



Minnesota Board of Water and Soil Resources.
Minutes.

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April 2000

CAMP DEBORD

DRAFT

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
APRIL 26, 2000**

BOARD MEMBERS PRESENT:

Kathleen Roer, Clair Nelson, Lee Coe, Darrell Bruggman, Jerome Deal, Char Kahler, Dan Wilson-MDH, Allan Oehlke, Jack Frost, Mark Dittrich-MDA, Wayne Edgerton-DNR, Rod Massey-MDH

BOARD MEMBERS ABSENT:

Jim Dahlvang, Ginny Imholte, Jim Anderson-MES, Dwain Otte, Paul Krabbenhoft

STAFF PRESENT:

Ron Harnack, Doug Thomas, Jim Haertel, Mary Jo Anderson, Jim Birkholz, Al Kean, John Jaschke

OTHERS PRESENT:

Ray Bohn, MAWD
LeAnn Buck, MASWCD
Roger Mussetter, NRCS

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

Adopt Agenda - Ron Harnack stated that the Grant Agreement with the Red River Basin Board has been added to the agenda. Moved by Clair Nelson, seconded by Char Kahler, to adopt the agenda as presented.

Minutes of March 22, 2000 - Lee Coe added that a correction is needed on page four regarding Rod Massey's report, the sentence should read "that the waste water infrastructure funding and feedlots are entering the home stretch". Moved by Lee Coe, seconded by Jerome Deal, to approve the minutes of March 22, 2000 as amended. Motion passed on a voice vote.

Reports

Chair - Kathleen Roer reported that she did not attend the EQB meeting. The citizen advisory committee's scoping document for animal GEIS was on the agenda. George Johnson is the new person assigned to GEIS. Chair Roer reported that proposals will be sent out to various vendors regarding the scoping document.

Executive Director - Ron Harnack reported that the legislative session continues to meet, with no budget resolution yet. Ron gave a legislative update. He reported that Senate File #83 (WCA) was signed by the Governor on April 14. The Interagency Executive Order for WCA no net loss was also signed by the Governor. John Jaschke is working on a Memorandum of Understanding with DNR, the U.S. Corps of Engineers, and BWSR to clarify the implementation/communication issue. The Board of Innovation/BWSR bill working with special purpose districts was passed and signed by the Governor. The drainage authority issue is in the supplemental funding bill. Road replacement and CREP are in the bonding bill.

Ron reported that the dairy inspectors will be signing a Memorandum of Understanding with counties, BWSR, PCA, AG, and SWCDs, to continue communications on this effort.

Ron reported that BWSR has some staffing changes. Barbara Ohman, wetlands specialists; Susan Tsakakis, communications manager; and Matt Heldstab, computer specialist are leaving the agency for other endeavors. The vacant Administrative Services Director position has interviews scheduled in May.

Ron reported that he testified before the U.S. Congressional House Agriculture Committee in Mankato on March 31, addressing CREP.

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Ron announced that the BWSR will hold a retreat on August 23, rather than a formal board meeting. The retreat will be held at the Riverwood Conference Center in Monticello.

Dispute Resolution Committee - Jim Haertel reported that there are presently two WCA appeals pending. One is in the City of Sartell which involves a violation and restoration order. The appeal is in abeyance until the city council makes a decision. The other pending appeal involves Cub Foods and Chisago County. The appeal is in abeyance until the City of Forest Lake makes a decision.

Wetlands Committee - Darrell Bruggman reported that the Wetlands Committee met on April 7; the minutes were distributed. Darrell reported that Koochiching and Beltrami Wetland Plans will be presented to the Board at the May meeting. Darrell stated that a meeting will be held today at 1:00 p.m. to discuss WCA rulemaking.

Ron Harnack reported that the Education Committee meeting scheduled for today has been cancelled and will be rescheduled. The Cost-Share Committee will make a report at the May meeting.

Agency Reports

Mark Dittrich, Department of Agriculture (MDA), reported that Al Withers, Ag in the Classroom, facilitated meetings with the Minnesota Zoo and commodity groups. A meeting was held with commodity groups to discuss hypoxia issues in the Gulf of Mexico. MDA is looking at issues of pesticide use in K-12 ~~students~~ *schools*.

Dan Wilson, Department of Health (MDH), reported that the Source Water Protection Unit has placed county maps on the MDH website showing water system wells for inventory of contamination sources of feedlots. These areas will eventually be delineated to manage wellheads. Dan reported that the wellhead protection groundwater rule requirements for wells will now identify infectious disease in the groundwater, as well as fecal matter, ecoli, and system deficiencies, which are the major components of the regulation. Ron Harnack asked for a presentation on this issue at an upcoming meeting as it pertains to county water plans. Dan stated that Bruce Olson will make that presentation. Rod Massey stated that this information will be beneficial to farmers.

Rod Massey, Pollution Control Agency (PCA), reported that some temporary alterations have been made in the vicinity of ditch flow on some spills without impeding the drainage. PCA and other agencies will gather public input during the next two months in the budget preparation procedure. Rod thanked Jim Birkholz for his assistance in

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feedlot meetings ^{with} dairy groups, hopeful for a workable agreement by early June. Rod stated that PCA will be working on financial assistance for feedlots, much of Al Kean's work will be a good foundation. PCA will be looking to BWSR and MDA regarding feedlot issues in the Karst area of the state. He asked that board members contact Rod or Gretchen Sable with feedlot questions. Rod distributed a map of the PCA district office boundaries and staff.

Wayne Edgerton, Department of Natural Resources (DNR), reported on potential funding packages moving through the legislative process. Wolf management and the con-con bill continue in the legislative process; waiting to see what happens.

Consent Agenda

00-31 ** Pope, Itasca, and Stearns County Requests for Comprehensive Local Water Plan Extensions - Doug Thomas reported that the comprehensive local water plans have gone through the review process and staff recommends approval of the requests for extension. Moved by Jerome Deal, seconded by Clair Nelson, to approve the requests of Pope, Itasca, and Stearns County Comprehensive Local Water Plan Extensions. Motion passed on a voice vote.

Committee Recommendations

Metro Subcommittee

00-32 ** Middle Mississippi River WMO Final Draft Plan - Ron Harnack reported that the metro subcommittee met, reviewed the plan, and recommend approval. Moved by Jack Frost, seconded by Clair Nelson, to approve the Middle Mississippi River WMO Final Draft Plan. Motion passed on a voice vote.

Chair Roer explained that a hearing will be held this afternoon on Comfort Lake-Forest Lake Watershed District. A hearing will be held tomorrow regarding the Minnehaha Creek Watershed District boundary change and Cold Spring issue at the Veterans Affairs Medical Center in Minneapolis. *Camp Water*

Chair Roer called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:50 a.m.

Old Business

Lake Flooding in North Central Minnesota - Wayne Zellmer explained that the Board appropriated \$100,000 of state cost-share program roll-over funds for erosion and water quality projects to improve and protect shoreline areas from record precipitation and lake flooding in north central Minnesota. Wayne reported that applications for these funds were invited from the 15 SWCDs that were the most adversely affected by

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00-33 ** flooding. Twelve applications were received requesting \$223,380. The northern region grants team reviewed the applications according to priorities and recommend the funding allocations as presented. Discussion followed. Moved by Lee Coe, seconded by Jerome Deal, to approve the emergency lake flooding recommendation for northern Minnesota, 2-year grants. Motion passed on a voice vote. Ron asked that follow-up from the projects be made by the applicants.

00-34 ** Grant Agreement with Red River Basin Board - Ron Harnack stated that he is Minnesota's representative appointed by the Governor on the Red River Basin Board (R2B2). Minnesota's grant appropriation of \$100,000 to the R2B2, a one-time appropriation for two years, subject to approval next year, is a shared obligation. Ron explained that the R2B2 is a board that does not have projects but is a framework for working together with locals, state, provinces and aid in future management of the Red River Basin. Moved by Mark Dittrich, seconded by Jerome Deal, that BWSR fund the efforts of the Red River Basin Board as requested for \$100,000 for a one-year grant, with a request of \$100,000 for next year. Discussion followed. Ron explained that the appropriation is for administrative costs, contracting for inventories, facilitation of discussion on water policy issues, prepare and finalize a framework plan for goals in water quality and quantity, in a management strategy. Motion passed on a voice vote.

New Business

00-35 ** Shell Rock River Watershed District Establishment Hearing - Jim Haertel recommended that the draft order be approved for the establishment hearing to be held on June 5, 2000 at the Albert Lea Senior High School in Albert Lea. Moved by Jack Frost, seconded by Clair Nelson to order the hearing on the establishment petition for the Shell Rock River Watershed District. Motion passed on a voice vote.

Advisory Comments

MASWCD – LeAnn Buck reported that as the legislature remains in session she continues to keep SWCDs informed. LeAnn stated that the MASWCD is concerned with RIM and CREP funds. MASWCD received a letter from NACD regarding the Water Pollution Control Enhancement Act for 2000.

MAWD - Ray Bohn stated that many legislative issues continue including the tax bill with the Capitol Region Watershed District. Ray congratulated Ron Harnack and John Jaschke on their efforts for passage of SF#83. Ray stated that the MAWD summer tour will be held in the Pelican River Watershed District, June 22-24. There will be a new managers orientation on June 22. Ray thanked Ron and staff for all their time and effort during the legislative session.

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NRCS - Roger Mussetter reported that a district conservationist vacancy exists in Caledonia. Roger reported that the new NRI position in Perham has been cancelled. There will be a Congressional Ag hearing in Sioux Falls on May 2. The deadline for EQIP applications was two weeks ago. CRP training is being held statewide. NRCS is hopeful for CREP. Roger stated that a modernization plan is in the works.

Jerome Deal gave a brief update on the Red River Valley. The International Joint Commission (IJC) distributed a controversial report regarding the Red River Valley containing nine conclusions with 51 recommendations. Jerome stated that the report clearly explains the 1997 flood. This report is in the process of being clarified and revised.

Upcoming Meetings

- State Envirothon, May 23, Redwood Falls
- Next BWSR Meeting, May 24, St. Paul
- Local Water Planners Conference, June 19-20, Bemidji
- BWSR Tour and Meeting, June 28-29, Montevideo
- Minnesota River Joint Powers Board summer conference, July 12-13, Chaska
- BWSR Retreat, August 23, Riverwood Conference Center, Monticello

Chair Roer adjourned the meeting at 11:50 a.m.

Respectfully submitted,

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

Kathleen Roer, Chair

Consent Agenda

- 1. Pope County Request for
Comprehensive Local Water
Plan Extension
DECISION**

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

In the Matter of Extending the Comprehensive Local Water Plan
for **Pope** County (1995 Minnesota Session Law, Chapter 184,
Section 24 authorizing BWSR to grant extensions).

