,039
Total CREP Acres:	13,946
Total State Funding:	\$9.6 mil (all available funding has been committed)
Total Fed. Funding:	\$19.9 mil

The total number of RIM/WRP easements approved since that partnership started in 1998 has been unchanged at 92 since the NRCS ran out of funding last summer. The regular RIM/PWP sign-up last winter resulted in a total of 83 easements for 3,172 acres. In 1997, we approved a total of 187 applications for 8,346 acres. The CREP statistics are noteworthy, therefore, considering that we started approving CREP applications in late February 1999.

We plan to continue to have SWCDs take CREP applications from landowners who will be informed that state funding will have to wait for new appropriations from the upcoming legislature. This should not be problematic for many landowners who intend to crop their newly enrolled land next year anyway while awaiting Conservation Reserve Program (CRP) processing and payment start-up in October 2000.

Feedlots

The MPCA sponsored seven feedlot rule information meetings around the state in November. Other state environmental agencies assisted. Al or Justin presented a brief overview of the Feedlot Water Quality Management Cost-Share Program administered by the BWSR. They also developed a poster of photos of different types of manure storage best management practices (BMPs) and provided program fact sheets and SWCD contact information. A total of about 800 to 900 people attended the information sessions.

The feedlot generic environmental impact statement (GEIS) citizens advisory committee meets again this week to address prioritization of additional analyses to supplement the completed literature search and what to do about a feedlot inventory for the GEIS. The feedlot inventory advisory team recently reviewed current results of two pilot inventories conducted by the Land Management Information Center in cooperation with pilot counties and the National Ag Statistics Service. Advisory team members generally favor pilot A, which is based on geolocating feedlot data in the National Census of Agriculture.

Southern Region

Local water planning

The watershed team working on Minnesota Water Plan 2000 will

review county water plans. The team decided that the plans represent the needs of local government, particularly in the area of behavioral indicators, and thus should be a large part of the product the team produces. BC Chris Hughes is the team member for the Minnesota/Des Moines/Missouri watershed team. BC Dave Peterson represents BWSR on the Lower Mississippi/Cedar River Basin team.

As the result of a BWSR grants sub-committee meeting in September, BCs Tom Fischer and Dan Steward have been developing a much-needed BWSR board conservationist review/checklist for the Natural Resources Block Grant (NRBG) applications/work plans/budgets. The review/checklist will be ready for use by January 2000.

Wetlands

With the continued fall-like weather into December, drainage activity in and around wetlands continues. BC David Sill has recently been involved in another public drainage ditch repair project in Lac qui Parle County. A small segment of County Ditch #24 is currently proposed for repair. This ditch segment is located between two DNR wildlife management areas, so careful assessment and planning is taking place.

Wetland Conservation Act (WCA) activities continue to simmer in Big Stone, Swift, Yellow Medicine, and Lac qui Parle counties.

General local government unit (LGU) assistance

BC Tom Fischer and BWSR Southern Regional Supervisor Jeff Nielsen assisted the Minnesota River Basin Joint Powers Board (JPB) Watershed Project Review Team with review of 12 applications seeking over \$320,000 for implementation of various projects. Legislative Commission on Minnesota Resources (LCMR) funding of \$200,000 is available. The team's funding recommendations will go before both Minnesota River Basin JPB and the BWSR board in December.

Hot Topics

Organizational issues relating to water and soil resource management in the Blue Earth River Basin were the subject of two meetings in November. The South Central Minnesota County Comprehensive Water Planning Project (SCMCCWPP) joint powers board of county commissioners and the Blue Earth River Basin Initiative (BERBI) joint powers board of SWCD supervisors each met and decided how they would like to proceed toward a more streamlined organization. Their decisions were not the same; therefore, there continues to be a need for more dialogue and a coming together of these two groups.

Metro Region

Regional Supervisor Steve Woods is spending 60 percent of his time on Conservation Reserve Enhancement Program (CREP)-related items.

With the continued fall-like weather into December, drainage activity in and around wetlands continues.

Our intent is to compile the basics of size, tax capacity, fiscal practices, and expenditures so that WMOs can "benchmark" themselves against each other.

Remaining time is divvied up between Metro Water plan reviews, tying programs to Met Council and Environmental Quality Board (EQB) initiatives, and speaking engagements. We're getting our perspectives out to consulting firms, conferences, agencies, and anyone we think has some power of their own to persuade.

The metro board conservationists (BCs) are working hard to tabulate the operating characteristics of the watershed management organizations (WMOs). Our intent is to compile the basics of size, tax capacity, fiscal practices, and expenditures so that WMOs can "benchmark" themselves against each other. The impetus for this is a belief that the Browns Creek Watershed District (WD) needed some context before it certified a budget with conspicuously large ratios of money to area and money to tax capacity.

Other BC activities are related to the absorption of duties for Wright and Chisago counties, yearning for the winter recession of the Wetland Conservation Act (WCA) workload, pushing the implications of the law banning city staff from WMO boards, and making sure we take the time to view our decisions with a long term vision of the metro.

Look for a Metro Region presentation at your next meeting (agenda willing) which addresses the status of WMOs with "non-compliant" board members.



24 November 1999

Board
Packet

Steve Morse, DNR Deputy Commissioner
520 Lafayette Road
St. Paul, MN

Dear Mr. Morse:

I would like update you regarding the steps Doug Thomas and I have taken to follow up on your request at last month's board meeting to look into how, and if, community-based plans and local water plans are coordinated at the local level.

We queried local water planners via e-mail about their efforts to coordinate the plans. Three e-mail survey responses related attempts to correlate goals in the water plan with ordinances, regulations and strategies laid out in the local comprehensive land use plans. To date, we do not know of any cases where the two plans have been merged into one document, but many counties appear to be working towards the two plans complementing one another. Itasca County is including a water quality section in their comprehensive local plan that draws heavily from the information and goals outlined in their comprehensive local water plan. Winona County is looking at combining the public input meetings as they begin updating their comprehensive plan and local water plan simultaneously.

We are looking forward to a meeting we have scheduled for mid-December in Willmar to discuss the two local planning processes and content. Please refer to the enclosed outline of that meeting, and the supporting material we will send the participants prior to the meeting. Community-based pilot project managers and water planners from the following counties are invited to attend:

Big Stone, Lac Qui Parle, Chippewa (group pilot project)
Cass, Crow Wing (joint pilot project)
Nobles, Norman, Rice and Todd counties.

Doug Thomas, myself and board conservationists from our Marshall and Brainerd offices will attend, along with Steve Reckers from MN Planning. You are more than welcome to join us; or if you would like us to send an invitation to another DNR employee please that person's name to me.

If you have any questions feel free to phone me at 297-7965 or e-mail at marybeth.block@bwsr.state.mn.us.

Yours truly,

Marybeth Block
BWSR Land & Water Section

c: Doug Thomas
Ron Harnack

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
(651) 282-9969
Fax (651) 297-5615

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November 24, 1999

To: Community-Based Planning Pilot Counties Project Managers
Local Water Planners

From: Marybeth Block, MN Board of Water/Soil Resources
Steve Reckers, MN Planning

Subj: Meeting to discuss Community-Based Plans and
Comprehensive Local Water Plans

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
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Fax (218) 755-4201

217 S. 7th Street
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Brainerd, MN 56401-3660
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261 Highway 15 S.
New Ulm, MN 56073-8915
(507) 359-6074
Fax (507) 359-6018

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

Box 267
1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
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One West Water Street
Suite 250
St. Paul, MN 55107
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Enclosed please find a meeting outline and a map to the Heritage Center in Willmar where the meeting will be held on **Tuesday, December 21 at 10:00 am**. We are consciously avoiding the word "Agenda" because we don't have one! We have invited you to this meeting to discuss how Community-Based Plans and Comprehensive Local Water Plans fit together, if there is merit in integrating the two, and if so, to what degree. BWSR board members, state Legislators and agencies are starting to ask what sort of coordination is taking place regarding the two local plans. And, with increasing frequency we hear of counties that are coordinating their comprehensive land use plans with their local water plans. As we move forward with local water plan updates and community-based planning, it will be helpful to have a local perspective so the state can provide useful assistance regarding these efforts.

Also enclosed is some food for thought regarding the bullets listed on the outline, and a booklet highlighting local water planning (forwarded community-based pilot project managers only). If you have any questions please feel free to contact Marybeth at (651) 297-7965 or Steve at (651) 296-2884. We look forward to seeing you on December 21.

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Local Planning: Community-Based & Water

Discussion Outline

10 am Introductions

- Meeting participants
- Brief overview of Community Planning Projects
- Brief overview of Comprehensive Water Plans

Discussion

- Are there opportunities to coordinate local planning efforts?
- How can the local plans complement one another?
- Is it possible to merge plans? How?
- What are the pros and cons of merging the plans?

Future Steps

- What can we learn from the pilot community-based planning projects?
- Can (should?) we encourage coordinating the community-based plans into the water plan update process?
- How would state review occur under an integrated approach?
- What can BWSR and MN Planning do to facilitate integrated planning?

1:00 Adjourn

(We will announce a lunch spot if participants want to eat together)

Directions to the Kandiyohi County Office Building (400 Benson Ave. SW)

- From south Hwy. 71: turn left on Litchfield Ave. (before the railroad bridge)
Go to 4th St. SW and take a right
Go one block; parking adjacent to building
- From north Hwy. 71: go over railroad bridge
Turn right on Litchfield Avenue
Go to 4th St. SW and take a right
Go one block; parking adjacent to building
- From east Hwy. 12: Follow Hwy. 12 into downtown (you will automatically follow
a ~~by~~ bypass that diverts you away from Litchfield Ave.)
turn left on 3rd St.
go one block and turn right on Benson
go one block; parking adjacent to building
- From west Hwy. 12: Follow Hwy. 12 into downtown (you will automatically follow
a ~~by~~ bypass that diverts you away from Litchfield Ave.)
turn right on 3rd St.
go one block and turn right on Benson
go one block; parking adjacent to building



Food for thought . . .

Are there opportunities to coordinate local planning efforts/processes?

- Public input meetings: e.g., hold one public meeting to identify issues and concerns pertaining to land-use and water resources.
- Taskforce/Board representation: e.g., water planner on Planning and Zoning Board, Zoning Administrator on the local water planning taskforce.

How can the local plans complement one another?

- Geographic Information Systems resources: e.g., maps such as sensitive groundwater areas, source water protections areas, wetland priority areas, erodible soils, etc.
- Establish ordinances, overlay districts and supplemental development to accomplish the goals and objectives of the county water plan and land use plan. Many of the accomplishments listed in the recent publication highlighting water plan success for each county focused on developing and adopting ordinances: e.g., shoreland, septic (application or ISTS), stormwater, feedlot, wetland protection, soil erosion control, solid waste, water quality

Is it possible to merge plans?

Anything is possible! Some food for thought from a former water planner who has given some thought to this concept: "The water plan can be, in my opinion, the framework for understanding, protecting and truly using wisely, the natural resources within a county. Having said that, I believe a water plan needs the teeth that a local land use ordinance can provide to do a proper, long-term job of resource management. [. . .] Until a county does fully embrace the idea of combining water plans and land use plans, I believe you'll need a separate water plan.

Some counties have combined county environmental offices thereby bringing water planning coordination, land use issues, ag inspections and solid waste activities under the same administrative umbrella.



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.
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Brainerd, MN 56401-3660
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New Ulm, MN 56073-8915
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One West Water Street
Suite 250
St. Paul, MN 55107
(651) 282-9969
Fax (651) 297-5615

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Board
Packet

Wednesday, November 24, 1999

State Register
Robin PanLener, Editor
117 University Avenue
St. Paul, MN 55155
Fax (651) 297-8260

Dear Ms. PanLener:

Attached/enclosed please find two copies of proposed changes to rules relating to eligibility for state cost-share. The rules have been approved as to form, and I am hoping the faxed copies will be received in time to be published in the Monday, December 6th issue of the state register. The original copies will be sent interoffice mail.

Please note that the rules are to follow the expedited process. From a conversation with Carla Riehle, State Assistant Revisor, I understand this is the first revision to follow that process. Authority to use the expedited process can be found in Minnesota Session Laws 1999, Chapter 231, Section 203. It reads *The board of water and soil resources must add farmstead windbreaks as a practice eligible for cost-sharing to the rules adopted under Minnesota Statutes, section 103C.501.*

If you have any questions, or I need to take additional action, please phone me at (651) 297-7965. Thank you.

Sincerely,

Marybeth Block
MN Board of Water and Soil Resources
Land and Water Section
marybeth.block@bwsr.state.mn.us

c: ~~Ron~~
Jim
Greg
Doug
Wayne

1 Board of Water and Soil Resources

2 Proposed Expedited Permanent Rules Relating to Eligibility For Cost-Sharing

3 8400.0300 APPROVED PRACTICES.

4 Subpart 1. **Approved practices.** The state board, in consultation with the conservation
5 districts, shall maintain a list of practices that are eligible for cost-share funds, along
6 with guidelines pertaining to the components of the practices that are eligible or
7 ineligible for cost-share funds. The list includes farmstead windbreaks and is contained
8 in the Administrative Guidelines.

9 Subp. 2. **Criteria for approved practices.** Practices approved by the state board must
10 meet the criteria in items A to D.

11 A. The primary purpose of all practices must be the control of soil erosion,
12 sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality.
13 Farmstead windbreaks are exempt from this requirement.