Whereas, Pope County has a state approved Comprehensive Local Water Plan that is effective until December 31, 2000 pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Pope County Board of Commissioners requested an extension of the Comprehensive Local Water Plan to the Board of Water and Soil Resources on March 22, 2000, pursuant to Minnesota Session Law 1995, Chapter 184, Section 24, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

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

FINDINGS OF FACT

1. On March 27, 2000, the Board of Water and Soil Resources received a resolution from Pope County requesting an extension of their Comprehensive Local Water Plan.
2. On April 3, 2000, the Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Pope County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Pope County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Pope County Comprehensive Local Water Plan until December 31, 2002. Dated at St. Paul, Minnesota, this 26th day of April, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer, Chairperson
April 26, 2000

POPE COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Pope County has a Comprehensive Local Water Plan (CLWP), which was approved, by the Minnesota Board of Water and Soil Resources on December 20, 1995. Pope County then locally adopted their CLWP via a county resolution dated April 25, 1995. The effective date (end date) of this CLWP is December 31, 2000.

The 1995 amendments to the Comprehensive Local Water Management Act, M.S. 103B.301, gives the Board of Water and Soil Resources authority to grant extensions to counties for the purpose of extending the ending date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

At their December 15, 1999, board meeting, the BWSR approved a local water planning document which addressed BWSR expectations, internal actions and multi-planning strategies. Multi-planning strategies addresses granting justify CLWP extensions to counties where other planning efforts (water or watershed level) are currently underway. These other efforts require the input of the water planner and associated technical advisors in the county. Completion of other water planning efforts would benefit the CLWP update.

Pope County is an active player in several watershed level planning efforts currently underway: Chippewa River Watershed Project; Crow River Watershed Project; Sauk River Watershed Project; Trapper's Run Watershed Clean Water Partnership Project; Barsness Park Landscaping Project (DNR); City of Glenwood Stormwater Project; Central Sand Plains Monitoring Project and Pope County Geologic Atlas (MGS). Pope County also just passed a Land Use Controls Ordinance and will need time to help administrate this program.

Board Conservationist Pete Waller recommends approval of Pope County's two-year extension request to December 31, 2002.

Consent Agenda

- 2. Itasca County Request for
Comprehensive Local Water
Plan Extension
DECISION**

ITASCA COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Itasca County has a Comprehensive Local Water Plan (CLWP) which was approved by the Minnesota Board of Water and Soil Resources on December 20, 1995. The effective date (end date) of this CLWP is December 31, 2000.

The 1995 amendments to the Comprehensive Local Water Management Act, M.S. 103B.301, gives the Board of Water and Soil Resources authority to grant extensions to counties for the purpose of extending the ending date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

At their December 15, 1999, board meeting, the BWSR approved a local water planning document which addressed BWSR expectations, internal actions and multi-planning strategies. Multi-planning strategies addresses granting CLWP extensions to counties where other planning efforts are currently underway. These other efforts require the input of the water planner and associated technical advisors in the county. Completion of other water planning related efforts would benefit the CLWP update.

Itasca County has been working to update the County Comprehensive Plan. The county would like to make use of information in the comp plan, especially related to the county's lake resources in the water plan. In addition the county also cited the Minnesota Water Plan 2000 as another ongoing planning effort they would like to make use of in updating the county water plan. Without the extension, the Itasca County Water Plan would not get the attention it deserves. Board Conservationist Dan Steward recommends approval of Itasca County's request.

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

In the Matter of Extending the Comprehensive Local Water Plan
for Itasca County (1995 Minnesota Session Law, Chapter 184,
Section 24 authorizing BWSR to grant extensions).

Whereas, Itasca County had a state approved Comprehensive Local Water Plan that is effective until December 31, 2000 pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Itasca County Board of Commissioners requested an extension of the Comprehensive Local Water Plan to the Board of Water and Soil Resources on February 4, 2000, pursuant to Minnesota Session Law 1995, Chapter 184, Section 24, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

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

FINDINGS OF FACT

1. On February 4, 2000, the Board of Water and Soil Resources received a resolution from Itasca County requesting an extension of their Comprehensive Local Water Plan.
2. On April 11, 2000, the Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Itasca County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Itasca County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Itasca County Comprehensive Local Water Plan until December 31, 2001. Dated at St. Paul, Minnesota, this 26th day of April, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer, Chairperson

Consent Agenda

- 3. Stearns County Request for
Comprehensive Local Water
Plan Extension
DECISION**

STEARNS COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Stearns County has a Comprehensive Local Water Plan (CLWP) which was approved by the Minnesota Board of Water and Soil Resources on January 24, 1996. The effective date (end date) of this CLWP is December 31, 2000.

The 1995 amendments to the Comprehensive Local Water Management Act, M.S. 103B.301, gives the Board of Water and Soil Resources authority to grant extensions to counties for the purpose of extending the ending date of their water plans. These extensions must be requested in writing and can't be for more than two years.

At their December 15, 1999, board meeting, the BWSR approved a local water planning document which addressed BWSR expectations, internal actions and multi-planning strategies. Multi-planning strategies addresses granting CLWP extensions to counties where other planning efforts are currently underway. These other efforts require the input of the water planner and associated technical advisors in the county. Completion of other planning efforts would benefit the CLWP update.

Stearns County is currently enmeshed in extensive work on its proposed county-wide zoning ordinance. In addition the county noted that with the extension the county could incorporate the MPCA's basin plan into their updated water plan. The county is also working on updating its solid waste ordinance. Last, the county would also be able to incorporate components of DNR's Mississippi Scenic Rivers Ordinance into the water plan. Without the extension, update of the water plan would not get the attention it deserves. Board Conservationist Dan Steward recommends approval of Stearns County's request.

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

In the Matter of Extending the Comprehensive Local Water Plan
for Stearns County (1995 Minnesota Session Law, Chapter 184,
Section 24 authorizing BWSR to grant extensions).

Whereas, Stearns County had a state approved Comprehensive Local Water Plan that is effective until December 31, 2000 pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Stearns County Board of Commissioners requested an extension of the Comprehensive Local Water Plan to the Board of Water and Soil Resources on March 17, 2000, pursuant to Minnesota Session Law 1995, Chapter 184, Section 24, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

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

FINDINGS OF FACT

1. On March 17, 2000, the Board of Water and Soil Resources received a resolution from Stearns County requesting an extension of their Comprehensive Local Water Plan.
2. On April 11, 2000, the Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Stearns County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Stearns County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Stearns County Comprehensive Local Water Plan until December 31, 2001. Dated at St. Paul, Minnesota, this 26th day of April, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer, Chairperson

Committee Recommendations

- 1. Middle Mississippi River
WMO Final Draft Plan
DECISION**

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

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

**ORDER
APPROVING WATERSHED
MANAGEMENT PLAN**

Whereas, the Middle Mississippi River Watershed Management Organization (MMRWMO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Establishment.** In January 1997, a Joint and Cooperative Agreement (JCA) was entered into by the cities of Minneapolis, St Paul, Falcon Heights, Lauderdale, St Anthony, and the Minneapolis Park and Recreation Board. The 1997 JCA replaced the existing agreement executed in 1985 that created the MMRWMO. The essential purpose of the MMRWMO is to provide for the long-term management of water and associated land resources within the Middle Mississippi River Watershed.
2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The legal boundary of the MMRWMO is approximately 30 square miles in size. The MMRWMO is located in the center of the Twin Cities metropolitan area. The area within the MMRWMO is a highly developed urban watershed, however there are some key redevelopment and retrofit opportunities remaining in the watershed. The area's significant water resources include St Anthony Falls, a portion of the Mississippi National River Recreation Area and Mississippi River Critical Area.

4. **Local review.** The MMRWMO circulated a copy of the draft Plan to local units of government, the county, the state review agencies, the metropolitan council, and the Board for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

5. **Agency Review.** On October 11, 1999 the state review agencies met to discuss the draft Plan of the MMRWMO. The Board, with assistance from the agencies that submitted comments, incorporated the comments into a single document to send to the MMRWMO. The joint agency review letter was sent to the MMRWMO October 29, 1999. The following summarize each agency's comments.

5a. **Metropolitan Council Review.** On October 19, 1999 the Metropolitan Council provided written comments on the Plan to the Board containing the following findings and conclusions:

1. The Plan's policies are consistent with the policies of the Council's *Water Resources Management Development Guide*.
2. The inventory of land and water resources is fairly complete.
3. The Plan needs to contain a function and value assessment for wetlands.
4. The Combined Sewer Overflow (CSO) information in the plan does not replace the need for the City of Minneapolis to include more information on CSO in their comprehensive plan update.
5. The MMRWMO should work with its member communities on adopting and enforcing equitable erosion control standards.
6. The MMRWMO should consider monitoring the major outlets to the Mississippi River as part of the Council's (WOMP) program.

5b. **Department of Natural Resources Review.** On October 29, 1999 the Department of Natural Resources provided written comment on the Plan and recommended amendments to include:

1. The MMRWMO should correct the list of protected waters in the Plan.
2. The discussion of fish and wildlife resources was too brief.

5c. **Department of Health Review.** No written comments were provided to the Board.

5d. **Department of Agriculture Review.** Recommended approval of the Plan.

5e. **Pollution Control Agency Review.** No written comments were provided to the Board.

On December 30, 1999 and January 21, 2000 the MMRWMO responded in writing to the state review agencies concerns.

6. **Board Review.** On December 30, 1999 the MMRWMO submitted an amended Plan that addressed most of the above noted agency concerns. The Council was the only agency to provide the MMRWMO with additional comments regarding the amended Plan. Board and Council staff met MMRWMO staff on March 2, 2000 to address the remaining concerns to the Plan. The key remaining Plan element was to identify a realistic alternative way to pay for projects and programs other than a tax levy. The MMRWMO currently does not have the authority to levy, so in order to move forward with projects and implement the Plan an alternative funding method was needed. The MMRWMO agreed to address the issues and amended the Plan. The Metro Water Planning Subcommittee of the Board and Board staff met with the MMRWMO on April 11, 2000. The MMRWMO made a presentation of the final amended Plan and requested the Plan be approved by the Board at the next Board meeting.