14 [For text of items B to D, see M.R.]

15 [For text of subp 3, see M.R.]

16 8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.

17 Criteria for conservation district board review:

18 [For text of item A, see M.R.]

19 B. The primary purpose of the requested practice must be to treat a high priority
20 erosion problem or high priority water quality problem, except for farmstead
21 windbreaks.

22 [For text of items C to F, see M.R.]

Comments on EPA Draft Guidance Manual and Example NPDES Permit for Concentrated Animal Feeding Operations

By: Al Kean, P.E., Chief Engineer, Minnesota Board of Water and Soil Resources, 11-22-99

Reference: Document entitled "Information Regarding the Proposed Revisions to the NPDES Regulations for Concentrated Animal Feeding Operations", which "provides potential small entity representatives (SERS) with specific information regarding changes being considered for the NPDES CAFO permitting program, and how small businesses may be affected by such changes".

Who Must Apply for a Permit?

Question 1. Should EPA change the definition of "animal unit"?

Comments: a) EPA should retain the term "animal unit" and its use in the CAFO definition. There is widespread understanding that different species and life stages of animals produce different quantities of manure with different nutrient contents and, therefore, different pollution potential. Animal unit definitions help provide equity in application of NPDES regulations to AFOs with different species and life stages of animals.

b) Because EPA regulations are focused on protection of water quality and public health, the EPA multiplication factors for animal units should be based on typical nutrient production for different species and life stages of animals. The current EPA multiplication factors for horses and ducks seem quite unreasonable. NRCS animal unit multiplication factors may be somewhat different in order to better predict volume of manure for design of storage facilities.

c) EPA should define more multiplication factors for commonly identified life stages of different animal species to provide for more equitable application of NPDES regulations and consistency of nutrient management planning nationwide.

Question 2. Should immature animals be considered in determining the total number of animal units?

Comments: Yes, if appropriate animal unit multiplication factors are defined by EPA for different life stages of immature animals.

Question 3. Should EPA change the current regulatory threshold for CAFOs based on size of operation (currently 1,000 or more animal units)?

Comments: EPA should not lower the threshold at which an AFO is automatically considered to be a CAFO below the current 1,000 animal units. The average size of AFOs is increasing like the average size of farms, which means the definition of what constitutes a "large" AFO is also increasing. Because CAFOs must comply with a zero discharge standard, while other designated point sources of pollution do not necessarily have a zero discharge standard, it seems unreasonable to automatically designate more AFOs as CAFOs than is clearly necessary for protection of water quality and public health.

Question 4. How should EPA determine whether other animal feeding operations (i.e. those that have less than 1,000 animal units) should be designated as CAFOs?

Comments: The current CAFO definitions including the criteria "pollutants are discharged into navigable waters through man-made conveyances" and "pollutants are discharged directly into waters that originate outside of and come into direct contact with confined animals" are not reasonable for some AFOs (e.g. for small AFOs that utilize vegetated filter strips or man-made buffer strips for treatment of feedlot runoff).

The fundamental objective of designating an AFO as a CAFO is that the operation poses a significant risk to water quality and public health. Equitable application of this standard for AFOs with less than 1,000 animal units inevitably involves a number of variables that are best assessed on a case-by-case basis including on-site review. It might be most appropriate to simply provide for regulatory authority to designate AFOs with less than 1,000 animal units as CAFOs and provide guidelines to local regulators for identification of site and operational conditions that could pose a significant risk to water quality and public health. Many of the alternative criteria outlined in the document referenced above could be included as guidance. Local determination of the "right thing to do" regarding definition of an AFO with less than 1,000 animal units as a CAFO, along with provision for appeal to a higher authority, could provide appropriate regulation with flexibility for site-specific determinations.

Question 5. Should EPA change the current CAFO definition concerning poultry operations?

Comments: The EPA CAFO designation is a substantial means to level the national playing field for water quality and public health protection related to large AFOs and sensitive environments. This includes land application of manure and nutrient management. Therefore, it seems appropriate to include all poultry operations regardless of the watering or manure handling system utilized.

Question 6. Should EPA remove the 25-year, 24-hour storm provision from the NPDES CAFO definition?

Comments: This question has defensible yes and no responses. It might be appropriate to eliminate this exemption from the CAFO designation in order to help level the national playing field for water quality and public health protection, including land application of manure and nutrient management. However, it may not be appropriate for AFOs that have no discharge for storms more frequent than a 25-yr. 24-hr. storm to bear the costs of CAFO permitting, monitoring and reporting. It may be most appropriate to keep the exemption, but provide for site-specific designation as a CAFO if an operation poses significant risk to water quality and public health (with provision for appeal to higher authority).

Question 7. Should corporate entities that exercise substantial operational control over a CAFO be co-permitted?

Comments: The permittee(s) should be the owner(s) of the operation (i.e. all persons having possession, control or title to a designated CAFO).

What is in the Permit?

Question 1. What aspects of the CAFO should be covered by the permit?

Comments: Coverage of the manure storage, feedlot runoff, land application and process wastewater should be included to help promote comprehensive nutrient management and level the national playing field for AFOs.

Question 2. What requirements should be included in the permit to control discharges of pollutants from manure to waters of the U.S.?

Comments: If nutrient management plans are to be a key element of the national strategy for AFOs to better protect water quality and public health, then the CAFO regulations must require development and implementation of nutrient management plans.

Question 3. What monitoring, record keeping and reporting requirements should be included in the permit?

Comments: Nutrient management plans should include the various requirements outlined in the NRCS Minnesota practice standard for nutrient management and the proposed updated state of Minnesota Rules, chapter 7020 for feedlots. (These requirements have been well thought out and coordinated in Minnesota, but are too numerous to list here.) Please also refer to the record keeping and reporting requirements of these documents for recommendations in that regard.

Certification of all public and private manure nutrient management planners would involve major time and cost. Development and implementation of good nutrient management plans should be most efficiently accomplished through clear standards, public/private partnerships for education and technical assistance, regulator review of new plans at the local or state level and periodic review and/or inspection of permitted operations.

What Type of Permit do You Get?

Question 1. Under what circumstances is a general or an individual NPDES permit appropriate for a CAFO?

Comments: As indicated in the referenced document, general permits offer a cost-effective approach for NPDES permitting, and many CAFOs are well suited to general permits. Both general and individual permits should be maintained as options. More public involvement in the development of general permits seems appropriate. EPA CAFO regulations for general permits should provide a balance of national consistency and state flexibility.



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
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Fax (218) 755-4201

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Suite 202
Brainerd, MN 56401-3660
(218) 828-2383
Fax (218) 828-6036

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261 Highway 15 S.
New Ulm, MN 56073-8915
(507) 359-6074
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Fax (507) 280-2875

Box 267
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(507) 537-6060
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Metro Region:

One West Water Street
Suite 250
St. Paul, MN 55107
(651) 282-9969
Fax (651) 297-5615

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DATE: November 30, 1999

TO: Gary Pulford, Feedlot Lateral Team Manager, MPCA

FROM: Al Kean, Chief Engineer *Al Kean*

SUBJECT: FMMAC Consensus Regarding Chapter 7020 Draft Feedlot Rules, and Other Comments on the Draft Rules

Reference the 11-8-99 letter from Gary Martens, Chair, FMMAC, and our conversation on 11-29-99.

I've reviewed the draft statement of what the FMMAC has accomplished and the member poll regarding non-consensus items. I've also talked to others at the BWSR about signing the draft statement. As I had indicated at the 10-11-99 FMMAC meeting and in our conversation on 11-29-99, I believe it's not in the best interest of the FMMAC and the feedlot rules to sign the draft statement.

Consensus of a large committee, such as the FMMAC, is often challenging and fragile. One can be comfortable with consensus in committee and via minutes of a meeting based on the context of discussions, but not be comfortable signing a document that could be subject to different interpretations by those one represents, and others, when taken in a different context. I believe the best approach to accomplish clearer consensus and accountability of FMMAC members is through good meeting minutes and the associated review and approval process. This approach balances consensus building and accountability.

I have long been a believer in the value of the FMMAC as a forum for broad-based discussion of feedlot issues and associated building of working relationships and understanding. Good facilitation and minutes (summaries?) of FMMAC meetings are an important ingredient in realizing the full benefit of the committee. I believe the FMMAC played a very important role in the painful, but fruitful, development the draft feedlot rules. Although the draft rules can still use some fine tuning, they're a substantially good piece of work.

Following are responses to the FMMAC member poll regarding non-consensus issues.

Hydrogen Sulfide Standard Applicability:

7020.2002: I do not support the July 1, 2005 sunset date for the exemption during agitation and pump-out events. That date will surely come much quicker than it seems. This is an issue for which science-based solutions are limited at this time and probably will be for quite some time. The proposed odor control requirements in the draft rules are substantial, including:

- 1) an air emission plan for facilities with 1,000 animal units or more (or the equivalent amount of manure);
- 2) requirement for injection or incorporation within 24 hrs.; and
- 3) use of odor control BMPs during agitation and pumping.

Based on what we know at this time, the hydrogen sulfide standard exemption during agitation and pump-out may be the right thing to do for a long time.

Definition of Owner:

7020.0300, Subpart 17: Sticking with the definition in the current rules, which is straightforward, seems like the right thing to do.

Overall Permitting Process:

7020.0405 Subpart 1. A. and B.(NPDES and SDS Permits Required): As Senators Berg and Dille indicated last week, the state statute requiring NPDES permits for feedlots with 1,000+ animal units was a conference committee outcome that didn't recognize the current EPA exemption from CAFO designation (and NPDES permitting) for feedlots that don't discharge for storms less than the 25-yr. 24-hr. event. The legislators' concerns might be addressed by broader use of NPDES and SDS general permits with substantially lower fees than an individual NPDES permit. A problem with the EPA CAFO exemption is not requiring nutrient management plans for some large AFOs, which is a national level playing field issue. The proposed draft rules avoid that problem at the state level by requiring a manure management plan for all feedlots with 100 or more animal units.

E. (Construction Short-Form Permit Requirement): I have heard substantial negative comments from Tina and several CFOs about not requiring a permit, or issuing a certificate of compliance, for feedlots with less than 300 animal units. Their arguments have substantial merit. Therefore, lowering the threshold for requiring a construction short-form permit from 300 to 50 animal units seems like the right thing to do.

Permit Application:

7020.0505, Subpart 4.C.: Adding the requirement for documentation from the local zoning authority regarding knowledge of proposed feedlot or manure storage area construction or expansion seems reasonable, if it's most feasible and practical for the feedlot owner to do this rather than via intergovernmental communication (i.e. MPCA or delegated county notification of the local zoning authority).

Comments on Other Issues:

Rule Requirements for Pastures:

Howard Moechnig, BWSR/NRCS grazing specialist, and I are concerned about the requirements for registration and permitting of pastures. Although it wasn't discussed significantly at FMMAC, as I recall, it seems to us that the new definitions of animal feedlots and pastures address the issue of feeding areas in pastures that qualify as feedlots and, therefore, should be subject to regulation. If pastures are not feedlots or manure storage areas by definition, what is the basis for regulating them?

It's not clear to me how the permitting requirements and standards for discharge, design, construction, operation and closure would apply to pastures. Section 7020.0350, Subpart 1 seems to classify a pasture as a facility along with feedlots and manure storage areas. Section 7020.0405, Subpart 1.C. and D. and Subpart 3.B. seem to indicate that a pasture is a facility that may need a permit. 7020.1600, Subpart 2. E. indicates that CFOs must inspect pastures. Clear definition that a concentrated feeding area within a pasture can qualify as a feedlot seems prudent, but requiring a feedlot permit for building a fence to expand a pasture does not.

Livestock Access to Waters Restriction:

Howard and I like the differentiation between a feedlot and pasture. I recommend that Section 7020.2015, Subpart 3.B. reference the USDA-NRCS National Range and Pasture Handbook, Chapter 5, Section 2, part 600.0505 Conservation practices for pasture, subpart (f) Facilitating practice – Water development, including subpart (f)(3)(i) Controlled access options. I believe the wording should be careful not to limit controlled access to only that provided by fencing or a paved ramp (the ford option is for streams). Alternative watering devices can achieve the controlled access objective without fencing or a ramp.

Liquid Manure Storage Area Restrictions, Design and Construction Standards:

7020.2100, Subpart 2.E.: This subpart is a difficult read, but seems to indicate that an existing feedlot or manure storage facility for fewer than 300 animal units that has a pollution hazard cannot expand to 300 or greater animal units when the pollution hazard is corrected. This seems quite unreasonable, if I'm interpreting correctly.

7020.2100, Subpart 6.: The feedlot rules should recognize pertinent certification by the National Institute of ~~Civil Engineering Technicians~~ (NICET) for cohesive soil liner inspection.

for Certification in Engineering Technologies

If you or others have questions about these comments, please call me at 651-297-2907.

cc: Jim Birkholz, Assistant Director
Ron Harnack, Executive Director
Allan Oehlke, Board Member
Justin Jeffery, Training and Design Engineer
John Brach, State Conservation Engineer, NRCS

Ron H.
Board
Packet

BWSR Federal Partnership Conservation Easement Programs

December 2, 1999

MN River Conservation Reserve Enhancement Program (CREP)

<u># easments</u>		<u>Acres</u>	<u>State Cost</u>	<u>Federal Cost*</u>	<u>Savings**</u>
386	CREP	11,907	\$7,176,092	\$19,880,542	\$6,693,758
	RIM Addl.	2,039	\$2,453,750	N/A	N/A
	Total CREP	13,946	\$9,629,842	\$19,880,542	\$6,693,758

RIM Reserve / Wetland Reserve Program (WRP) Partnership

<u># easments</u>	<u>Acres</u>	<u>State Cost</u>	<u>Federal Cost*</u>	<u>Savings**</u>
92	6,131	\$2,425,455	\$5,176,942	\$2,735,954

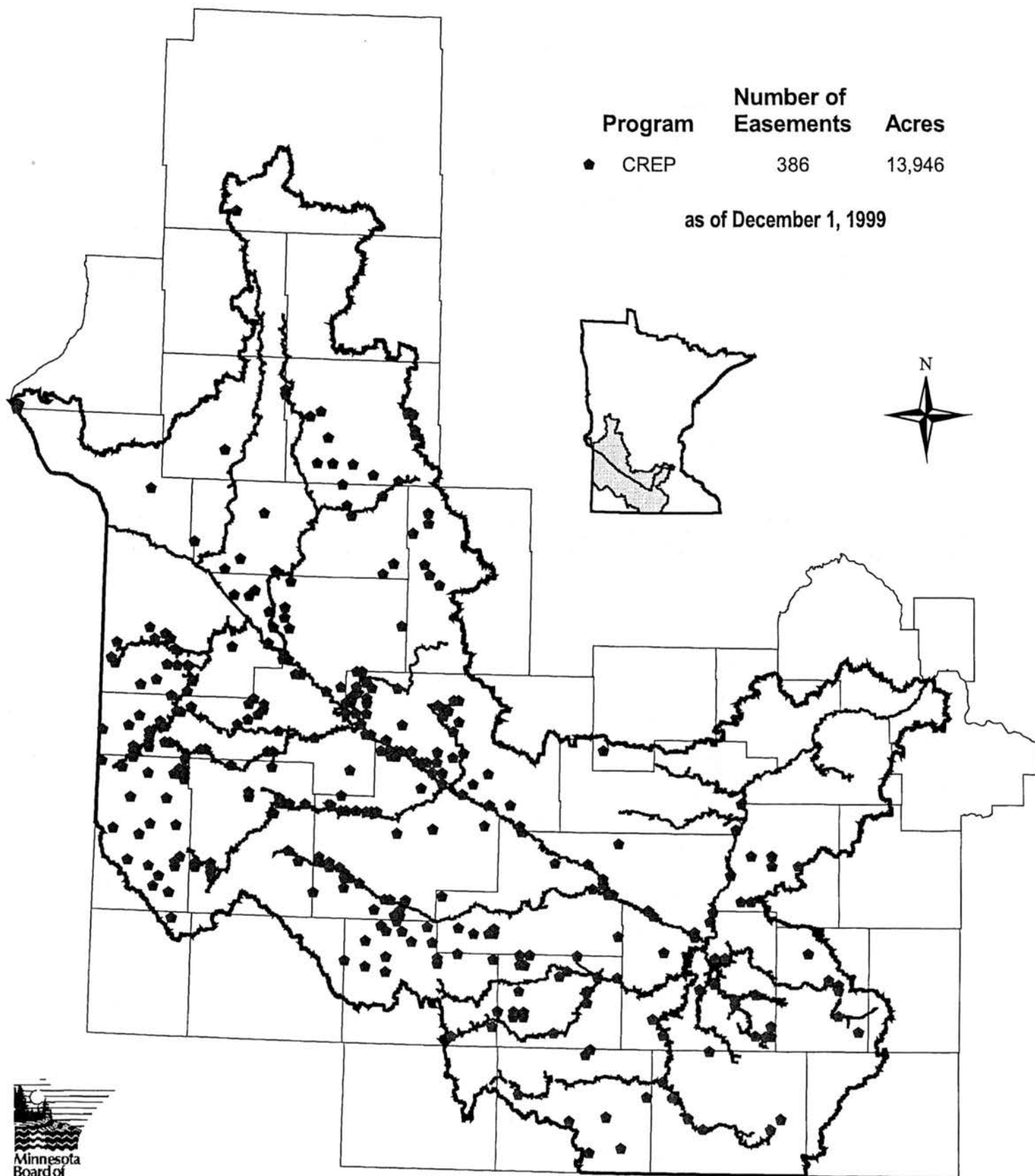
* leveraged dollars - total of 15 year federal CRP payments + practices for CREP
- 30 year WRP easement payment + practices for WRP Prtnshp.

** state dollars saved by partnering
(computed by figuring what it would have cost the RIM Reserve program alone to purchase easements on the acres in the partnership, minus the current "partnering" state cost)

Conservation Reserve Enhancement Program Easements

Program	Number of Easements	Acres
◆ CREP	386	13,946

as of December 1, 1999



Board
Packet

Public Drainage in MN - An Overview of MN DNR Responsibilities and Perspectives

October 29, 1999

Written by John Linc Stine

DNR Waters, Permits and Land Use Administrator

Introduction:

This paper represents DNR Waters perspectives on a variety of ditch proceedings and issues that are prevalent among public drainage activities from DNR's perspectives. In no way, is this paper intended to be inclusive of all aspects of the DNR's concerns or responsibilities for review of public drainage activities.

Background:

Ditch law has broad implications for land use, water quality and water quantity. Legal issues are covered in Minnesota Statutes Chapter 103 E, titled "The Drainage Code." Public drainage law has its roots in pre-settlement times when the goals of increasing arable land, taxable land and decreasing water borne disease were dominant in society. Legal aspects of ditches are quite complex - much of it has been drawn from case law.

A ditch system is a public easement administered the drainage authority, which can include county boards, watershed boards or a joint county ditch authority. Land that the public ditch is on/through is still privately owned even though it is called a public ditch. The ditch law establishes procedures and time lines for ditch proceedings; a proceeding is a process that the ditch authority must follow before it undertakes a ditch project.

Proceedings can be initiated by petition of landowners or by action of the drainage authority. The law describes the required components for projects that can be initiated either by petition or action of the drainage authority. New proceedings (a new ditch or an improvement, for example) can only be initiated by a petition and then require action of the drainage authority.

There are three basic types of ditch projects:

- **new system**, new public system may have been or could be county tiles, open ditches or pipes also. Historically this could have been a swale, other low area or could be a new cut connecting previously unconnected waterways. It is very difficult to get new ditches established today. Most new ditches would trigger a mandatory EAW under current law and rules.
- **repairs**, brings a ditch back to it's as constructed condition and function. There are minor repairs, major repairs, petitioned repairs (those that require a hearing).
- **improvements**, enlarging, extending, straightening, deepening, re-routing or significantly increasing drainage capacity of a previously established ditch. (hearing required). Most improvements do not require an EAW.

In addition to these three basic types of projects there are three others - outlet improvements, laterals and impoundments/diversions.

The Minnesota Public Drainage Manual was produced by a group of agencies and interest groups in 1991. Counties, SWCD's and other ditch authorities have a copy. Although the manual is out of print, it is an excellent and detailed presentation of ditch law and procedures. The DNR has a limited number of additional copies (contact DNR Waters, 651-296-4800); the Association of MN Counties (AMC) may also have copies of the manual (contact AMC @ 651-224-3344). Pages 2.26 and 2.27 present flow charts of the legal framework for ditch establishment and construction procedures.

Ditch Establishment or Improvements/Environmental Considerations:

The ditch law process requires the drainage authority to consider the environmental and land use implications of any proposed ditch establishment or improvement project. Typically, these considerations are to be evaluated in the engineer's report (a step in a proceeding). The quality of these evaluations varies widely among drainage authorities and drainage engineers. Additionally, the engineer's report for such proceedings is to evaluate alternatives to ditching; normally this evaluation is cursory and lacks detailed analysis.

DNR Preliminary & Final Advisory Reports:

DNR review is required for new ditches and ditch improvements or any action that improves or expands the drainage system (see 103E.255 and .301). A DNR Waters permit may be required for new ditches and improvements or that alter public waters or public water wetlands.

When a ditch proceeding is initiated by a petition, Minnesota Statutes 103E.255 requires the Commissioner of DNR to "make a preliminary advisory report to the drainage authority" concerning the adequacy of the engineer's preliminary survey report. The preliminary survey report is prepared by the engineer appointed by the drainage authority and is a general description of the proposed work including; the location, size, and depth of the proposed ditch; adequacy of the outlet for the drainage; probable costs of the project, and ; consideration of the environmental and land use criteria from Minnesota Statutes 103E.015, Subd. 1. The preliminary advisory report is equivalent to a feasibility study for the ditch project.

After the preliminary review is completed by the drainage authority, it proceeds to make a detailed (final) survey report on the proposed project. Ideally, the DNR's preliminary advisory report comments are reflected in this final survey report and project modifications are made to address any environmental or land use concerns.

DNR field staff routinely provide the advisory responses to the drainage authority. This is the phase of the drainage proceedings where DNR generally informs the drainage authority about the location of public waters, the need for DNR permits, the adequacy of the outlet for the system and other environmental or land use concerns. Experience has shown that these advisory reports are viewed primarily as a procedural requirement by the drainage authority; however, some drainage authorities use the DNR's report in making project design decisions.

Ditch Repairs/DNR Permits:

The scope of projects that can be termed a "repair" is quite broad and can range from reconstructing a ditch that has not been maintained since its construction to removal of small amounts of accumulated sediments. In some cases, planned repairs may actually be unlawful improvements. The potential for a repair to turn into an improvement is amplified in areas where ditches have not been maintained for an extended period of time. This might occur when a segment of ditch is cleaned deeper or wider than the previously constructed dimensions. In order for an improvement to be lawful under the drainage code, a new petition must be signed pursuant to Minnesota Statutes 103E.215.

For ditch repair projects, DNR review is advisory to the drainage authority. Specifically, DNR Waters reviews the engineer's report regarding the completeness of the report as required by the drainage code, and the hydraulic adequacy of the ditch outlet to convey additional drainage. The DNR either approves or disapproves the report for completeness, and provides comments on any regulatory or permitting issues and the adequacy of the outlet. Additionally, the DNR can comment on the cost-benefit evaluation in the engineer's report. In the final analysis, the drainage authority makes a final decision and the DNR does not have veto authority for any ditch project, unless a DNR permit is required for the project.

Minnesota public waters permit law (M.S. 103G.245, Subd. 2) helps to clarify when a repair project requires a DNR permit. DNR permits are not required for:

"work in altered natural watercourses that are part of drainage systems established under chapter 103D or 103E if the work in the waters is undertaken according to chapter 103 D or 103E; or

"a drainage project for a drainage system established under 103E that does not substantially affect public waters."

The ditch law contains additional language concerning when permission is required from the DNR. M.S. 103E.011 Subd. 3 states:

The drainage authority must receive permission from the commissioner (of DNR) to:

- 1) remove, construct or alter a dam affecting public waters;
- 2) establish, raise or lower the level of public waters; or
- 3) drain any portion of a public water.

DNR's public water permit rules (Minnesota Rules Part 6115.0200, subpart 4) further clarifies the types drainage repair activities that do not require a DNR permit to work in public waters, as follows:

"No permit is required for repair of a public drainage system lawfully established pursuant to Minnesota Statutes 103D or 103Ea consistent with the definition of repair set forth in Minnesota Statutes 103E.701."

The preceding general statement is qualified, however, by the following rule statement of non-permitted excavation activities. DNR's public waters permit rules [Minnesota Rules Part

6115.0200, subpart 3(c)] prohibit excavation or placement of structures that would be "detrimental to significant fish and wildlife habitat...". DNR has interpreted that "significant fish and wildlife habitat" to include, at a minimum, any State-owned Wildlife Management Areas or Scientific and Natural Areas.

In practice, a DNR permit is not required to restore a ditch to its originally constructed grade and cross section, unless the project would be detrimental to significant fish and wildlife habitat. This is in contrast to the Wetlands Conservation Act provision of requiring a replacement plan for any public drainage impacts to Type 3, 4, or 5 wetlands that have been in existence for more than 25 years [see Minnesota Statutes 103G.2241, Subd.2(c)].

The provisions of Minnesota Statutes 103E.701, Subd. 2 requires the drainage authority to notify DNR if a repair affects public water(s). This subdivision goes on further to address how DNR and the drainage authority are to resolve disagreements over establishing the proposed repair depth.

Environmental Review Requirements:

Minnesota Statutes Chapter 116C and 116D authorize the MN Environmental Quality Board to adopt rules for environmental review activities (EAW's and EIS's, typically). A mandatory EAW is required for any ditch project that:

- 1) Changes or diminishes 1 or more acre of public water; or
- 2) Changes or diminishes 40% or more or 5 acres or more of any type 3-8 wetland of 2.5 acres or more (excluded Public Water Wetlands), if located within a Shoreland, Flood Plain, Wild & Scenic River, Project River Bend, or Miss. Headwaters area.

Many major ditch projects require an EAW. DNR staff have typically advised the MN EQB and the Drainage Authority about this requirement.

Bridges and Culverts:

According to 103E.525 the Director of DNR Waters must approve any bridges or culverts that have less hydraulic capacity than originally designed (this would apply to most new crossings). DNR has advised the ditch authorities to assure that any such structure is reviewed and approved by a Registered Professional Engineer in order to expedite this process.