7. **Highlights of the Plan.** The following are some of the highlights of the Plan as amended:

- a) The implementation of national and state goals and policies, and goals and policies unique to the MMRWMO;
- b) A wetland inventory and function and value assessment;
- c) A monitoring program of its storm water system including the major outfalls to the Mississippi River;
- d) Preservation and restoration of habitat, and the historic and cultural resources along the Mississippi River corridor in order to create a continuous corridor to enhance wildlife habitat, recreational opportunities, and water quality in the river;
- e) Extensive information, education, and public outreach program, including a website;
- f) A program to disconnect roof top rain leader connections from the storm water and sanitary sewer systems;
- g) A comprehensive procedure to rank and prioritize capital improvement projects; and
- h) Proposed capital improvement projects totaling an estimated 60 million over the next ten years.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Middle Mississippi River Watershed Management Organization pursuant to Minnesota Rules Chapter 8410 and Minnesota Statutes Sections 103B.201, Subd. 9.
3. The Middle Mississippi River Watershed Management Organization Watershed Management Plan attached to this Order defines water and related land use problems within the MMRWMO's boundaries, possible solutions thereto, general objectives and policies of the MMRWMO, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Rules Chapter 8410 and Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated December 1999 as the Watershed Management Plan for the Middle Mississippi River Watershed Management Organization.

Dated at Saint Paul, Minnesota this 26th day of April 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer
Chair

April 6, 2000

Mr. Tom Frame, Minneapolis Environmental Management
Public Service Center, Room 300
250 South Fourth Street
Minneapolis, MN 55415-1316

Re: Final Plan Comments

This letter is to provide you with a summary of the review agency agencies final comments regarding the Middle Mississippi River Watershed Management Organization (MMRWMO) second-generation Watershed Management Plan (Plan). As you are aware the 45-day review period was extended because the Minnesota Department of Agriculture (MDA) had not received the Plan and needed a chance to review the final draft of the Plan. The Plan review is now in the final 90-day review period.

The Board of Water and Soil Resources (BWSR) Metro Water Planning Subcommittee will meet on April 11, 2000 at 9:30am to review the MMRWMO Plan. The Metro subcommittee invites the MMRWMO to give a short presentation on the Plan and the overall vision of the organization. The Metro subcommittee will then recommend to the full Board to approve all of, or portions of the Plan, that it feels are in conformance with the requirements of the Metropolitan Surface Water Management Act 103B.205 to 103B.255.

BWSR received comments from MDA and Metropolitan Council (Council). The primary focus of the MDA's review is in regard to "the consistency of the plan with state laws and rules relating to water and related land resources." The MDA commended Middle Mississippi River Watershed Management Organization on the development of their plan and recommends the approval of the plan. The Council presented the MMRWMO with its concerns that were not clearly addressed by the Plan changes made after the initial round of review and comment.

First and foremost, the Council and BWSR would like to see the MMRWMO realistic alternative funding mechanisms for projects should the MMRWMO not receive the levy authority it is seeking from the state legislature. Experience has shown that water plans, no matter how well written, without sufficient funds to implement the programs and projects described in the document, will not effectively protect or managing the water resources they were intended to protect and manage. The MMRWMO, in its response, agrees to work with a variety of government agencies to develop realistic alternatives to fund projects and programs in lieu of a tax levy.

The remaining Council comments concern actions the Council feels the MMRWMO should take to strengthen the implementation portion of the MMRWMO Plan. The MMRWMO should, 1) agree to adopt or create watershed specific erosion and sedimentation control standards, 2) include funds in to complete the wetland function and value assessment, and 3) consider monitoring the major outlets to the Mississippi River as part of the Council's WOMP program. The MMRWMO has agreed do these things.

The MMRWMO Final Plan, when incorporating the aforementioned changes, substantially complies with the requirements of Minnesota Rules 8410, MN Statutes Chapter 103B.205 to 103B.255 and Chapter 103D. Staff will recommend to the Metro Water Planning Subcommittee on April 11, 2000 to approve the MMRWMO Watershed Management Plan. The BWSR commends the MMRWMO Board and staff for work it has done over the last three years to develop this Plan. The BWSR and, I am sure, the other review agencies, look forward to assisting the MMRWMO with the implementation of its programs and projects. Implementation, after all, the reason the planning work is done.

If you have questions regarding this summary or preparation for the Metro Subcommittee meeting, please contact Douglas Snyder at 651-215-1520.

Sincerely,

Douglas Snyder
Board Conservationist
Board of Water and Soil Resources

C: Steve Woods, BWSR (file copy)
Judy Sventek, Metropolitan Council
Dale Holmuth, Metro DNR
Mark Zabel, MDA
Gene Soderbeck, PCA
Betty Wheeler, MDH

April 11, 2000

Minnesota Board of Water and Soil Resources
One West Water Street, #200
Saint Paul, Minnesota 55107-2039

RE: Middle Mississippi River WMO Watershed Management Plan, 1999

Dear BWSR Board Members,

As chair of the Middle Mississippi River WMO, and on behalf of the Middle Mississippi River WMO Board, I request that you approve the *Middle Mississippi WMO Watershed Management Plan* before you today. This plan promises to make significant positive impact on the Mississippi River and its associated land resources by focusing substantial resources towards key watershed policies, programs and projects.

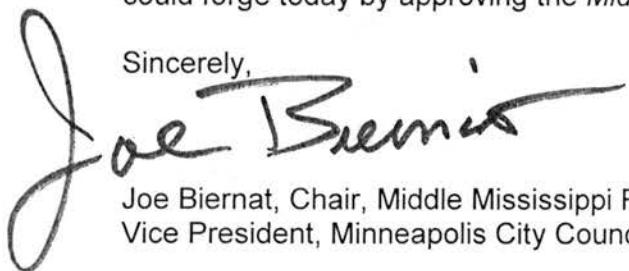
The Mississippi River is the reason that the dense urban core of the Twin Cities is located where it is. The power, transportation and water offered by this exceptional resource have historically been at the core of Minnesota's economic well being and high quality of life. But urbanization has put a mighty strain on the Mississippi River and its watershed. It is time to focus resources at protecting and restoring the river's ecosystem regardless of the scope of regional urbanization.

The MMRWMO is unique because it is the state's most urbanized watershed. It includes both the greatest concentration of wealth, in the form of Downtown Minneapolis, as well as neighborhoods with the greatest concentrations of poverty. It faces unique challenges but also tremendous potential.

Because of a strong economy, rebuilding and revitalization is occurring throughout the Middle Mississippi River Watershed. Many of these plans include design aspects that are sensitive to the land and water resources within our watershed. However, in order to accomplish them, they need the guidance and financial incentives that the Middle Mississippi River WMO Watershed Management Plan could provide to ensure the future viability of the region's most important water resource.

In closing, I again urge the BWSR Board Members to recognize the important partnership you could forge today by approving the *Middle Mississippi River WMO Watershed Management Plan*.

Sincerely,



Joe Biernat, Chair, Middle Mississippi River WMO
Vice President, Minneapolis City Council

JB
bw

Middle Mississippi River
Watershed Management Organization

250 South Fourth Street
Minneapolis, Minnesota 55415
Phone: 612-673-3179
Fax: 612-673-2522



CITY OF MINNEAPOLIS

ENVIRONMENTAL COORDINATING TEAM

250 So. 4th St. Rm. 300

Minneapolis, MN 55415

(612) 673-5897 TEL

(612) 673-5819 FAX

April 11, 2000

An Open Letter to the Board of Water and Soil Resources:

I am writing to encourage your support of the Watershed Management Plan of the Middle Mississippi River Watershed Management Organization. Because the City of Minneapolis is ninety-four percent of the land area of the watershed, I thought it important that we reaffirm our commitment to the MMRWMO, it's vision for water resources stewardship and to the concept of watershed management.

By approving this Plan, the Board has a truly historic opportunity to partner with the cities of the MMRWMO to create a new model for urban watershed management. The principal initial project areas of the Plan include the Upper Mississippi River, the Northside and the South East Minneapolis Industrial Area. In SEMI, wetlands and restoration activities will focus on providing a new model for a three hundred acre office/light industrial complex, while on the Northside a seventy five acre residential redevelopment will also include a major new wetland, as well as creek restoration activities. These two projects will provide the region, not just the city, with new paradigms for large scale residential and commercial redevelopment that integrate principles of watershed management from the beginning. Along the Upper Mississippi River, major projects are planned to reclaim, restore and enhance the corridor of this long neglected, yet historically rich part of the nation's greatest river.

While these projects will be providing new models for integrating land use planning and watershed management, I want to suggest to you that the MMRWMO Board itself is a new model for WMO's, specifically, but more generally for how governments ought to cooperate more often. Anyone who has attended a board meeting will know what I am describing – there is the truest type of collaboration occurring among the member cities because all of them view the Mississippi as a regional resource for which we are collectively responsible.

Sincerely,



David Doth, Chair, Environmental Coordinating Team, City of Minneapolis
Commissioner, Department of Health & Family Support

Thank you.

M I D D L E • M I S S I S S I P P I R I V E R W A T E R S H E D • M A N A G E M E N T • O R G A N I Z A T I O N

300 Public Service Center • 250 South 4th Street • Minneapolis, MN 55415

WATERSHED MANAGEMENT - PROTECTING OUR WATER RESOURCES

The Minnesota Legislature created watershed management organizations (WMO's) to protect and improve water resources in the seven county metropolitan area. Watershed management organizations are separate and independent levels of government established specifically to deal with the complex and technical issues involved in managing our water resources. A watershed is an area defined by its drainage - by where water goes and how it flows. Watersheds have what are known as hydrologic, not political, boundaries.

Watersheds provide a coordinating framework for environmental management that focuses public and private sector efforts to address the highest priority problems within a hydrologically defined geographic area. The U.S. Environmental Protection Agency has stated, "Operating and coordinating programs on a watershed basis makes good sense for environmental, financial, social and administrative reasons."

Our water resources include lakes, creeks, wetlands, rivers and our groundwater. Minnesota has abundant water resources, and they are an important component of our way of life.

Watershed management organizations protect the quality of our water resources by treating runoff before it enters our waters. Runoff can contain fertilizers and pesticides from our yards, oil and antifreeze from our cars, as well as chemicals from commercial and industrial sources. These pollutants need to be minimized to protect the quality of our water for drinking, fishing and swimming.

Watershed management organizations also work to control the quantity or volume of water in the watershed. Flood control has traditionally been one of the most important jobs of a watershed management organization.

The Middle Mississippi River Watershed Management Organization (MMRWMO) is one of about three dozen watershed organizations in the metropolitan region. Its boundaries include the Mississippi River as it runs through the City of Minneapolis, as well as the land that drains to the river. Approximately 60% of Minneapolis is part of the MMRWMO, everything except the most southern and western portions of the

city. The MMRWMO also contains portions of the cities of Saint Paul, Saint Anthony, Lauderdale, Falcon Heights and property owned by the Minneapolis Park and Recreation Board.

All of the member cities of the MMRWMO believe the Mississippi River and its tributaries are regional resources and when improved benefit the citizens of all our communities.