Drainage Authority Review of Costs and Benefits of Projects:

The ditch authority is responsible for determining the feasibility of a given ditch project. To do this, a cost-benefit evaluation is performed to compare all costs associated with the ditch project against the benefits of the increased or improved drainage on the land's valuation. Benefits and costs are determined by the engineer(s) and ditch viewers that are employed by the ditch authority. Environmental costs and benefits could be addressed in a viewers report, if there would be a tangible change in property value associated with the damage or benefit. Viewers' reports seldom document the environmental costs or benefits.

With a drainage improvement project, a new determination of benefitted lands is required. For repairs, a redetermination of benefits is often needed.

Public review and citizen involvement:

Citizen involvement (outside the property owners affected by the drainage system) is not required by law for ditch projects. Ditch project notices typically go only to individuals assessed for the costs of the ditch project.

Ditch Abandonment:

There is a procedure in the current law for ditch abandonment, although it is seldom used. Portions of a ditch system or an entire ditch system can be abandoned. A ditch authority can do this without a petition.

Any land owner on the ditch system may petition for removal from the ditch system. They must prove that the waters on assessed property are diverted so that the drainage doesn't use or affect the rest of the system. Total abandonment of a system can be considered with a petition from at least 51% of the owners or the owners of 51% of the property. If anyone objects to abandonment, viewers must be appointed to determine if the ditch serves any useful purpose to any property. Unless the viewers can show that no one is benefitted in any way by the ditch, the petition must be denied. Therefore, abandonment rarely can occur unless 100% of the owners are in favor.

Wetlands Restoration/Impoundments:

Impoundments are presently being considered to a greater extent and it is expected this will even increase in the future because of water quality concerns, wetland restoration and flood damage reduction opportunities.

Also, impoundments within a ditch system can be created as detailed in section 103E.227 of the law. This section was added to the ditch law in 1990, and it was designed to simplify requests for impounding or diverting water for conservation purposes. Key points of the new procedure are as follows:

- The petitioner is responsible for all costs of the project (unlike other projects, no assessments can be made to other landowners along the ditch system).
- Any DNR permits must be obtained before the petition is presented to the drainage authority.
- No bond is required if the petitioner is a public agency or unit.
- The Drainage Authority must approve the project if it's shown that public or private benefits will result and the functioning of the ditch is not impaired.
- Flowage easements must be obtained from any affected landowners.

Funding is available for many of these activities (e.g. RIM, CRP) and may include easements on existing wetlands that have been restored due to a lack of ditch maintenance.

Downstream and Cumulative Effects of Drainage:

There is increasing interest toward considering the impacts of ditch projects on the quantity and quality of downstream receiving waters. As ditches are extended and subsurface tile drains are

added to the rural landscape, downstream flows can be dramatically affected. The net hydrologic effect of increased drainage is to alter the hydrologic response of the ditch to rainfall and runoff. Altered flows can lead to greater erosion and sedimentation. Routinely, DNR advisory reports to drainage authorities include comments about these effects and advise that additional measures be taken to reduce the effects such as impoundments, wetland restoration and maintenance of natural vegetation and buffer strips.

Selected Case Law References:

A lawful repair must conform to the original as constructed dimensions; see *Petition of Zimmer*, 359 N.W.2d.266 (Minn. 1984).

Landowner rights to have ditch maintained, but drainage authority must comply with the Wetlands Conservation Act policies: *McLeod County Board of Commissioners as Drainage Authority for McLeod County Ditch No. 8 v. State, Department of Natural Resources*, 549N.W.2d.630 (Minn. App.1996).

EIS required for ditch repair; see *Coon Creek Watershed District v. State EQB*, 315 N.W.2d.604 (Minn.1982).

Drainage authority discretion on authorizing abandonment; see in re *Petition to abandon County Ditch No. 13, Pope County*, 242 N.W.2d.827 (Minn. 1976).



ENVIRONMENTAL QUALITY BOARD

For
Board
Packet

OCT 27 1999

October 25, 1999

To: Basin Team Chairs

Fr: Marilyn Lundberg *Maulen*
Director, EQB Water Resources Committee

Re: Minnesota Water Plan 2000 overview fact sheet

Members of the EQB Water Resources Committee and the Water Management Unification Task Force thought it would be good to have one paper identifying key features of the Water Management Unification Initiative and its major component the development of *Minnesota Water Plan 2000*.

We are enclosing this fact sheet to clarify some points that continually arise, such as why we are doing this, how we plan to address the need for strategies to implement the targets and how the WRC and Task Force will use the work of the Basin Teams.

If you need more information about the objectives and indicators in the public review draft *Preparing for Minnesota Water Plan 2000*, task force members are a good resource: Glenn Skuta, PCA, was the lead on the surface water objectives in the first goal; Bob Tipping, Minnesota Geological Survey and Bob Patton, Dept. of Agriculture worked on the ground water objective; Sarah Tufford, DNR, led the work on the second goal; and Clarence Turner and Jack Skrypek, DNR, led efforts on the third and fourth goals.

We expect the web site to be completed this week at www.mnplan.state.mn.us/eqb/water.html

If you have any questions, please contact me. The next conference call for Basin Team Chairs is at 11:00 a.m. Wednesday, November 17, 1999. I will contact you with the specifics.

Cc EQB Water Resources Committee
Water Management Unification Task Force
Basin Team members

658 Cedar St.
St. Paul, MN 55155

Telephone:
651-296-3985

Facsimile:
651-296-3698

TTY:
800-627-3529

[www.mnplan.
state.mn.us](http://www.mnplan.state.mn.us)

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Fact Sheet on Minnesota Water Plan 2000
October 25, 1999

Purpose:

The Environmental Quality Board has a legislative charge to develop a 10-year water plan. This plan, due September 15, 2000, will serve as the basis for administrative water priorities, policies and budgets. The plan is a major component of Governor Jesse Ventura's Executive Order 99-15 for Water Management Unification, intended to make Minnesota's water management more understandable and responsive to citizens by unifying state efforts within major river basins.

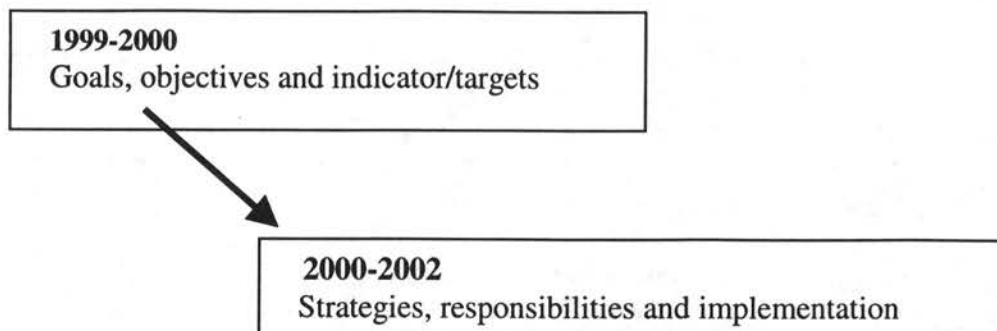
For the 10-year water plan, the EQB Water Resources Committee and the Water Management Unification Task Force will develop a statewide framework consisting of water-related goals, objectives, 10-year targets and indicators to measure results that will be adapted to each major river basin. The Committee and Task Force developed *Preparing for Minnesota Water Plan 2000* to offer Basin Teams a starting point for involving the public in discussions centering on the following four questions.

Public involvement will center on four questions:

1. Do the goals and objectives in the public review draft *Preparing for Minnesota Water Plan 2000* address water needs in your basin? If not, what would you change? The four goals used for the review draft are derived from the environmental goals in *Minnesota Milestones*. The Task Force and Committee clarified the goals through 10 objectives. Add, delete or modify them to fit basin conditions.
2. Do the 29 draft indicators measure progress? If not, what measurement should be used? The indicators are intended to help track progress toward each objective.
3. What indicators of human behaviors should be tracked in your basin? The indicators provided in *Preparing for Minnesota Water Plan 2000* are environmental indicators. We would like feedback from the public on behavioral indicators to be used in conjunction with these. Many human behaviors pose a risk to water resources and keep Minnesota from its objectives. Some of the ways people harm our water resources are through wasteful water use, activities that cause soil erosion, dense lakeshore development, inadequately treating sewage and excessive use of fertilizer.
4. What targets would you establish for your basin? What kind of progress would you like to see by 2010? We want to establish indicator targets to help measure progress. Examples of targets are increasing the clarity in monitored lakes by 10 percent, reducing the number of streams with increased nitrogen, decreasing ground water use and maintaining the reproduction rates of walleye in unstocked lakes. Numerical measures are the best approach when setting indicator targets. However, many indicators lack information and may only allow targets such as improve, decrease or maintain.

Process overview:

At this time the focus is on goals, objectives, indicators and targets. Strategies, responsibilities and implementation will come later.



- Basin Teams propose goals, objectives, indicators and targets to the Task Force by February 25, 2000.
- Water Resources Committee and Task Force collaborate with Basin Teams to complete *Minnesota Water Plan 2000* for transmittal to the legislature by September 15, 2000.
- The EQB Water Resources Committee works with the Task Force and Basin Teams to develop and initiate strategies and responsibilities to carry out the goals, objectives and performance targets contained in *Plan 2000* from October 2000 until September 2002.

Use of Basin Teams' reports:

The Basin Team reports will be the basis for *Minnesota Water Plan 2000*. The Task Force will analyze the Teams' reports for statewide commonality and unique pieces and ensure there is consistency with state law and policies. The Task Force will prepare *Minnesota Water Plan 2000* reflecting statewide goals, objectives, indicators and targets where there is sufficient support for this and sections for each basin will reflect specific goals, objectives, indicators and targets. The Task Force will also meld the information gathered by the Metro Committee with reports from the four appropriate Basin Teams if metro objectives and targets are not included.

First Name	Last Name	Organization	Address 1	Address 2	City	State	Zip 5
Sarah	Tufford	DNR	Waters Division	500 Lafayette Rd	St. Paul	MN	55155
Jim	Birkholz	BWSR	One West Water Street	#200	St. Paul	MN	55155
Barbara	Blackstone	Office of Dispute Resolution	340 COB	658 Cedar Street	St. Paul	MN	55155
David	Wright	DNR	500 Lafayette Road		St. Paul	MN	55155
Greg	Larson	BWSR	One West Water Street	Suite 200	St. Paul	MN	55107
Bruce	Olsen	Health	121 E 7th Place	Env Health Division	St. Paul	MN	55155
Jack	Skrypek	DNR	500 Lafayette Road		St. Paul	MN	55155
Glen	Skuta	PCA	520 Lafayette Road		St. Paul	MN	55155
Paul	Schmiechen	PCA	520 Lafayette Rd		St. Paul	MN	55155
Bob	Patton	Dept of Agriculture	90 West Plato		St. Paul	MN	55155
Clarence	Turner	DNR	MEII	500 Lafayette Road	St. Paul	MN	55155
Doug	Thomas	BWSR	1 West Water St	Suite 200	St. Paul	MN	55107
Judy	Sventek	Metropolitan Council	230 E. 5th St		St. Paul	MN	55101
Keith	Wendt	DNR	MN Env Indicators Initiative	500 Lafayette	St. Paul	MN	55155
David	Southwick	MGS	2642 University Ave		St. Paul	MN	55114
Molly	MacGregor	River Council of MN	406 Walker Bay Blvd		Walker	MN	56484
Paul	Toren	Chair	805 Park Ave.		Mahtomedi	MN	55115
Art	Persons	M.D.Health	18 Wood Lake Drive SE		Rochester	MN	55904
David	Brostrom	Rivers Council	2159 Berkley Ave		St. Paul	MN	55105
Marilyn	Lundberg	EQB	300 Centennial Bldg	658 Cedar Street	St. Paul	MN	55155
Bob	Tipping	Minnesota Geological Survey	2642 University Avenue		St. Paul	MN	55114
Timothy	Koehler	US Dept. of Agriculture	NRCS-Water Res Prog	375 Jackson St. #600	St. Paul	MN	55107

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November 9, 1999

BWSR Staff:

Attached is information from the Institute for Local Self-Reliance. They have an office in Washington DC and Minneapolis.

They promote the use of plant derived materials as substitutes for petroleum based materials currently used in manufacturing. They also seem to be against the use of forestry products.

I question some of their thinking:

1. They claim that plant materials have "little or not polluting effects". The pollutant loads in Minnesota's rivers seem to say otherwise.
2. Forestry is a cleaner way to produce fiber than annual cropping (rivers flowing from forest land run cleaner than rivers flowing from cropland). Why are they in favor of replacing forestry products with annual crop products?

Is it worth our time to meet with these folks to share perspectives? I don't think they equate the generation of nonpoint source pollution with the production of plant products. Using agricultural products for industrial production may be a sound idea, but it has trade-offs that should be recognized.

Ron Struss



October 29, 1999

Dear Governor's Awards Attendee,

During the recent gathering for Minnesota's annual Governor's Awards for Excellence in Waste and Pollution Prevention, Joel Makower, editor of the *Green Business Letter*, presented a key note address on four important green business trends taking place around us. One of these four key trends is the ongoing development of the "carbohydrate economy". As Mr. Makower noted in his speech, the carbohydrate economy has local origins: The term was coined in the early 80's by our organization. Our message, one of promoting an industrial economy which uses plant matter as the primary raw material in manufacturing, is reaching ears nationwide, as indicated by the following statement delivered by Joel during his keynote address to you a few weeks ago.

"ILSR has done a tremendous job over the past decade of promoting the notion of biobased materials - of products that come from plant-based materials, that are substituting for products and services that used to come from oil-based and forestry-based materials."

For nearly two decades, ILSR has actively promoted the use of plant matter (carbohydrates) as a raw material source in product manufacturing and industrial processes for the 21st century. Everyday products, such as motor oil, inks, paint, paper, cleaners and building materials are once again being made from agricultural fiber crops, seed oils, citrus fruits and vegetable oils.

You can learn more about the emerging carbohydrate economy by contacting the Institute for Local Self-Reliance. We have a wide array of resources, including the Carbohydrate Economy Clearinghouse, a web-based information resource (www.carbohydrateeconomy.org), and *The Carbohydrate Economy*, a quarterly newsletter devoted to the latest developments in the plant-based product industry. Enclosed you'll find a Carbohydrate Economy brochure which provides information on our program and details about how to subscribe to our quarterly publication.

Remember - If you want to learn more about the history and future of the carbohydrate economy, you have one of the best resources in the country right here in your own backyard. We welcome your questions and feedback.

With best regards,

A handwritten signature in cursive script that reads "Katherine Mullen".

Katherine Mullen
Carbohydrate Economy Program Director

NATIONAL OFFICE:
2425 18th Street NW
Washington, DC
20009-2096

Phone: (202) 232-4108
Fax: (202) 332-0463
ilsr@igc.org

MIDWEST OFFICE:
1313 5th Street SE
Minneapolis, MN
55414

Phone: (612) 379-3815
Fax: (612) 379-3920
ilsr@igc.org

Plant matter is the long term winner

Carbohydrates, the building blocks of plant matter, can be converted into energy, chemicals, textiles, building materials, paper and many other industrial products, just as hydrocarbons (the building blocks of petroleum) are now, but without the polluting effects inherent in the use of fossil fuels. Plant matter is renewable and readily available, and its use encourages sustainable, self-reliant economies.

Fossil Fuels

- ozone depletion
- groundwater contamination
- unsustainable
- costly imports required

Plant Matter

- little or no polluting effects
- renewable resource
- domestically available
- bolsters local economies

Paper from kenaf

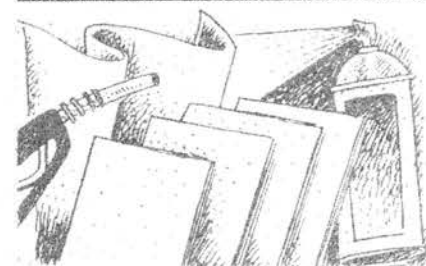
Particleboard from wheatstraw

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from soybeans

Fuel from corn

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Hay, Pasture More Attractive Than Tree Production, Study Shows

Board
Packet

by Terrence Mulligan
Staff Writer

A recent study of different floodplain crops along the Minnesota River suggests that grass hay production and pasture may be attractive economic alternatives to corn and soybean production.

By contrast, tree production and alternatives which preserve natural floodplain forest and prairie, such as leasing lands for hunting, may require greater economic incentives before they are economically attractive to bottomland landowners, according to the study by Barr Engineering. Natural forest and certain kinds of tree plantations provide the greatest water quality and habitat benefits.

"We were surprised to find that tree production was not as economically attractive as we'd expected," said Scott Faber, Director of Floodplain Programs for American Rivers, a national river conservation group that financed the study.

Although corn and soybeans produce the highest per-acre revenues, these traditional uses of the floodplain have

undesirable impacts on water quality and habitat, according to the study. Due to low expected flood damages, revenue for grass hay production appears to be approximately the same as that for corn and soybeans. However, grass hay provides moderate habitat and water quality benefits, including significant reductions in total suspended solids.

Although flood damages to pasture lands would also be low, relatively low revenues associated with livestock production on continually grazed pasture lands makes this alternative less economically desirable. Input data for the study was not available for pasture systems that applied managed grazing techniques like pasture rotation and controlled rest periods.

Despite relatively high poplar cordwood prices, high production costs and high expected flood damages make hybrid poplars economically unattractive, according to the study. Because mature poplar plantations have some resemblance to natural forests in the later years of rotation, wildlife and water quality benefits would be substantial. Not surprisingly, a natural forest produces the greatest

■ Continued, see STUDY, page 4

STUDY

CONTINUED FROM PAGE 1

wildlife and water quality benefits, and there is evidence that hunting leases and other uses are economically lucrative. However, no formal market for these uses exists so the economic benefits of a natural forest was not included in Barr's analysis.

Although traditional uses of the floodplain have high environmental costs, relatively high revenue for corn and soybeans make these uses more economically attractive than alternative uses like hay, continuously grazed pasture and tree production. Corn and soybean production regularly disturb the landscape, eliminate plant diversity, and require applications of chemicals which are frequently washed into the Minnesota River. By contrast, pasture, hay, tree production and a natural forest have progressively greater habitat and water quality benefits. Although continuously grazed pasture and hay provide moderate habitat benefits, both would significantly reduce the amount of suspended sediment washed into the Minnesota. Pasture would not significantly reduce the total amount of phosphorus exported into the river, according to the study.

"Although natural forest provides the greatest water quality and habitat benefits, a well-managed hybrid poplar plantation could provide substantial water quality and habitat benefits as well," Faber said. "However, an intensively managed plantation—where stumps are removed and pesticides are used—would not provide significant environmental benefits. That's an important distinction that needs greater attention."

Flood Losses and Economic Potential

Of the crops considered, hybrid poplars have the highest predicted annual flood damages, reflecting the relatively high production costs of hybrid poplars during the first years of growth, a time when young trees are most susceptible to damage by rising floodwaters. Corn and soybean production also have high expected flood damages. However, damages associated with both tree production and corn and soybean production could be reduced by relegating these uses to higher elevation lands in the floodplain. By contrast, grass hay production is also expected to suffer losses to flooding, but hay is at great risk only dur-

ing the time when hay is cut and drying in the field. Pasture lands and natural forest are both unlikely to suffer serious damages from flooding.

Due to lower expected flood damages, hay production appears to be an economically attractive alternative to corn and soybean production when flood damages are taken into account. According to Barr's study, gross crop revenues associated with hay are far lower than revenues associated with corn and soybean production—\$150 per acre rather than \$273 per acre. However, flood losses associated with hay production are far less than those associat-



ed with corn and soybeans—\$4 per acre rather than \$14 per acre. Furthermore, the costs of growing hay—including direct cash expenses, fixed costs, and labor and capital expenses—are far less than the cost of growing corn and soybeans. Both crops would be expected to generate \$42 to \$43 per acre over the modeled 28-year period.

Although the costs associated with pasture are far lower than corn and soybeans and hay production, the expected benefits of continuously grazed pastures make it economically unattractive. Under this traditional approach to pasture management, expected revenues would be low. However, well-managed grazing systems—those that implement the practice of pasture rotation with close attention to the herd size and to the necessary rest or recovery periods—provide much better returns.

By contrast, poplars are not predicted to be economically profitable. Although

mature poplars are much better able to withstand the impact of floodwaters than other traditional crops, costs can be significant when floods damage a stand of trees. Young trees—which take approximately 10 years to mature—can be damaged several ways: saplings may be broken or uprooted by floodwaters, trees could be submerged and eliminate access of carbon dioxide and oxygen, or water could pool and damage tree roots. If the young trees are damaged by flooding, they would be cleared from the land and new trees would have to be replanted, increasing costs. Unlike younger trees, older trees that are

to thrive. In particular, each use will reduce cultivation and other activities that disturb the landscape, improve the vertical distribution of trees, shrubs and grasses, and generally enhance the diversity of plants found in the river's floodplain. In order to measure the habitat benefits of alternative crops, Barr used bird populations as a proxy for all river wildlife.

Not surprisingly, the diversity of species found in the river's floodplain was greatest when the floodplain was a natural forest. Even small parcels of forested floodplain are likely to support an average of 15 bird species, and large parcels (those greater than 160 acres), are likely to support 30 to 50 species. By contrast, hay and pasture lands would not be expected to support more than 20 bird species, even on the largest parcels. Though less intrusive than corn and soybean agriculture, grazing on pasture land may significantly reduce the amount of forage and cover available to wildlife. Even so, pasture lands appear to have slightly higher wildlife values than hay fields.

Poplar plantations, based upon a series of assumptions about the land under different stages of a 10-year rotation, are more attractive than hay and pasture but less attractive than a natural forest. Barr's models predict that a 320-acre plantation would support up to 38 different species. But while a plantation may resemble a natural forest as the stands mature, the use of pesticides, homogeneity of plants, absence of shrubs, and the periodic impacts of silviculture may undermine predicted habitat benefits. However, habitat values could be maximized through management activities, such as permitting the growth of ground cover and understory trees, and by restricting the use of herbicides and pesticides.

Water Quality Potential

In order to measure the water quality benefits of alternatives, Barr considered the extent to which different land uses reduced the amount of suspended sediment, nitrogen and phosphorus—major pollutants—that are being washed off corn and soybean fields. For this analysis, Barr considered two types of poplar plantations—intensively-managed plantations where stumps are removed, the ground is turned black and new varieties of poplar are planted; and less intensive, more con-

damaged by floodwaters would retain some salvage value. Even so, the likely long-term costs of planting hybrid poplars in the Minnesota River floodplain would probably exceed the expected benefits by \$22 per acre.

Habitat Potential

Historically, the Minnesota River's floodplain was a large, contiguous expanse of forested bottomlands, providing an important corridor for wildlife. Over time, the river's floodplain forest has been divided into small fragments separated by farmland, eliminating the conditions that once supported a wide variety of wild creatures.

Although less beneficial than natural forest, alternative crops like hay, pasture and tree production will result in significant increases in the number of species by creating the conditions which allow wildlife

■ Continued on next page.

Upper Mississippi Refuge Celebrates 75th Anniversary

by Jeff Stein
Staff Writer

servatively managed plantations where trees are cut down without removing the stumps and where ground cover disturbance is kept at a minimum.

Corn and soybean production contribute heavy loads of suspended sediments, phosphorus and nitrogen. Not surprisingly, a natural floodplain forest would significantly reduce the amount of sediment, nitrogen and phosphorus washed into the Minnesota. A well-managed hybrid poplar plantation was as nearly effective, according to the study, but an intensively-managed hybrid poplar plantation was less attractive than hay production. Continuous grazing was the least attractive alternative for water quality, according to the models, but intensively managed grazing could yield better results.

According to Barr's study, a natural floodplain forest would reduce suspended sediment by 94 percent, well-managed poplar plantations would reduce suspended sediment by 87 percent, hay production would reduce suspended sediment by 82 percent, intensively-managed poplar plantations would reduce suspended sediment by 66 percent, and a continuously grazed pasture would reduce suspended sediment by 64 percent.

A natural floodplain forest would reduce phosphorus loadings by 88 percent and well-managed poplar plantations would reduce such loadings by 81 percent. By contrast, a continuously grazed pasture would only reduce phosphorus loadings by 8 percent. A natural floodplain forest would reduce nitrogen loadings by 75 percent and well-managed poplar plantations would reduce nitrogen loadings by 71 percent.

"At first glance, converting the floodplain between Lac Qui Parle and New Ulm—an 100-mile reach which includes 26,531 acres of cultivated land—would only reduce the total amount of suspended sediment in the Minnesota River by 1 percent and total phosphorus concentration by 1.5 percent," Faber said. "But, by extending this analysis to include other portions of the floodplain and to tributary floodplains, alternative floodplain land uses could dramatically lower pollution levels. Each scenario modeled by Barr considers changing land use for 26,531 acres in a 6.5 million acre watershed."

To read about floodplain demonstration projects, see story on page 8.

The Upper Mississippi National Wildlife Refuge celebrated its 75th anniversary July 30, with a celebration in La Crosse, Wisconsin. The event was attended by U.S. Fish and Wildlife Service dignitaries, members of Congress, environmental groups, and the general public.

The Upper Mississippi Refuge serves as a 200,000-acre area of protection, stretching for over 260 river miles from Winona, Minnesota near the Chippewa River to Cordova, Illinois. The refuge encompasses parts of four states, and is managed by the Fish and Wildlife Service from refuge headquarters in Winona.

The Upper Mississippi Refuge provides critical habitat for more than 100 species of fish and over 200 species of birds, as well as 50 mammal species and 45 species of reptiles and amphibians. Well-recognized creatures like the bald eagle, the blue winged teal, great blue heron, Higinseye mussel (a federally endangered species), and the channel catfish all call parts of the refuge home.

"The Upper Mississippi River National Fish and Wildlife Refuge is without question one of the most vital components of the National Wildlife System," said Rick Moore, author of a recently released special report about the state of the refuge, produced by the Izaak Walton League. That report, "Refuge at the Crossroads: The State of the Upper Mississippi River National Wildlife and Fish Refuge," details the history of the refuge, discusses refuge management issues, and makes recommendations for the future of the refuge.

The Izaak Walton League played an integral role in the formation of the Upper Mississippi Refuge. As a newly formed, national conservation organization, the Ikes took on as their first major project a Mississippi River Campaign in 1922. Plans by the Corps of Engineers to drain significant portions of bottomland areas between Wabasha, Minnesota and Rock Island, Illinois spurred the Ikes to make a concerted effort to get Congress to create the refuge.