PEOPLE CARE ABOUT THE RIVER

In 1996, the McKnight Foundation commissioned the MacWilliams Cosgrove firm to conduct a public opinion research project to determine people's attitudes toward the Mississippi River. Forty-three percent of those surveyed said they believe the environment of the Mississippi is "much worse" than it was twenty years ago, and over three quarters believe environmental damage to the River is a problem (forty-one percent said it is a "big problem"). Eighty-three percent of the Twin Cities population believe it is important to do something about improving the River.

When asked to identify one of the most important or a very important concern, people ranked pesticides in drinking water (78%); pollution in the Mississippi affecting our drinking water (77%); environmental damage to the river (68%); and, threats to the environment (66%), as their top concerns.

Eighty-nine percent of respondents agreed with this statement, "We must be responsible stewards of the Mississippi and the lakes and streams that feed it. We all share the responsibility to protect this unique resource for our children and future generations."

The public's concerns are justified. The U.S. EPA maintains a nationwide database on all watersheds known as the Index of Watershed Indicators (IWI). Watersheds are rated on a scale of 1-6, with 6 being, 'More Serious Water Quality Problems - High Vulnerability to Stressors such as Pollutant Loadings'. The Twin Cities watershed, including the MMRWMO, has an IWI rating of 6 in terms of overall aquatic health.

*...the great Mississippi, the majestic, the magnificent Mississippi,
rolling its mile wide tide along, shining in the sun...*
Mark Twain, Life on the Mississippi, 1983



Middle Mississippi River Watershed Management Plan

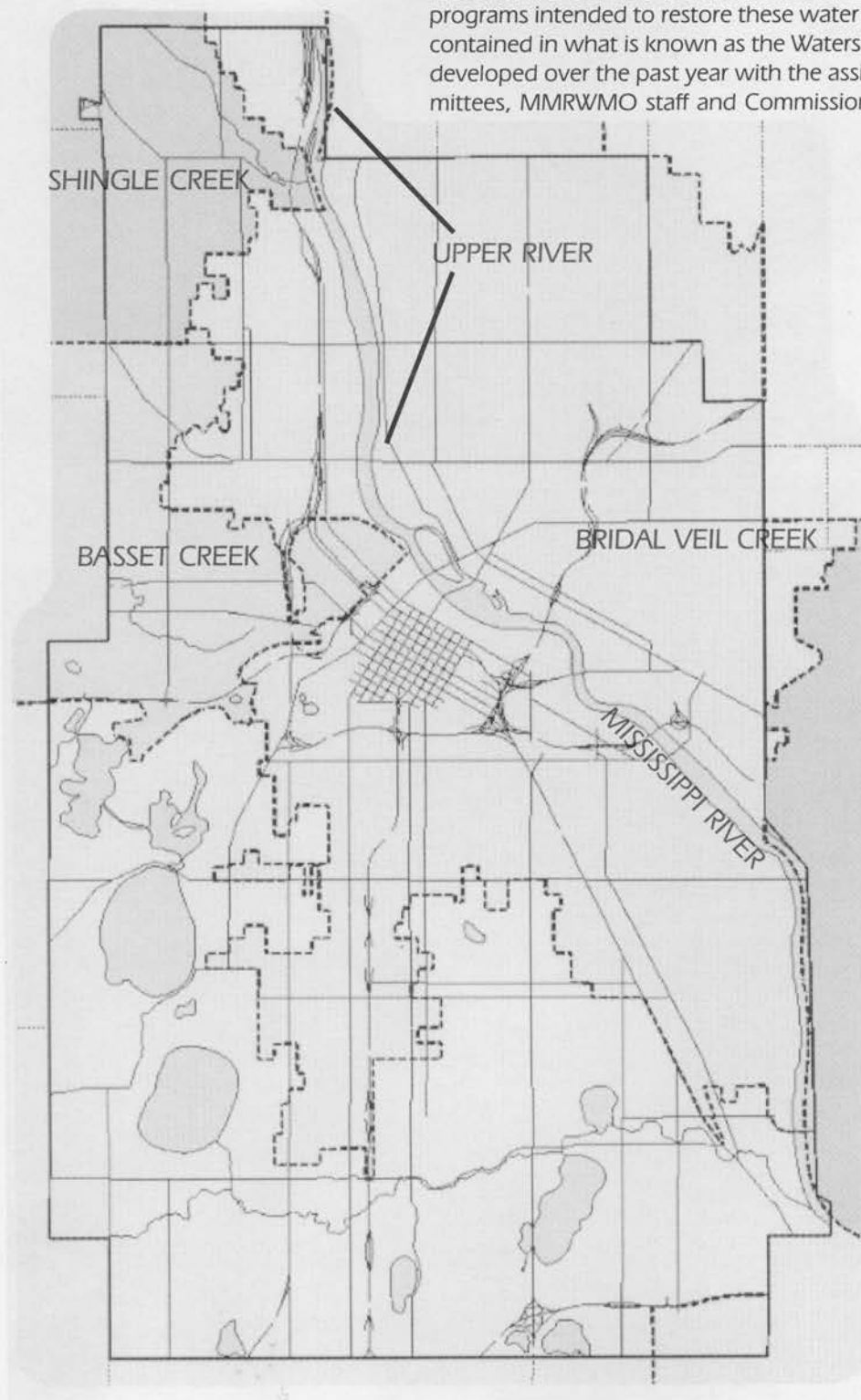
The goal of the MMRWMO is to improve the Mississippi River and the other water resources in the watershed through wise management and stewardship. This means adopting policies and practices which protect the river and the watershed, as well as programs intended to restore these water resources. These programs and practices are contained in what is known as the Watershed Management Plan (WMP). This Plan has developed over the past year with the assistance of citizen and technical advisory committees, MMRWMO staff and Commissioners. The Plan went through several phases:

data gathering; assessment and characterization of the natural resources; goal setting and identification of environmental objectives; priority problem identification and assessment; the development of criteria for ranking specific management options and action plans; and, the selection of programs and projects for the initial watershed Plan.

The Plan contains a detailed inventory of the watershed, best management practices and the capital or building projects to be undertaken in the watershed area. When MMRWMO capital projects are undertaken in a particular city, a levy is created by the Board of Commissioners in that portion of the watershed that will benefit from the project. In Minneapolis, there are three major areas where capital projects are called for in the MMRWMO Watershed Management Plan.

UPPER MISSISSIPPI RIVER

The most important focus of the MMRWMO Watershed Management Plan is on the Upper Mississippi River. Recently, an Upper River Master Plan was completed by citizens, businesses and several governmental entities. It calls for significant change to the upper portion of the Mississippi River. Included in the Master Plan are changes that would result in more greenspace along the river for recreational uses. This greenspace would also have important environmental benefits, it would act as a buffer along the riverbank to slow down the flow of runoff into the river and prevent further erosion of the riverbank thereby improving water quality. Reforestation would also provide greater habitat along the corridor for plants and animals. The



*...rivers leap down to different seas, and as they roll
Grow deep and still, their majestic presence
becomes a benefaction to the cities they visit.*

Longfellow, The Golden Legend

MMRWMO Watershed Management Plan also calls for improving existing and creating greater greenspace along the river corridor. This greenspace will not only protect the quality of the water in the Mississippi River, it will provide greater recreational access to the River.

Our urban stretch of the Mississippi has been the focus of much attention in recent years having received federal designations as the Mississippi National River and Recreation Area and as an American Heritage River.

BASSETT CREEK

In the Bassett Creek area of North Minneapolis, residents have completed a major master planning effort for a seventy-three acre site which was formerly a public housing project. The Near Northside Redevelopment Project calls for new environmental amenities including wetlands, trails and trees. This is one of the largest redevelopment projects in the history of the city and will offer a new model for residential development that incorporates watershed protection from the beginning.

BRIDAL VEIL CREEK

An exciting master plan has also been developed for the Southeast Minneapolis Industrial area. It calls for the acquisition of land that would be developed into several large wetlands to serve the entire area, and create amenities for adjoining neighborhoods. This project will result in the retention of sediments and nutrients and alleviating the potential for localized flooding. Just as the Near Northside plan offers a new model for residential development, the SEMI plan affords an opportunity for a new model of commercial/industrial development.

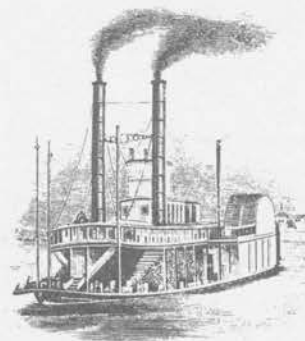
WATERSHED WIDE PROJECTS

In addition to the projects in the areas mentioned above, the Watershed Management Plan calls for an extensive education effort throughout the watershed targeted at residents and businesses. This effort will provide information on how to prevent water pollution, conserve water, and save dollars. The Plan also calls for integrated flood control planning and mitigation, and cooperative projects with other watershed organizations.

THE PLAN AND THE FUTURE

This initial phase of the Watershed Management Plan will entail several major improvements to the water resources of the watershed, but the Plan is intended to be a dynamic document capable of responding to the changing needs of the watershed. As these initial projects are completed and new needs identified, additional projects will likely be added to the Plan in the future.

BENEFITS OF WATERSHED PLANNING



When the Legislature created watershed management organizations in the early 1980's, it recognized that our water resources were an essential part of the quality of life in Minnesota. The many reasons for developing a watershed management plan can be summarized into three major areas:

ECONOMIC

People want to live and work near water. Analysis of property values in the City of Minneapolis illustrates this point. The dramatic increases in value have occurred near water bodies, primarily the Chain of Lakes, Minnehaha Creek and the southern portions of the Mississippi River. The Central Riverfront has witnessed a remarkable transformation in recent years as major new residential developments have followed public infrastructure improvements making this area one of the most attractive and desirable communities in the city. Using our natural resources wisely results in positive economic returns.

ENVIRONMENTAL

Managing our water resources from a watershed perspective makes environmental sense for a number of reasons. The prevention and mitigation of floods is of importance to everyone in a watershed, for environmental and economic reasons. Another equally important function is maintaining a high level of water quality for drinking water and for recreational activities. This involves preventing and controlling point and non-point source pollution, managing wastes and pesticides, and responding to spills and environmental emergencies. Drinking water source protection for both ground and surface water sources is critical to assure public health.

ECOLOGICAL

Reforested corridors and wetlands provide important habitat for resident and migrating populations. Urban corridors and wetlands have been shown to supplement and provide vital linkages to larger, open or natural areas outside urbanized areas. Corridors and wetlands are also important to human inhabitants because they provide us with recreation and repose and because they remind us of our connection to the natural world and our responsibility for it.