And in 1924, Congress did just that. The creation of the refuge not only protected a valuable natural resource from the proposal to drain high-quality bottomlands, but also ensured that the future of

the Mississippi would not be jeopardized. Congress had created a place for migratory waterfowl, wild game, fish and other river organisms to call home without the threat of severe alteration of their environment.

Designating the refuge did not stop the barrage of environmental threats that have faced the river during the past 75 years, and river users can expect that those threats will continue.

According to the Ikes report, the growth of navigation has been the primary threat to the river's ecological health as well as the integrity and quality of the refuge. Shortly after the refuge was established, a major alteration to the river was made—the creation of 27 locks and dams

migratory waterfowl and expose riverbanks and islands to increased erosion, contributing excess sediment to the river system and degrading water quality. This not only affects the refuge, but the entire river system.

Refuge managers are facing an uphill battle in their fight to protect high quality river habitat within the refuge. Severe funding shortages and lack of available staff have hindered management efforts in recent years.

"Although the [refuge] serves more than 3 million visitors per year and contributes to a recreational economy worth more than \$1 billion annually, chronic underfunding and understaffing have hampered management efforts in recent years," said Moore. Moore says that refuge administration estimates that the \$1.9 million the Fish and Wildlife Service received in 1999 to fund its headquarters and four district offices falls over \$3 million short of the refuge's needs.

These shortages are demonstrated by a severe lack in staff for the refuge. The entire 261-mile refuge, serving over 3 million visitors each year, has only one law enforcement officer, is currently lacking an outdoor recreation planner, and is in short supply of rangers and biologists.

The Izaak Walton League sees a simple solution to the problems facing the river and its largest refuge. In their report, they recommend increasing funding for operations and maintenance and habitat restoration on refuge lands. They also are calling on Congress to establish true parity between economic and environmental interests in the Upper Mississippi River.

As the celebration of the refuge's 75th anniversary draws our attention to the Mississippi as a national treasure, it also highlights the challenges facing river managers, Congress, and the public in the years to come. Many involved in the various activities on the river—from navigation to recreation to habitat preservation—commonly talk about striking a balance among the many interests pulling on the river. The question everyone seems to be asking is about how to strike a balance that all interests can live with. That question remains unanswered.

You can visit the Izaak Walton League on the World Wide Web at <http://www.iwla.org>.

"The Upper Mississippi River National Fish and Wildlife Refuge is without question one of the most vital components of the National Wildlife System."

Rick Moore

on the Upper Mississippi River.

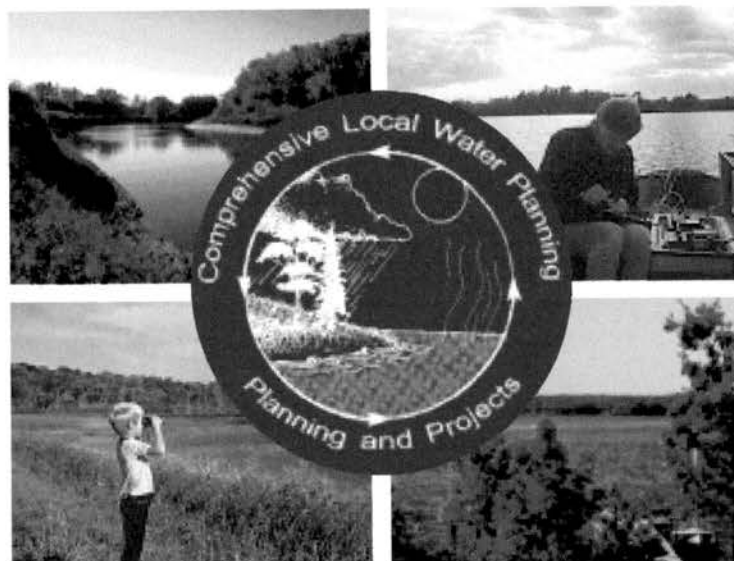
While creating a reliably navigable river, the locks and dams changed the natural flow of waters throughout the refuge. Periods of high and low water were no longer the norm. Rather, a relatively steady state for water levels had been achieved, causing a long-term decline in habitat quality and species health.

"Prior to dam construction, habitats within the Mississippi River floodplain exhibited a richness and [dynamic character] that is greatly degraded today," said Moore. "These characteristics were dependent upon the periodic fluctuations in water levels ranging from flood to drought and everything in between."

The lock and dams also created a large increase in open water habitats, something not previously seen in great abundance on the river before lock expansion. These large open water areas typically lack aquatic vegetation need to support

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Fall, 1999



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Greetings! *Introducing a Newsletter for Local Water Planners*

By: Doug Thomas, Water Planning Coordinator, BWSR

As state agency employees, BWSR staff members frequently hear suggestions about how to change or improve state programs. Over the past several years, one thought that has repeatedly surfaced is the need for a local water planners newsletter. Water plan coordinators have said that a forum for sharing the many successes that counties and soil and water conservation districts (SWCDs) have realized through water planning would be a good way to generate ideas, promote the program and avoid having each county "reinvent the wheel."

In response to that need, BWSR has committed to publishing a quarterly local water planning newsletter for the next year. If user feedback is positive, we hope to continue it beyond that. Although the primary distribution of the newsletter will be electronic (via e-mail and the BWSR web site), we will mail and give out printed copies of the first few issues, along with information on how to subscribe (free, of course) to the newsletter.

The format of the newsletter has been designed to provide local water planners with:

- One or two feature stories covering major water planning issues and successful local programs.
- Several shorter stories on topics such as local water planning projects, proposed legislation, etc.
- A resource section, which will provide information on available web sites, reports, upcoming meetings, and funding opportunities.
- Balanced reporting of projects and programs based on local water planning implementation categories and geographic location.

We hope that the newsletter will provide local water planners with new ideas for local projects and programs, provide timely information on available and useful resources, identify emerging issues, and promote the good work that is happening throughout Minnesota because of the program. Of course, we also want you to enjoy it. After reading this premier issue, let us know what you think or would like to see in future issues.



Local Water Planning Newsletter

A New Millennium for Water Planning

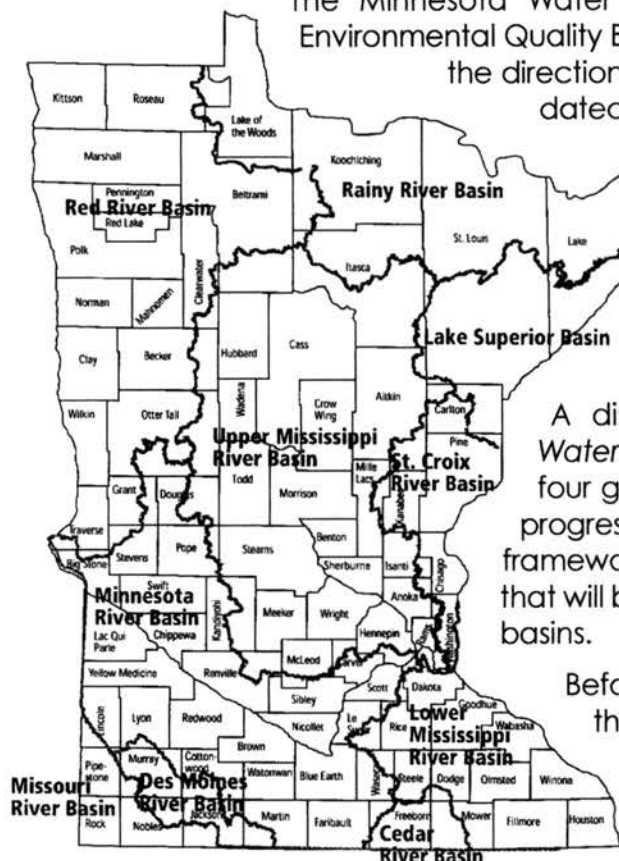
Heading into the new millennium, two simultaneous and interfacing water planning activities—Minnesota Water Plan 2000 and Basin Water Quality Planning—will help shape the future of water planning, and water management, in Minnesota for at least the next decade.

Minnesota Water Plan 2000

The Minnesota Water Plan 2000 is an initiative of the Minnesota Environmental Quality Board's (EQB) Water Resources Committee under the direction of the Minnesota Planning Agency. EQB is mandated by the legislature to develop a state water plan every ten years; Water Plan 2000 is Minnesota's third water plan. It is a major component of Governor Jesse Ventura's Water Management Unification Initiative to involve citizen's in planning for the future of the state's water resources over the next ten years.

A discussion document, *Preparing for Minnesota Water Plan 2000*, just released by the EQB, proposes four goals, 10 objectives and 29 indicators to measure progress against Water Plan 2000, and it sets a planning framework with measurable outcomes for the year 2010 that will be adapted to each of Minnesota's 10 major river basins.

Before February 2000, interagency teams in each of the 10 river basins will seek input on the proposed plan from local governments, including water planning boards, water interests, and citizens. The results of these discussions throughout the



The land in Minnesota drains into 10 major basins, with water in these basins flowing in three directions. The Red and Rainy flow north; the Lake Superior basins flows east; the remaining basins flow south. Each basin is made up of major and minor watersheds, which correspond to areas of land that drain to lakes, rivers, and streams. The U.S. Geological Survey has identified 84 major watersheds within the state and these in turn have been delineated by the MN DNR into some 5,600 minor watershed units.

state will lead to a statewide water plan due to the Legislature in September 2000. Once adopted, the new state water plan will provide policy direction for the legislature for water resource management, identify needed funding initiatives, give direction to state resource agency efforts, and be a benchmark to measure the state's progress in meeting environmental goals. Local water planning boards will be encouraged to consider the objectives and outcomes of the state water plan in preparing their next revisions to local water plans.



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How do these efforts work together for the benefit of the resource?

According to Marilyn Lundberg, Director of the Environmental Quality Board's Water Resources Committee, and chief author of the Water Plan 2000 discussion document:

"Water Plan 2000 is built on the recognition that there are different water resource management needs in different parts of the state. Unlike the other water plans, this one contains indicators to be used as a measurement tool.

"Water Plan 2000 is a broad framework of where we want to be (as a state) in managing water resources in year 2010 and how we'll know if we got there. It will be a statewide framework of common goals and common objectives across the state, but will also include unique plans by basin.

"Water Plan 2000 addresses broader water issues than the MPCA Basin Water Quality Plans—it's sort of a flexible umbrella to fit over them. Plan 2000 will not have specific strategies, those will be encouraged at the local water planning level, while the MPCA Basin plans will have specific strategies. Since input for Plan 2000 will be completed by February 2000, its discussion with local planning groups can be used as the springboard to begin the more lengthy and separate basin water quality planning effort."

Basin Water Quality Planning

The other interfacing water planning activity taking shape in the new millennium is Basin Water Quality Planning under the direction of the Minnesota Pollution Control Agency (MPCA). This planning effort, like the Water Plan 2000, also uses Minnesota's 10 river basins as the geographic planning base to more specifically address water quality protection and restoration. This effort is the outcome of a shift in the MPCA's approach to managing Minnesota's water resources from one that focused on point sources of pollution to a watershed-based approach that focuses on non-point sources of pollution.

Over the next two to three years, basin teams involving a wide range of water resource managers—such as landowners, industry, agriculture, local, state and federal governments, education, and advocacy groups—will develop strategy specific plans for managing water quality in each major drainage basin. Within a basin, there may be multiple teams designated by major watersheds within the basin. Specific strategies from each of the watersheds can then be rolled up into general strategies for the basin. The process, however, will be individualized to each basin depending on resource distribution, geomorphic characteristics, and unique water quality considerations. These basin water quality plans will be designed to meet local water planning needs while also addressing state and federal water quality regulations.

Glen Skuta, MPCA Basin Planning and Management Unit:

"While the Water Plan is broad, basin level planning is built upon local water plans and watershed plans. Right now, there is nothing tying together local water plans within a basin that have common goals for common issues. We hope this effort will stimulate more meaningful dialog with local governments about respective priorities, roles and responsibilities, and common issues, and assist in integrating local water plans."

How do these planning activities fit with local water planning?

Neither the Water Plan 2000 planning activity or the Basin Water Quality Plans will replace local water plans. The local water planning process is an essential part of effective water quality management in Minnesota. Local water plan priorities and activities will provide the baseline for developing both planning strategies.



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In the next several months, the interagency team leaders for each basin will contact local water planners and their boards to solicit input on the draft Water Plan 2000 document. MPCA basin planning leaders will also be in contact with local water planners. In four basins, the MPCA team leader and the interagency team leader for Water Plan 2000 are the same individual. Two basin water quality plans are already nearing completion by the end of 1999—the Red River Basin Plan and the Minnesota River Basin Plan—while in the other basins, the planning process is yet to begin.

At a local level, the water quality plans can draw attention to concerns within the basin and the funding needed for project completion. One project in Clearwater County has already been funded as a result of the Red River Basin Plan. Lisa Scheirer, MPCA, Detroit Lakes, explained the project. "The SWCD and Red Lake Watershed District collaborated to secure funding to repair the down cutting of the stream bed in the Ruffe Branch tributary of the Clearwater River that was the result of abandoned dredged 30 years ago. This project meets the basin goal of reducing sedimentation loading, which helped to secure funding."

What next?