Every river has its individuality, its great silent interest. Every river has its influence over the people who pass their lives within sight of its waters.

H.S. Merriman, The Sowers



MIDDLE MISSISSIPPI RIVER WATERSHED MANAGEMENT ORGANIZATION Statement of Purpose

The purpose of the Middle Mississippi River Watershed Management Organization is to provide for the wise, long-term management of water and associated land resources within the watershed through the implementation of measures that realize multiple objectives, respect ecosystem principles, and cultural and historical community values. The MMRWMO seeks to (a) protect, enhance and restore the quality and quantity of surface and ground water resources within the MMRWMO's jurisdiction; (b) protect, preserve and use natural surface and ground water storage and retention systems; (c) minimize public capital expenditures needed to correct and control flooding and water quality problems; (d) identify and plan for means to effectively protect and improve surface and ground water quality; (e) establish more uniform local policies and official controls for surface and groundwater management; (f) promote ground water recharge; (g) protect and enhance fish and wildlife habitat and water recreation facilities; (h) secure the other benefits associated with the proper management of surface and groundwater; and (I) promote and encourage cooperation among members and among other organizations in coordinating comprehensive water management programs.

Board of Commissioners

Joe Biernat, Chair, Minneapolis
Joan Campbell, Mpls. Alternate
Dick Enrooth, V.Chair, Saint Anthony
Susan Hoyt, Treas., Falcon Heights
Anne Weber, Saint Paul
Mike Kassan, Saint Paul Alternate
Rick Getschow, Lauderdale
Dean Zimmerman, Mpls. Park & Rec. Board
Jeff Lee, Mpls. Park & Rec. Board Alt.

Staff

Tom Frame, Board Staff, Mpls. Environmental Management
Corey Conover, Attorney, Mpls. City Attorney's Office
David Foster, Financial, Mpls. Finance Division
Jodi Polzin, Engineer, Mpls. Public Works

Citizen Advisory Committee

Brad Bjorklund, Saint Anthony
David Byfield, Minneapolis
Paul Mitchell, Minneapolis
Thomas Dicks, Minneapolis
Pat Mulloy, Minneapolis
Karen Schik, Minneapolis
Randy Duncan, Minneapolis
Ray Seeger, Lauderdale
Frances Guminga, Minneapolis
Randy Kouri, Minneapolis
Harriet Duerre, Minneapolis
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Technical Advisory Committee

Tom Frame, Mpls. Environmental Management
Brook Waalen, Mpls. Environmental Management
Anne Calvert, Mpls. Community Development Agency
Michael Orange, Mpls. Planning Department
Jodi Polzin, Mpls. Public Works
Jeff Lee, Minneapolis Park & Recreation Board
Joel Settles, Henn. Co. Environmental Management
Larry Blackstad, Henn. Co. Community Works
Ali Durgunoglu, Henn. Co. Soil Conservation District
Judy Sventek, Metropolitan Council
Ceil Strauss, MN Dept. of Natural Resources
Celine Lyman, MN Pollution Control Agency
Betsy Doermann, MN Historical Society
Doug Snyder, MN Board of Water and Soil Resources
Kate Hanson, U.S. National Park Service
Russ Snyder, U.S. Army Corps of Engineers



From the moment it trickles out of Minnesota's Lake Itasca until it pours into the Gulf of Mexico below New Orleans, the Mississippi River shapes the life of its region. It fosters cities and commerce; transports people and goods; provides habitat for fish, plants and wildlife; and enriches human life with natural and recreational amenities.

The McKnight Foundation,
The Mississippi River in the Upper Midwest, 1996

City of Minneapolis
ENVIRONMENTAL COORDINATING TEAM



ANNUAL REPORT
1 9 9 9



Minneapolis Community Development Agency
Operations and Regulatory Services
Park and Recreation Board
Health and Family Support
City Attorney's Office
Fire Department
Public Works
Planning

MINNEAPOLIS CITY COUNCIL MEMBERS

Minneapolis Mayor	Sharon Sayles Belton
City Council President	Jackie Cherryhomes
City Council Vice President	Joe Biernat
1 st Ward Council Member	Paul Ostrow
2 nd Ward Council Member	Joan Campbell
3 rd Ward Council Member	Joe Biernat
4 th Ward Council Member	Barbara Johnson
5 th Ward Council Member	Jackie Cherryhomes
6 th Ward Council Member	Jim Niland
7 th Ward Council Member	Lisa Goodman
8 th Ward Council Member	Brian Herron
9 th Ward Council Member	Kathy Thurber
10 th Ward Council Member	Lisa McDonald
11 th Ward Council Member	S. Doré Mead
12 th Ward Council Member	Sandra Colvin Roy
13 th Ward Council Member	Barret Lane



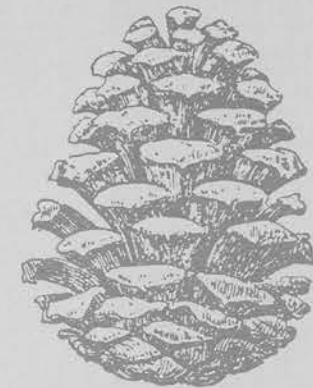
Life and the environment are one thing, not two, and people, as all life, are immersed in the one system. When we influence nature, we influence ourselves; when we change nature, we change ourselves.

Daniel B. Botkin
from *Discordant Harmonies:*
A New Ecology for the
Twenty-first Century, 1990

Environmental Coordinating Team 1999 ANNUAL REPORT

City of Minneapolis

Minneapolis Community Development Agency•
Operations and Regulatory Services•
Park and Recreation Board•
Health and Family Support•
City Attorney's Office•
Fire Department•
Public Works•
Planning•

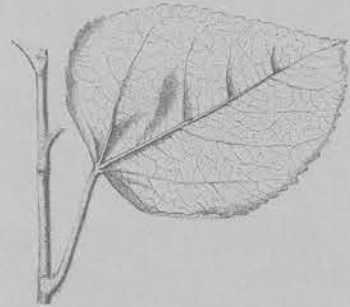


*"The nation behaves well if
it treats the natural resources as assets
which it must turn over to the next generation increased,
and not impaired, in value."
Theodore Roosevelt*

ENVIRONMENTAL COORDINATING TEAM

Jay Heffern• 1999 ECT Chair	City Attorney City Attorney's Office
David Doth• 2000 ECT Chair	Commissioner Department of Health and Family Support
John Bergquist•	Assistant City Coordinator Department of Operations and Regulatory Services
David Sonnenberg•	City Engineer Department of Public Works
Steve Cramer•	Executive Director Minneapolis Community Development Agency
Charles Ballentine•	Director Planning Department
Rocco Forte •	Chief Fire Department
Mary Anderson•	Superintendent Minneapolis Park and Recreation Board
Bill Anderson•	ECT Staff Minneapolis Environmental Management

*The supreme reality of our time is ...
the vulnerability of our planet.*
John F. Kennedy



WHAT IS SMART GROWTH?

The following Smart Growth principles have been adopted by the Minnesota Smart Growth Network, a diverse coalition of builders, nonprofit organizations, local governments and state agencies.

- Make efficient and effective use of land resources and existing infrastructure by encouraging development to areas with existing infrastructure or capacity, to avoid costly duplication of services and costly use of land.
- Make development decisions predictable, fair, and cost-effective.
- Provide a variety of transportation choices, including pedestrian-friendly neighborhoods.
- Maintain a unique sense of place by respecting local cultural and environmental features.
- Conserve open space and farmland and preserve critical environmental areas.
- Encourage stakeholder collaboration and community participation rather than conflict.
- Provide staged and managed growth in urban transition areas with compact development patterns.
- Enhance access to equitable public and private resources for everyone.
- Promote the safety, livability, and revitalization of existing urban and rural community centers.

Dear Reader,

This year the term "Smart Growth" entered our vocabularies and public policy. It is an important phrase for the City of Minneapolis for many reasons, environmental as well as economic.

Smart Growth actually began in states like Maryland and Oregon that were concerned about the effects of urban sprawl on agricultural land, open space and central cities. These states, and many local communities, developed strategies to manage growth that have collectively become known as Smart Growth.

The premise underlying Smart Growth is simple – we ought to invest in existing communities, thereby strengthening them, rather than expanding into previously undeveloped areas requiring new infrastructure and increasingly precious land. This is a policy which makes sense, economic and environmental, because it represents sustainable development practices for the future.

This may appear to be a new idea but, in reality, the Twin Cities were among the early pioneers in charting a course for wise regional growth. The Metropolitan Council was among the first of what have come to be known as 'councils of governments'. Its purpose was, and is, to guide reasonable regional development. It is a purpose which the State of Minnesota and the Metropolitan Council have recently reaffirmed through their endorsement of Smart Growth principles.

We believe Smart Growth makes sense for Minneapolis, for Minnesota and for the Nation, and we are pleased that the City of Minneapolis was among the charter members of the Minnesota Smart Growth Network in 1999.

Sincerely,

Mayor Sharon Sayles Belton
City of Minneapolis

Jackie Cherryhomes,
President
Minneapolis City Council



*We have forgotten
how to be good guests,
how to walk lightly on the earth
as its other creatures do.*

• Only One Earth •
Stockholm • 1972 United Nations
Conference on the Human
Environment



The Environmental Coordinating Team works to...

- Achieve major and continuous improvements in the quality of air, land and water.
- Encourage the conservation of natural resources, animals and plants.
- Make the most of pollution prevention and control.
- Reduce the amount of waste by encouraging people to re-use and recycle their waste.
- Improve standards of hazardous waste disposal.
- Work with other organizations to reclaim contaminated land.
- Encourage Smart Growth and sustainable development.
- Tell people about environmental issues by educating and informing.
- Set priorities and work out solutions that society can afford.

We do this by...

- Being open and consulting others about our work.
- Basing our decisions around sound science and research.
- Valuing and developing our employees.
- Being efficient and businesslike in all we do.

Dear Reader:

From time to time, you will read an article in your morning paper or listen to a report on the evening news that criticizes a government program or describes an individual's frustration with a government agency. Unfortunately, these accounts too frequently leave the impression that government is not working. The reality is that government continues to respond effectively to the demands of a changing world. There is no better example of this than the innovative Minneapolis Environmental Coordinating Team (ECT). Created by the City Council in 1994, the ECT is a model for environmental decision-making.

The ECT brings together the heads of the Planning Department, the Public Works Department, the Department of Health and Family Support, the Department of Operations and Regulatory Services, the Minneapolis Fire Department, the Minneapolis Community Development Agency, the Minneapolis Park and Recreation Board, and the Co-chairs of the Citizens Environmental Advisory Committee as a team to coordinate the City's environmental programs and initiatives. The ECT oversees the work of three subgroups – contaminated sites, water quality, and energy and air quality – to ensure that the City meets its commitment to protecting and preserving our natural environment. The ECT's success is due largely to its members shared belief that comprehensive environmental decision-making requires interdepartmental collaboration and cooperation. The ECT's record of accomplishments over the past five years is impressive. 1999 was no exception with the creation of an air quality management authority, new water quality and stormwater ordinances, and continued clean up of brownfield sites.

The ECT recognizes that effective environmental decision-making also demands active collaboration with its environmental partners. To that end, this past year the ECT met with the leaders of the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources and 1000 Friends of Minnesota to focus on the regional "Greenprint" and the environmental promise that is offered by "Smart Growth". With our partners, the ECT is ideally positioned to help formulate Minneapolis' environmental vision for the 21st century.

Very truly yours,

Jay M. Heffern
City Attorney
Chair, Environmental Coordinating Team



ENERGY AND AIR QUALITY



*"Deprive us of air, or
remove the oxygen
from the air for a few hours,
and we would become
a vanished species."*
Hal Borland, Author

Minneapolis Air Quality Management Authority

The Minneapolis Air Quality Management Authority (MAQMA) was created by the Mayor and the City Council to protect and enhance the quality of our air in Minneapolis. MAQMA is the municipal entity that prevents, controls and regulates sources of air pollution within the City of Minneapolis.

Air pollution is a serious issue that can affect the health of human beings, flora, and fauna. While often invisible, pollutants in the air create smog and acid rain, cause respiratory illnesses and cancer, diminish the protective ozone layer in the upper atmosphere and contribute to the potential for deleterious changes in our climate.

Air pollution has many sources. Some are obvious like vehicles, utilities, and industrial smokestacks. Others are not so obvious like pesticides, lawnmowers, paints/finishes and various household products.

MAQMA is taking a progressive approach to preventing and regulating indoor and outdoor air pollution. Through reasonable regulations, flexible permitting procedures, and an emphasis on pollution prevention, compliance assistance and proactive enforcement, MAQMA has developed a highly successful and responsive air quality program.

MAQMA is actively involved on a number of fronts aimed at protecting our air quality including:

- Controlling nuisance odors
- Reducing vehicle emissions
- Regulating industrial pollution
- Preventing indoor air pollution
- Promoting energy conservation and renewable energy
- Educating the public about climate change

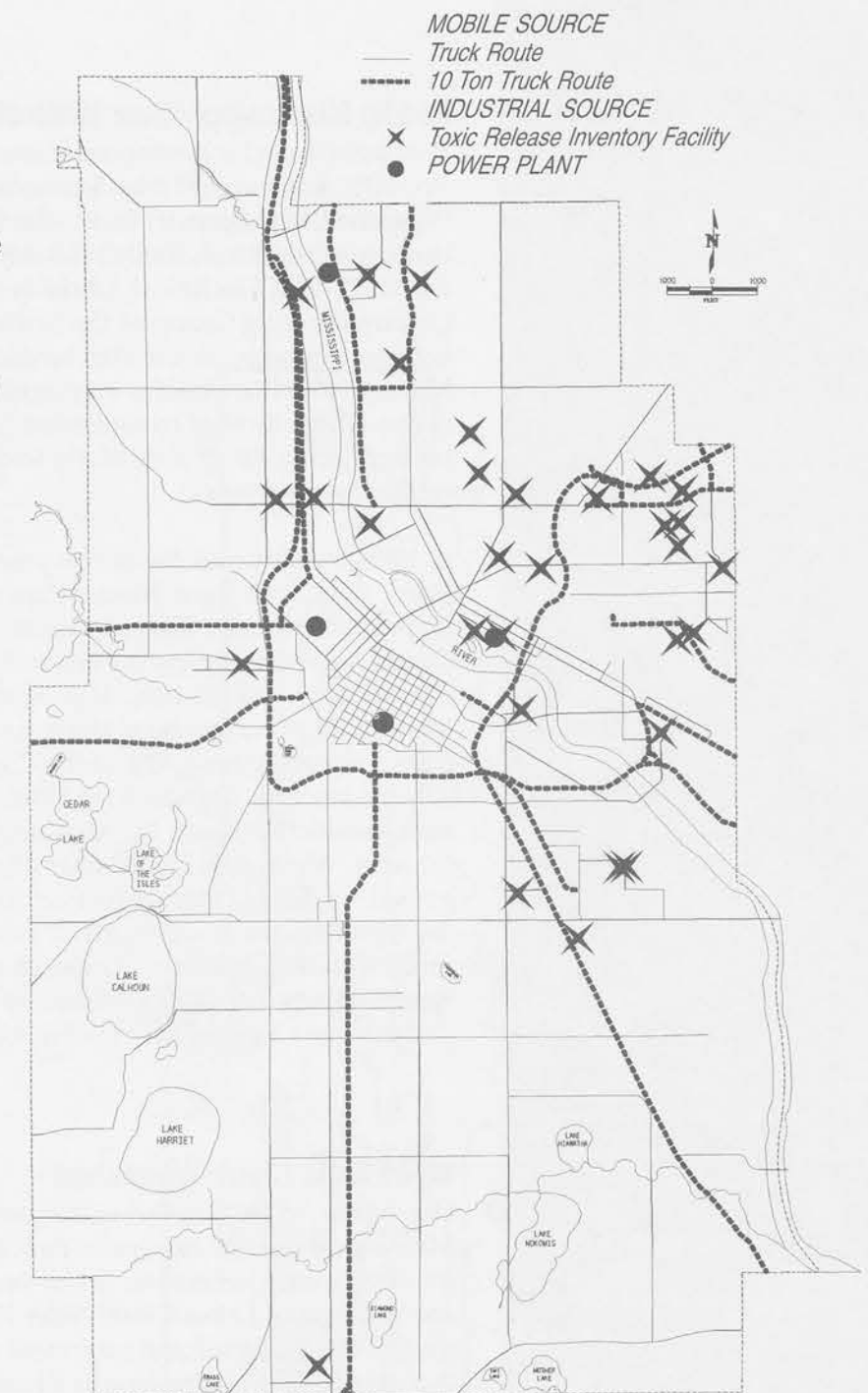
To this end, MAQMA will:

- Educate the public about air quality issues.
- Work in partnership with citizens, advocacy groups and business groups to achieve good air quality.
- Develop intergovernmental partnerships at the metropolitan, state, and federal levels to address air quality.
- Support strong air quality legislation at local, state, and federal levels.
- Enforce laws when violations occur.

Climate Change Conference

The Twin Cities area has long been a leader in creating livable communities and preserving the environment. The Cities of Minneapolis and Saint Paul have passed resolutions calling for a summit on climate change. The summit, called "The Heat Is On: Local Response to Climate Change", took place in mid-November and brought representatives from businesses, nonprofit sectors, and local governments and communities together to discuss the implications of climate change for Minnesota and to consider strategies for working together on climate change issues.

Air Pollution Sources



WATERSHEDS AND WATER QUALITY



*High quality water is more than
the dream of the conservationists;
more than a political slogan;
high quality water,
in the right quantity
at the right place
at the right time,
is essential to health, recreation, and
economic growth.*

EDMUND S. MUSKIE, U.S. Senator

Middle Mississippi River Watershed

This past year saw the successful completion of the Middle Mississippi River Watershed Management Organization's (MMRWMO) Watershed Management Plan. The Plan development was assisted by three committees, the MMRWMO Citizen Advisory Committee, the MMRWMO Technical Advisory Committee, and the Water Quality Working Group of the Environmental Coordinating Team, without whose work the Plan would not exist. The Watershed Management Plan itself is a groundbreaking document that requires a high level of commitment from its member communities for improving the quality of the watershed, as well as extensive capital improvements.

In 1999, the City saw the development of two other major river plans: the Upper River Master Plan and the Critical Area Plan. The Upper River Master Plan was delivered to the City Planning Commission, Minneapolis Park and Recreation Board, and the City Council for consideration. It presents a new vision for what the Mississippi River can be in the future. The Plan has major implications for the northern 40% of the City (north of the Plymouth Avenue bridge). Critical Area Plans are mandated by the state for each jurisdiction along the Mississippi River within the metropolitan area. Minneapolis and other cities are now in the process of amending their Critical Area Plan to conform even better with state requirements for environmental, economic, aesthetic, and cultural protection. In addition, this stretch of the Mississippi is also designated the Mississippi National River and Recreation Area, a national park overseen by the National Park Service.

Minnehaha Creek Watershed

One of the first watershed management programs the City of Minneapolis and Minneapolis Park & Recreation Board entered into was a comprehensive, seven-year program called the Minneapolis Chain of Lakes Clean Water Partnership (CWP). The goal of the CWP is to significantly improve water quality in the five lakes that comprise the Minneapolis Chain of Lakes (Brownie, Cedar, Isles, Calhoun and Harriet). This past year was the fifth year that the CWP targeted its efforts on the 7,000 acre Chain of Lakes watershed. Other CWP partners include the City of St. Louis Park, Minnehaha Creek Watershed District, Hennepin County and Minnesota Pollution Control Agency.