The EQB will prepare a legislative report on progress towards the goals of Water Plan 2000 every two years, starting in 2002. Each of the basin water quality plans will be revised five years after completion. Reading about the overlapping water planning processes, and putting them in the context of local water planning, may raise questions about duplicity and applicability.

However, this water planning framework for Minnesota does make sense according to Doug Thomas, Water Plan Coordinator, Board of Water and Soil Resources. "It provides an orderly way of communicating water management goals and objectives back and forth between local and state government. This tiered approach provides us with the ability to recognize regional differences and capitalize on the expertise of individuals at all levels for better management of water resources."

What all of these plans (statewide and by basin) will contain and their exact impact on local water planning is still uncertain. What is certain—water planning in the next millennium will be challenging and the pivotal point for effective water resource management in Minnesota.

For more information:

Water Plan 2000:

Draft document, or order form, interagency team contacts and more detailed information at: <http://www.mnplan.state.mn.us/eqb/water.html>

Contact: Marilyn Lundberg, Minnesota Planning, 651-286-0696
e-mail to: marilyn.lundberg@mnplan.state.mn.us

MPCA Basin Water Quality Planning, including basin contacts:

<http://www.pca.state.mn.us/water/basins/index.html>

Contact: Glen Skuta, MPCA, 651-296-7359 or 800-657-3864
e-mail to: glen.skuta@pca.state.mn.us



Where Should Water Planning Head In The New Millennium?

Sometimes the best way to look towards the future is to momentarily look back and appreciate how far we've come. So it should be with local water planning.

How has local water planning (LWP) changed in the last ten years? Where would you like to see local water planning evolve in next millennium? These questions were posed to three veteran Board of Water and Soil Resources staff, who have been with the process since the beginning. But first, a brief history of how local water planning evolved.

How LWP came about?

After the drought of 1976, the Minnesota Water Planning Board (WPB) was appointed by the legislature in 1977, in realization that the state of Minnesota was not prepared for a major water emergency. The WPB was charged with the task of studying how water management in Minnesota could be improved. In 1979, the WPB recommendations were released as a report to the Legislative Commission on Minnesota Resources and then Governor Al Quie. This was the state's first water plan.

The idea of local water planning (local government management of water resources) was the primary recommendation of the report. It acknowledged that local governments have the principal role of land use and comprehensive planning, and thus since land use impacts water quality, water planning should be done by local governments.

County water planning was introduced to the legislature in 1984, but was defeated because it was perceived by local governments as a mandatory requirement. Reintroduced again in 1985, local government units (LGUs) in the 80 counties outside of the metro area were encouraged to participate, though not mandated. The Board of Water and Soil Resources (BWSR) was created as an agency in 1987 through the merger of three existing entities—the Southern Minnesota River Basin Council, the Soil and Water Conservation Board, and the Water Resources Board. Part of BWSR's original staff mission was to oversee the development of local water plans. However, it wasn't until 1989 that local water planning was actually funded through the Local Water Resources Planning and Protection Program as part of the Minnesota Groundwater Protection Act.

Here's what the three sages of local water planning had to say about water planning—past and future.

"Protecting and preserving surface and ground water is ultimately dependent on wise land use. This requires a comprehensive understanding of the resource base coupled with knowledge of how particular activities will impact the resource. Local people gathering and interpreting data and trends is the foundation of good resource management."

Source: Comprehensive Local Water Planning: A Decade of Protection



Local Water Planning Newsletter



Doug Thomas, Water Planning Coordinator, BWSR, St. Paul

Doug joined BWSR in 1989, at the onset of local water planning. Prior to that, he worked for the Washington County SWCD for five years as a resource conservationist and five years as district manager.

What changes have you seen in LWP since its beginning 10 years ago? Where should water planning go?

"Local water plans generally represent where LGUs are with water resources management. With each revision of their plan, the goal was to move the LGU's water planning efforts to another level. There are three areas the BWSR Board would like to see local water planning move towards.

"First, to take a look at how LWP fits with local land use planning and community based planning, which recognizes that land use decisions made by local governments also achieve natural resource management goals. How can stronger linkages be established between local water planning and other local government planning processes and actions?

"Second, to use water planning as a way to identify current and future trends that are taking place in a county and what are the potential impacts and conflicts that might result. Then, use that knowledge to take a proactive approach to water resource planning by addressing the conflicts and management needs. For example, in western Minnesota, land which was too droughty to grow crops such as corn and soybeans is now being brought into production through the use of irrigation to grow highly valued crops such as potatoes. Development around the lakes is increasing. There are competing uses for water resources and potential conflicts between agriculture, forestry, recreation, tourism, and public health concerns building. County leaders should be looking at how the water resources can be managed to meet the needs of all sectors without sacrificing the quality of the resource, and then set a course of action. There's a prevailing attitude across the state that planning has matured, let's get going with implementation.

"Third, the EPA is pushing states to get into compliance by establishing TMDLs (total maximum daily loads) for listed impaired waters of the state. The federal Clean Water Act requires states to establish TMDLs for impaired waters and to establish watershed-based implementation plans for correcting the impairments. Some fear the feds are becoming 'back-door' regulators of local non-point source pollution. County water planning will have to be at the forefront of how those local implementation plans will be designed, what to work on across county boundaries, how to measure results, and what to do if voluntary measures fail to meet TMDL standards. This type of thinking and regulation will drive the next five to 10 years of local water planning and will change how we look at water management in this state. Local water plans will need to set specific goals and strategies to achieve specific pollutant reductions. It also makes it important for local water planning boards to help set state and federal requirements because they'll later be measured and judged against those requirements."



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Dan Steward, Board Conservationist, BWSR, Brainerd



Dan was staff to the Water Resources Board (WPB) from 1984 to 1987, when he became part of the first staff of the Board of Water and Soil Resources created when the Water Resources Board was dissolved. Until 1989, he was a Metro Water Planner with BWSR. In 1988, he joined the Brainerd Regional office as a water planning specialist working with 42 northern counties to develop and review local water plans. Dan remains in the Brainerd office, now serving as a Board Conservationist to six counties in north central Minnesota.

Going into the next millennium, what changes have you seen in LWP since its beginning?

"During the last 10 years, many county Planning and Zoning offices and SWCDs have been able to capitalize on local water planning. A number of LGUs have made significant strides in their capability to locally manage water resources. Increased funding has been a major part of the reason this has occurred, but the strong tradition of public participation in water planning has also been a major strength. From the beginning, the goal of LWP was to build the local capability to manage water resources. It was not to duplicate what the state and federal governments were doing, but to define a unique and complimentary role for local government. As time goes on, I think we're all becoming more convinced that the most unique role local government has towards water resources protection is to become as effective as possible at minimizing water quality degradation from land uses. Land use obviously has a major role in determining water quality, and who else can play that role?"

"Looking at the public input or task force process from a ten year perspective, there may be a trend toward less use of task forces. I think public input was a key to the early successes of LWP. I'm afraid if we lose the task forces, we'll lose a lot of local water planning. The task forces have not only given water plans their unique local flavor and priorities, they also give local citizens an unusually easy path, or access, into local government."

Where would you like to see LWP evolve in the next millennium?

"I'd like to see LWP continue maturing from a water planning tool to a watershed protection and implementation tool. Even within the six-county area I serve, there are a wide range of land use issues to deal with. In some areas, it's changes in the livestock industry. In others, it's suburban development or lakeshore development that is the most pressing issue. But eventually, it all comes back to land use."

"Hopefully, TMDLs (total maximum daily loads) will draw more attention to the need for watershed management. If they do, then local water planning, with its opportunities for public participation, should be useful in helping Minnesota move towards a strategy for water quality protection that is both efficient and effective."

"Local water planning seems to be at a crossroads. It's been around long enough that it could fade into the sunset, or, it could prove to be the perfect tool for local units of government to build consensus on how to develop strong local land use-based watershed management projects."



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Chris Hughes, Board Conservationist, BWSR, New Ulm



Chris has been a Board Conservationist with BWSR since 1988. Prior to that, he was a hydrologist for the Minnesota Department of Natural Resources and Minnesota Department of Transportation.

How has LWP changed in the last ten years?

"Local water planning has advanced from writing local water plans to implementing county plans. When counties started receiving state funding for LWP, they were able to hire a whole new group of people that work on water management activities, such as inventorying, monitoring, education, etc. This has allowed counties to do local water management they weren't doing 10 years ago. There has also been an accelerated environmental awareness at the local level as evidenced by more public/private partnerships e.g. Clean Water Partnerships. Much of local water planning success can be attributed to water planners who have put their effort into applying for special project money. These would include projects such as wetland and feedlot inventories, lakes and rivers projects which emphasize the entire watershed, abandoned well sealing, and the formation of groups like the Minnesota River Joint Powers Board, whose mission is to clean up the Minnesota River."

Where would you like to see LWP evolve in the next millennium?

"County officials, commissioners and staff have become more aware of natural resources and the environment in their own county and are beginning to establish ownership on major issues. It will be important for them to continue this momentum. LWP committees should continue to meet and be the voice of local citizens. In some cases, LWP committees should begin to meet to increase momentum in their county.

"More awareness leads to more positive actions for resource management. We should see more watershed-based management over the next 10 years as a result of this new awareness. The local water planning process can become an ownership model for local comprehensive planning as it gains momentum. There should be more sharing between planning groups and land use implementation groups so the plans that are made get done and funded and plans are put into action.

"As counties prepare to write third generation water plans, I see them continuing to map out and protect their natural resources with greater emphasis on watershed context. This will require increased communication and organization based on watersheds so there's appropriate regulatory, educational and land treatment actions. Wetland restoration, individual and community wastewater treatment, conservation tillage, buffer strips, and agricultural waste management are all actions which should increase over the next ten years."

What do you think? Where should LWP evolve in the next millennium? If you have thoughts, send them to the newsletter editor, Paula West, 218-546-8161 or e-mail: westcom@emily.net. Your comments will be printed in the Winter 2000 water planners newsletter.



Willmar School Wetland Project Is the 1998 Water Planning Project of the Year



A wetland project that's improving water quality and providing a home for wildlife at the Willmar Senior High School was named the 1998 Water Planning Project of the Year by the Minnesota Board of Water and Soil Resources.

The project is part of the high school's 120-acre outdoor classroom where students from multiple disciplines test water quality, do field studies of habitat, topography and ecosystems, launch rockets, and use

the setting for inspiring art projects. The project was honored because it brought the city, county, school district, other government agencies and private organizations together to fund the reconstruction of an earthen dam in 1998.

According to Rick Reimer, Kandiyohi SWCD, the area is an 11-acre, type 4 wetland that had an old earthen dam that was deteriorating. The old dam could not handle the drainage resulting from the high school development and changing agricultural practices within the Hawk Creek Watershed. "There was no water quality benefit because of overflow into an open ditch system where erosion was occurring. Eventually that water flowed into another wetland and finally into Willmar Lake. A new 240-foot dam structure was built with project monies," said Reimer.

The project was funded by a challenge grant from the Minnesota River Basin Grant Project with a match from the Kandiyohi Water Plan, the City of Willmar, the Willmar School District, U.S. Fish & Wildlife and Pheasants Forever.

Jeff Bredberg, Water Planner and Director of Kandiyohi County Department of Environmental Services, said the water plan's contribution of \$3,000 was through their own cost share program that will fund up to 50 percent of a lake association's or other group's project not to exceed \$3,000. "Instead of putting our water plan money into administration or several larger projects, we like leveraging the money to get lots of smaller projects going," said Bredberg. "We are also seeing our local water planning efforts evolving from a localized effort to more of a watershed-based approach."

Of the project's success, Reimer said, "Although it's too soon to see any noticeable changes in water quality in Willmar Lake, the erosion has stabilized and the wetland is holding at a constant water elevation." Students are now doing restorative plantings to continue to enhance the area and classroom activities have grown as the area has been stabilized.



State-Of-The-Art GIS Maps Available Soon

With the opening of the new Science Museum of Minnesota in St. Paul in mid-December, the opportunity for lake associations, watershed districts, and counties to produce an atlas of 24 state-of-the-art GIS land use maps will become available.

The mapping capability originated from the Minnesota Lakes Association's Sustainable Lakes Project, funded by LCMR, to develop a model for lake management plans. Five lakes associations participated in the project, each from a different lake region of the state.

Assuming that water quality and land use practices in a lake's watershed are directly related, resource data was collected on soils, zoning, land cover, the amount and type of development with the lake's watershed, and other resource variables. The data was converted into 28 resource maps using the newest mapping technology in a joint effort of the University of Minnesota, the St. Thomas University computer laboratory, and the Minnesota Department of Natural Resources.

The project, completed in June 1999, represents the first integrated and computerized watershed-wide database requiring the cooperation of state agencies, local governments, and higher education institutions.

The watershed-based maps served as a key education tool for the lake associations to define land use activities around their lake and the interrelationships that directly impact the quality of water runoff into the lake and in turn the water quality of the lake. Though originally defined for smaller lake watersheds, the technology can be used for larger geographic boundaries such as a county or large watershed.

The map atlas includes separate maps of land use related activities such as public vs. private land ownership, types of land cover, areas sensitive to groundwater contamination, population densities and changes in densities over the past 10 years, soil types, topography, watershed boundaries, erosion susceptibility, septic tank suitability, DNR Eco-regions, water features, and more.