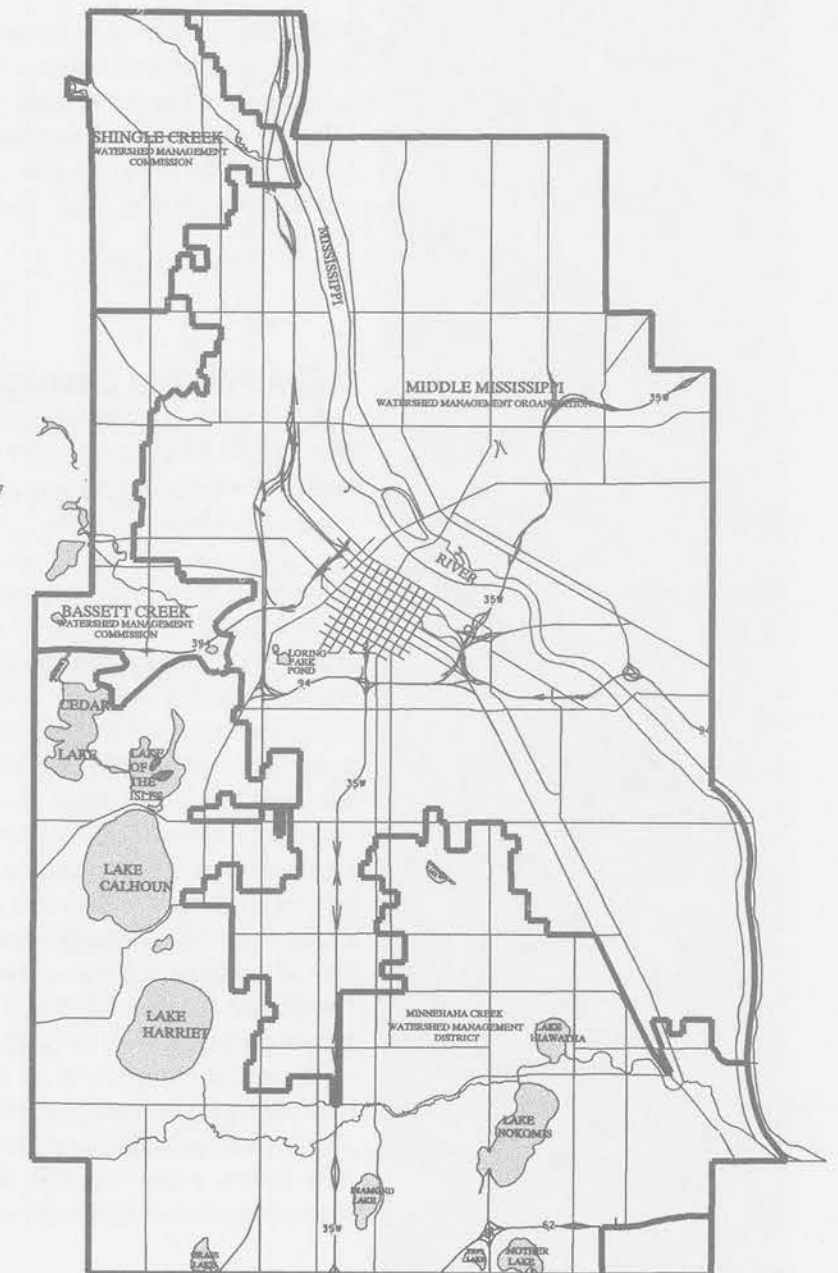
In June of 1999, the CWP completed construction on a three pond stormwater wetland near the southwest corner of Lake Calhoun. Located near West Calhoun Parkway, Zenith Avenue and 38th Street, the wetland ponds will act as filters to remove sediments, nutrients and bacteria from stormwater runoff before it flows into Lake Calhoun.

Bassett Creek Watershed

The Bassett Creek Watershed within the City of Minneapolis was the focus of two intensive planning efforts in 1999. The Northside Implementation Project continued to make progress including plans for natural resource improvements to the area, while the Bassett Creek Valley Master Plan took important steps toward a vision for the southern portion of the Watershed.

Shingle Creek Watershed

The City of Minneapolis, in cooperation with the City of Brooklyn Center, constructed a major new wetland at 52nd and Upton Avenues North. The wetland is treating stormwater runoff from the Brookdale commercial area, as well as residential areas of both Brooklyn Center and Minneapolis.



BROWNFIELDS AND LAND USE

Brownfields are abandoned, idled or under-used industrial or commercial properties where expansion or redevelopment is hindered by actual or suspected soil contamination. A brownfield may also be developed real estate, which is contaminated by years of use. For example, a brownfield could be a small vacant gas station that once had underground storage tanks or a large, several hundred-acre factory site that at one time dumped wastes on its property. The term "brownfield" was first used to distinguish developed land from unused suburban and rural land often referred to as "greenfield" sites. Greenfields are typically undeveloped rural, agricultural or forested areas surrounding urban areas.

The redevelopment of brownfield sites can bring renewed economic vitality and jobs to urban communities. By reusing brownfield sites, urban sprawl is prevented, urban revitalization is encouraged, new jobs are created, and abandoned properties are returned to the tax base. Furthermore, as these benefits are realized, greenfield areas – agricultural, forest, and open space lands – are preserved and protected.

MCDA Pollution Cleanups

During 1999, the Minneapolis Community Development Agency (MCDA) was awarded \$2.9 million in pollution cleanup grants under the Contamination and Metropolitan Livable Communities Grant Programs.

A grant of \$1 million was received for lead and petroleum cleanup on the Martin Bush Iron and Metal site in North Washington Industrial Park (NWIP). The site will be sold to DHL Courier for a light manufacturing facility that will help retain 32 jobs and create 15 new jobs over the next five years. Another grant of \$1 million was awarded to the Old Federal Reserve project to provide assistance for asbestos removal. Total clean-up costs for the building are estimated to be \$5.9 million. Total investment cost for the renovation and expansion of the building are estimated to be nearly \$58 million. About 2,000 employees are expected to work in the new Marquette Plaza with 500 workers representing new employment in the region. The third largest grant of nearly \$722,000 was awarded to the Washburn-Crosby Milling Complex to remove asbestos and lead based paint, as well as to conduct soil remediation. This complex is an essential component of Minneapolis' riverfront development activities and is expected to be developed as a mixed-use project. The lower four floors of the south one-half of the mill will house the new 50,000 square foot St. Anthony Falls Heritage Center and Museum at a cost of \$24 million. The smallest grant of \$212,000 was

received to cleanup lead and petrochemicals from block 49 in the NWIP. ASI sign will purchase property 100 to build a 16,000 square foot facility that will create 24 new jobs over the next five years.

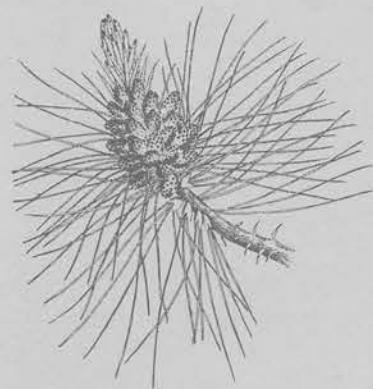
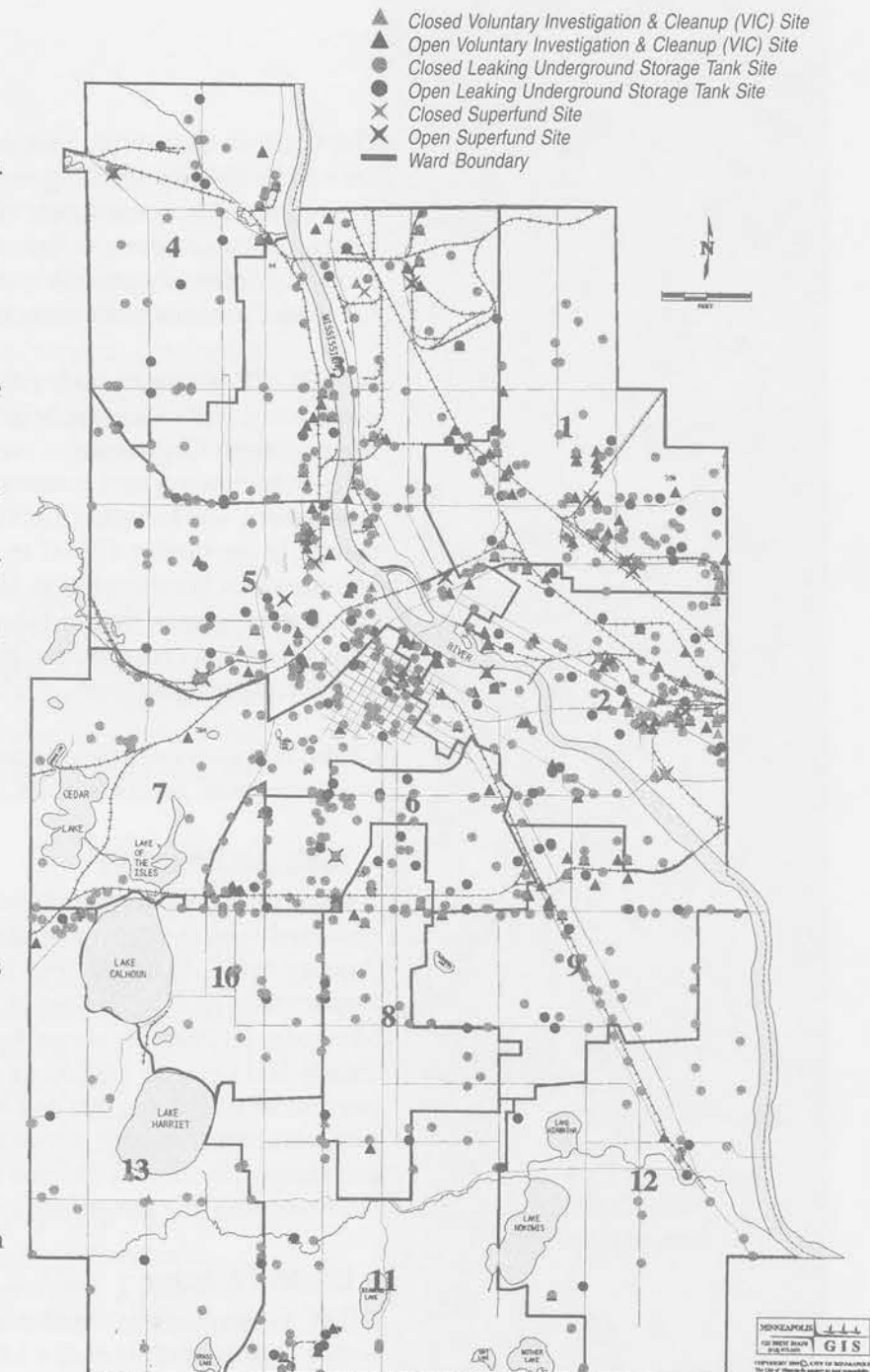
Since 1994, the City has been awarded a total of \$14.54 million under these contamination programs.

Brownfields Management Program

Minneapolis was among the first cities in the country to reclaim brownfields for productive uses. The MCDA is actively involved in remediating polluted sites for redevelopment, the Public Works Department cleans up properties owned by the City that may have been contaminated in the past, and the Park and Recreation Board restores brownfield sites for a variety of open space uses.

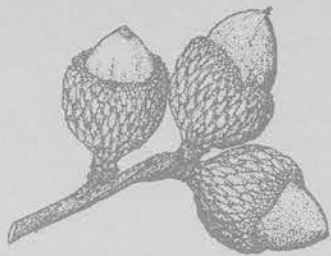
The Department of Operations and Regulatory Services has regulatory responsibility for all brownfields in Minneapolis. Through its Brownfields Management Program, the Department works closely with the U.S. EPA and the Minnesota Pollution Control Agency, it monitors and tracks all polluted sites in the City and it works with private and public parties to restore brownfields to productive uses. The Brownfields Management Program operates the Petro Cleanup program which has overseen the cleanup of some 825 sites in the City. In 1999, the Program was also involved in addressing two Superfund sites – Doc's Auto and Shafer Battery.