For approximately \$1,000, an atlas of maps can be produced in two sizes with images also provided on a CD-ROM for further reproduction. A set of country wide maps, used for a water resources management project in Otter Tail County, are currently on display at the Prairie Wetlands Center in Fergus Falls.

For more information on producing the maps, contact Joel Halverson, Science Museum Map Lab, at 651-221-2538 or e-mail to: halvor@smm.org

For information on the maps' applicability on a county-wide or watershed basis, contact George Orning, Center for Urban and Regional Affairs, University of Minnesota, 612-625-0081 or e-mail to: ornin002@tc.umn.edu.



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Southwest Minnesota Environmental Fair Attracts 2,500 Students

The 1999 Southwest Minnesota Environmental Fair, held September 15 and 16 in Marshall, attracted approximately 2,500 students from 52 schools. Fourteen Soil and Water Conservation Districts helped sponsor the fair along with local businesses and organizations. County water plans from Cottonwood, Lac qui Parle, Lyon, Murray, Pipestone, Redwood, Rock, and Yellow Medicine counties provided funding support of from \$200 to \$500 each.

The fair—now in its ninth year—is targeted at 6th grade students to provide hands-on learning on soils, trees, wetlands, native prairie, water quality, wildlife, and watersheds.

The Environmental Fair has received two state awards, the "Education Award" from the Minnesota Association of Conservation Districts and the "Trainer of the Year" award from the Natural Resource Conservation Service. The Fair Committee is putting together an event report. For copies or more information on this type of cooperative education event, contact Lori Olson, Yellow Medicine SWCD at 320-669-4442 or e-mail to: lso@mnclarkfie.fsc.usda.gov



"The Environmental Fair was really exciting...my favorite part was learning about watersheds."

—Attending Student



Every time a cow defecates in the water, approximately 7.5 pounds of algae are enabled to grow. Every day, a herd of 40 cows could produce 300 pounds of algae if every cow only defecated once in the water.

Fencing Projects in Benton and Aitkin County Help Protect Water Quality

Over the past four years, over 43,000 feet of fencing has been installed in Benton and Sherburne counties through cost-share programs with riparian landowners. The Benton County fencing projects, jointly sponsored by the Benton County SWCD and the Elk River Watershed Association, have resulted in over 500 livestock fenced away from riparian areas.

The Watershed Association typically provides 75 percent of the fencing materials cost; the landowner provides the other 25 percent in either cash or in-kind service. If the landowner is willing to provide the labor for the project, the Watershed Association may fund up to 100 percent of the materials. The Benton County "Sentence To Service" Crew has provided labor for projects when



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the landowner is unable to provide labor. In those cases, the landowner can still provide other in-kind services such as the use of equipment or clearing of brush.

According to Jason Selvog, Benton County SWCD, "Word-of-mouth has brought many participants into the program. The first project led to five other landowners in the same area participating in similar fencing projects. Providing the materials is a real incentive to the landowner, who is on the same side of the fence as everyone else who wants good water quality."

A similar fencing program in Aitkin County, called the "Green Shores" program, has resulted in the completion of over 2.5 miles of installed fencing over the past six years. The Aitkin County SWCD pays 100 percent of the materials cost, but no labor, which is supplied by the landowner. The landowner also agrees to keep the land out of production for at least 10 years. According to Steve Hughes, Aitkin County SWCD, "The program requires the establishment of at least 50 feet of buffer zone, but because of the irregular nature of most shoreland, we often get as much as 300 to 400 feet fenced."

Resource and Comment Section

This section contains resources such as websites, conferences, grant opportunities, reports, and other funding opportunities. Water Planners are invited to submit their commentaries on any water planning subject as a forum for sharing thoughts and ideas with other water planners.

Web Sites Of Interest:

- **Bridges**—search all web resources of Minnesota's environmental and other state agencies at <http://bridges.state.mn.us/>
- **MPCA Groundwater Information Site**—everything you've always wanted to know about Minnesota's groundwater and more.
<http://www.pca.state.mn.us/water/groundwater/index.html>
- **1998 Directory of Water Resource's Expertise** at Minnesota Universities and Colleges is now on-line at the Water Resources Center. <http://wrc.coafes.umn.edu/>
- **Web Slideshow on Impacts of Development** from the Wisconsin Lakes Partnership, entitled "Margin of Error? Human Influence on Wisconsin Shores." This program is concerned with the impacts of human development on lake shores, shoreland zoning and lake classification. See www.dnr.state.wi.us/org/water/fhp/
- **The 2nd Edition of the DNR Financial Assistance Directory** provides summary level information on over 50 financial assistance programs that are open to individuals, conservation groups, private landowners and local units of government. Online at www.dnr.state.mn.us/omb/financial_assistance/
- **Federal, state, and local funding resources** for water resources management and planning. Individual funding programs are summarized for nonpoint source reduction, surface



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water quality, water resource planning, septic system management, ground/water supply protection, water resource education, and agricultural best management practices.

http://www.metrocouncil.org/environment/Watershed/nps_funding.htm

- **Minnesota River Weekly Update**, to subscribe contact Norman Senjem, MPCA, 507-280-3592 or e-mail to: norman.senjem@pca.state.mn.us.

Past issues of the Minnesota River Weekly Update are available at:

<http://www.pca.state.mn.us/water/basins/mnriver/>

- **Minnesota Lakes Association Bibliography** of over 600 lake management and planning resources at <http://mnlakesassn.org>.
- **Learn More about TMDLs**. Information on the MPCA's website related to TMDLs, including a list of Minnesota impaired waters, standards not being met, and target start and end dates for completion of TMDLs. Also includes a link to the EPA's TMDL web site. <http://www.pca.state.mn.us/water/tmdl.html>

Reports/Rule Releases:

- **Playing With Fire: Global Warming in Minnesota**, by Minnesotan's For An Energy-Efficient Economy (ME3), describes the potentially disastrous effects facing Minnesota's agriculture, forests, lakes and streams, and prairie wetlands from global climate change. The full report is online at: <http://www.me3.org/issues/climate/withfire99.html>
- **MPCA Feedlot Draft Rules (Rule 7020)** The proposed changes to the State of Minnesota rules governing the handling of animal waste at feedlots are available for public comment. Public hearings are tentatively scheduled for January and February 2000. During the public hearings, the MPCA will present highlights from a report called Statement of Need and Reasonableness. This report must include information on costs the new rules may impose on state and local government, as well as other direct costs of the proposed regulations. For a copy of the rules, call Julie Swiler, MPCA, at 800-657-3864 or view online at <http://www.pca.state.mn.us>. Also contact the MPCA Feedlot Helpline at 1-877-333-3508, or 651-296-7327 in the Metro region, with questions about the MPCA's feedlot program.
- **New State Rules on Septic Systems**. The state rule governing septic systems was recently revised, and contractors and local regulators should be advised that a new rule is now in place. Minnesota Rule Chapter 7080, governing the location, design, installation, use and maintenance of Individual Sewage Treatment Systems (ISTS) became effective October 4, 1999. The new rule gives local governments several new options for individual sewage treatment, including both prescriptive and performance-based systems. The rule has a number of other new provisions, including revised training and inspection requirements for ISTS professionals and a requirement for septic-tank pumpers to keep records, which must be provided to property owners if requested at property transfer. Copies of the rule will be mailed to all county and city governments that have adopted ISTS ordinances. For more information, contact Lori Frekot or Mark Wespetal at the MPCA, (651) 296-6300 or (800) 657-3864, or view online at:

<http://www.revisor.leg.state.mn.us/arule/7080>



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- **County Land Use Management** is a review by the Association of Minnesota Counties of county land use planning authority, County Planning Act, and current issues and trends in county land use planning at <http://www.mncounties.org/HotTopics/landuse.htm>

Conferences, Seminars, Annual Meetings Coming Up Soon

- **SWCDs 2000 & Beyond—Diversifying in the New Millennium**, December 5,6,7, 1999 Duluth, Minnesota. Call MASWCD at 612-690-9028.
- **Association of Minnesota Counties**, December 6-8, 1999 at the Radisson South Hotel in Bloomington. Call 651-224-3344 or <http://www.mncounties.org/>
- **Soil and Water Conservation Society Conference "The Watershed Approach to Improving Water Quality: Fact or Fantasy?"** March 28-30, 2000 at the Convention Center in La Crosse, Wisconsin. Its goal is to explore the status of watershed stewardship. The target audience includes SWCD members, local government officials, community leaders, and representatives of agencies, organizations and businesses involved in watershed management and research. The intent is to increase understanding of the watershed approach to building watershed programs at every level, inside and outside of government. For more information, contact Ann Robinson in Iowa at 515-281-3845, e-mail: annr@sela.osmre.gov or Mary Hanks in Minnesota at 651-296-1277, e-mail: mary.hanks@state.mn.us. See the Watersheds Conference webpage at <http://www.cares.missouri.edu/watershed/>

Funding Opportunities

MDA Sustainable Agriculture Grants

Applications are due December 15, 1999. Minnesota farmers, researchers, educators and non-profit groups may apply; \$150,000 is available, individual grants up to \$25,000. The Minnesota Department of Agriculture's (MDA's) Energy and Sustainable Agriculture Program funds innovative ideas for sustainable farming systems. Projects that benefit the environment, increase farm net profits, and improve the farm family quality of life are funded for up to three years. Successful grant projects in the past have included rotational grazing systems, deep litter bedding hog systems, weed control, alternative fertilizers, strip cropping, processing and direct marketing systems, tillage comparisons, composting, cover crops and more. One-year planning grants for up to \$5,000 are also available to put together a team and to design workplans. Joint applications for watershed projects or farmer groups are encouraged. For more information, or an application, see the MDA web page <http://www.mda.state.mn.us>. Look under "MDA A to Z," or contact Wayne Monsen, MDA, 651/282-2261, e-mail to: Wayne.Monsen@state.mn.us

For comments or suggestions for future newsletters contact: Doug Thomas, Water Planning Coordinator, BWSR, (651) 297-5617 or e-mail to: doug.thomas@bwsr.state.mn.us or Susan Tsakakis, Communications Director, BWSR, (651) 297-1893 or e-mail to: susan.tsakakis@bwsr.state.mn.us

BOARD OF WATER AND SOIL RESOURCES
COMMITTEES
September, 1999

DISPUTE RESOLUTION COMMITTEE (DRC)

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

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

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

EDUCATION AND PUBLIC RELATIONS COMMITTEE

Membership: Paul Krabbenhoft, chair soil and water conservation district
Ginny Imholte watershed district
Clair Nelson county commissioner
Lee Coe citizen
Wayne Edgerton Department of Natural Resources
Jim Anderson Minnesota Extension Service
Ron Struss staff

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

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

COST-SHARE/SOIL CONSERVATION COMMITTEE

Membership:	Paul Krabbenhoft	soil and water conservation district
	Allan Oehlke	soil and water conservation district
	Dwain Otte, chair	soil and water conservation district
	Barb Cobb	water management organization
	Ginny Imholte	watershed district
	Clair Nelson	county commissioner
	Glenn Annexstad	citizen
	Paul Burns	Department of Agriculture
	Rod Massey	Pollution Control Agency
	Wayne Zellmer	staff

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

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

WETLANDS COMMITTEE

Membership:	Dwain Otte	soil and water conservation district
	Barb Cobb	water management organization
	Jerome Deal	watershed district
	Darrell Bruggman, chair	county commissioner
	Jim Dahlvang	county commissioner
	Glenn Annexstad	citizen
	Lee Coe	citizen
	Kathleen Roer	citizen
	Wayne Edgerton	Department of Natural Resources
	Rod Massey	Pollution Control Agency
	John Jaschke	staff

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

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

ADMINISTRATIVE ADVISORY COMMITTEE

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

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

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

WATER PLAN REVIEW COMMITTEES: METRO/NORTH/SOUTH

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

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

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

STATUTORY COMMITTEES

Membership: Eric Mohring staff

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

GENERAL MEETING SCHEDULE

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

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

BWSR COMMITTEES

September, 1999

	DRC	EDUCATION	COST SHARE	WCA	ADMIN. ADVISORY	WATER METRO	PLAN NORTH	REVIEW SOUTH
SWCD Krabbenhoft Oehlke Otte	Oehlke	Krabbenhoft, chair	Krabbenhoft Oehlke Otte, chair	Otte	Krabbenhoft Otte	Otte	Krabbenhoft	Oehlke
WD Cobb Deal Imholte	Cobb	Imholte	Cobb Imholte	Cobb Deal	Cobb	Cobb	Imholte	Deal
CC Bruggman Dahlvang Nelson	Dahlvang	Nelson	Nelson	Bruggman, chair Dahlvang	Bruggman		Bruggman Nelson	Dahlvang
CITIZEN Annexstad Coe Roer	Annexstad, chair Roer	Coe	Annexstad	Annexstad Coe Roer	Roer, chair	Roer	Coe	Annexstad
AGENCY DNR MDA MDH MES PCA		DNR MES	MDA PCA	DNR PCA				
BWSR STAFF	Jim Haertel	Ron Struss	Wayne Zellmer	John Jaschke	Ron Harnack Mary Jo Anderson	Steve Woods	Ron Shelito	Jeff Nielsen

Other Councils or Advisory Committees on which BWSR has representation:

- Feedlot Advisory Committee (PCA/MDA) - Allan Oehlke
- Advisory Council on Wells and Borings (MDH) - Eric Mohring
- Pesticide Advisory Committee (MDA) - Eric Mohring