Contaminated Sites Inventory



*The soil is the great connector
of lives, the source and
destination of all.*
Wendell Berry

CEAC 1999 REPORT



The Citizens Environmental Advisory Committee (CEAC), created in 1994 by the Mayor and City Council, serves as an advisory committee to members of the Environmental Coordinating Team. CEAC consists of four members from each of the following groups: citizens, businesses, environmental advocacy organizations and persons with demonstrated environmental expertise.

In 1999, CEAC continued with several projects initiated previously, including the Middle Mississippi River Watershed Management Organization and working with Minneapolis Planning in reviewing and commenting on environmental assessment worksheets (EAWs) related to downtown developments. In particular, CEAC in conjunction with the Downtown Minneapolis Transportation Management Organization has stressed programs that reduce dependence on single occupancy vehicles, reduce congestion, lead to improvements in air quality and maintain downtown vitality.

CEAC has also investigated and advised on a variety of environmental issues in the City during 1999 including:

• Toxic Air Pollution

As part of an ongoing exploration of air quality problems, CEAC gathered stakeholders from the Minnesota Pollution Control Agency (MPCA), Public Health Department, and Minneapolis Department of Health And Human Services to discuss air toxics in Minneapolis and the Metro Area. A recent study from the MPCA clearly links cancer and other serious health effects to air toxics, 60 percent of which are emitted by automobiles. When more information becomes available about options for addressing the air toxics problems, CEAC will discuss actions the City might undertake to decrease toxic air emissions in Minneapolis.

• Urban Forestry

CEAC is developing a best practices manual for use by the private sector and the public sector in maintaining and improving the planting, maintenance, health and care of the City's trees.

• District Energy

CEAC is exploring the feasibility of strengthening the use of district heating/cooling in Minneapolis to improve efficiency and as a way to improve downtown air quality. In this effort, CEAC is currently working with the City Council, the City's Planning Department, the district energy systems in the City, and the business community to explore ways to compare the merits of district energy with stand alone energy systems to better ensure the overall energy efficiency of downtown redevelopment.

• Indoor Air Quality

Members reviewed current indoor air quality concerns (including the recent experience with houses involved in the Metropolitan Airport Commission Sound Insulation Program) and developed a mailer that went out with the City's water bill. Partners on the mailer included Environmental Management, the Center for Energy and Environment and the American Lung Association.

• Accidental Toxic Releases

CEAC has been instrumental in generating interest in the Community Awareness and Emergency Response (CAER) program. CAER is targeted at Minneapolis businesses and industry and focuses on emergency planning. It will start in Northeast Minneapolis. If successful, the CAER concept could be expanded to all areas of the City where urban industry with the potential for toxic release exists.

In 1999 CEAC also continued to be involved in planning for the American Heritage River Initiative implementation, advocated for an improved Stormwater Control and Treatment Ordinance and is supporting the citizen involvement process for the Upper River Master Plan. During the year CEAC also continued its participation in the Minneapolis Industrial Land and Employment Strategy and the St. Anthony Falls Technical Advisory Committee.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

David Byfield
Co Chair, PEER Environmental

Thomas Dicks
US Small Business Administration

Guy Fischer
Staff, Minneapolis
Environmental Management

John Helgeson
Hennepin County

Randy Kouri
Bottineau Neighborhood Resident

Lonnie Nichols
The Green Institute

Brian Ross
BIKO Associates

Jim Sjoselius
Kurt Manufacturing

Walker A. Smith
Co Chair, Minnesota Pollution
Control Agency

Lorrie Stromme
Hennepin County

Michelle Swanson
Northern States Power

Teresa Werneke
Downtown Transportation
Management Organization

*"If you are thinking one year ahead,
sow seed.
If you are thinking 10 years ahead,
plant a tree.
If you are thinking 100 years ahead,
educate the people."
Chinese proverb*



**1999
Environmental Coordinating Team
Annual Report**

Prepared by
ENVIRONMENTAL MANAGEMENT
DEPARTMENT OF OPERATIONS & REGULATORY SERVICES
OFFICE OF THE CITY COORDINATOR
CITY OF MINNEAPOLIS

Produced by
MINNEAPOLIS PLANNING DEPARTMENT/GRAPHICS DIVISION

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Office of the Mayor
350 South 5th Street - Room 331
Minneapolis MN 55415-1393



Sharon Sayles Belton
Mayor

Office (612) 673-2100
Fax 673-2305
TTY 673-3187

April 13, 2000

An Open Letter to the Board of Water and Soil Resources:

I am writing to encourage your support of the Watershed Management Plan of the Middle Mississippi River Watershed Management Organization. Because the City of Minneapolis is ninety-four percent of the land area of the watershed, I thought it important that we reaffirm our commitment to the MMRWMO, its vision for water resources stewardship and to the concept of watershed management.

By approving this plan, the board has a truly historic opportunity to partner with the cities of the MMRWMO to create a new model for urban watershed management. The principal initial project areas of the plan include the Upper Mississippi River, the Northside and the South East Minneapolis Industrial Area. In SEMI, wetlands and restoration activities will focus on providing a new model for a three-hundred-acre office/light industrial complex, while on the Northside a seventy-five acre residential redevelopment will also include a major new wetland, as well as creek restoration activities. These two projects will provide the region, not just the city, with new paradigms for large-scale residential and commercial redevelopment that integrate principles of watershed management from the beginning. Along the Upper Mississippi River, major projects are planned to reclaim, restore and enhance the corridor of this long neglected, yet historically rich part of the nation's greatest river.

While these projects will be providing new models for integrating land-use planning and watershed management, I want to suggest to you that the MMRWMO Board itself is a new model for WMO's, specifically, but more generally, for how governments ought to cooperate more often. Anyone who has attended a board meeting will know what I am describing – there is the truest type of collaboration occurring among the member cities because all of them view the Mississippi as a regional resource for which we are collectively responsible.

Sincerely,

Sharon Sayles Belton
Mayor

SSB/jm

Office of the Mayor
350 South 5th Street - Room 331
Minneapolis MN 55415-1393



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Sincerely,

Sharon Sayles Belton
Mayor

SSB/jm

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Bruce D. Malkerson, Esq.
Direct Dial No. 612/344-1699

APR 24 2000

April 24, 2000

VIA MESSENGER

Mr. Ronald Harnack
Executive Director
Minnesota Board of Water and Soil Resources
One Water Street, Suite 200
Saint Paul, MN 55107

Re: Petition for Boundary Change
Lower Minnesota River Watershed District
Our File No. 1447.001

Dear Mr. Harnack:

The undersigned represents the Lower Minnesota River Watershed District (LMRWD). On behalf of the LMRWD and its Board of Managers, enclosed for consideration by the Minnesota Board of Water and Soil Resources (Board) please find the original of the final LMRWD's petition for boundary change pursuant to Minnesota Statutes §103B.215. I also enclose 15 copies of the colored Exhibit A. The draft petition was filed with the Board on Friday. The petition seeks to incorporate into the LMRWD areas contiguous to the northern boundary of the LMRWD (the Petitioned Area). The Petitioned Area is not under the jurisdiction of a watershed district or joint powers watershed management organization. The Petitioned Area does include land ("Contested Areas") which is also included in the Petition recently filed with the Board by the Minnehaha Creek Watershed District (MCWD) which is scheduled presently to be considered by the Board at a hearing on April 27, 2000 at 4:00 p.m. For the reasons set forth in the enclosed LMRWD Petition and as will be demonstrated at the hearing, the LMRWD respectfully requests that the Board deny MCWD's Petition as to those Contested Areas only and approve the LMRWD's Petition, including the Contested Areas. I understand that pursuant to prior notice from the Board, that the Board will consider the LMRWD's Petition at the same time as MCWD's Petition.

The Petitioned Area contains important ground and surface water resources, and areas under common ownership or use as set forth in the LMRWD's Petition. LMRWD seeks to incorporate the Petitioned Area because it believes that the inclusion thereof in the LMRWD will best promote water quality in the area. The boundary change would be in conformance with the goals and purposes of metropolitan surface water management under Minnesota Statutes §§103B.201 through 103B.255.

Mr. Ronald Harnack
April 24, 2000
Page 2

I expect that there will be at least ten property owners in the Contested Area and/or their consultants who will want to testify at length against including the Contested Areas in the MCWD and testify in favor of including those properties in the LMRWD. I know of no opposition to either petition as to the non-Contested Areas.

If there is any way that we can help achieve a more effective presentation of the relevant facts or if you have any questions, please let me know.

Very truly yours,

A handwritten signature in dark ink that reads "Bruce D. Malkerson". The signature is written in a cursive, slightly slanted style.

Bruce D. Malkerson

cc: James Haertel, BWSR
Doug Thomas, BWSR
Doug Snyder, BWSR
LMRWD Board of Managers
Larry Samstad, Administrator, LMRWD
Eric Evenson, Administrator, MCWD

Mr. Ronald Harnack
April 24, 2000
Page 3

bcc: Thaddeus Lightfoot

BOARD OF WATER AND SOIL RESOURCES
1 West Water Street, Suite 200
St. Paul, Minnesota 55107

PETITION FOR BOUNDARY CHANGE OF THE
LOWER MINNESOTA RIVER WATERSHED DISTRICT
PURSUANT TO MINNESOTA STATUTES § 103B.215

TO: Board of Water and Soil Resources
1 West Water Street
Suite 200
St. Paul, MN 55101

The Lower Minnesota River Watershed District (LMRWD) petitions the Board of Water and Soil Resources (BWSR) for an order approving a change of the boundary of the LMRWD to include additional lands, as described below.

- I. The LMRWD presently encompasses an area of sixty-four square miles, including parts of Hennepin, Carver, Scott, Dakota and Ramsey Counties and all or part of the cities of Carver, Chaska, Shakopee, Chanhassen, Eden Prairie, Bloomington, Lillydale, Mendota, Mendota Heights, Eagan, Burnsville, and Savage, and the townships of Louisville and Jackson in County, and Chaska township in Carver County.
- II. The LMRWD legal boundaries generally follow the subwatershed boundaries of the Minnesota River valley (up to the bluff line), encompassing the area that is directly tributary to the Minnesota River and some areas directly tributary to the Mississippi River (approximately 10,000 lineal feet along the Mississippi River). Therefore, the inclusion of those portions of the area sought to be incorporated which presently or will in the future continue to flow to the Mississippi River directly would not be unique for the LMRWD.

- III. The area that the LMRWD petitions BWSR to incorporate within the boundaries of the LMRWD is delineated in Exhibit A and is legally described in Exhibit B (the "Petitioned Area" or "Area"). The Petitioned Area includes Minneapolis-St. Paul International Airport (MSP), which is owned and operated by the Metropolitan Airports Commission (MAC), and Fort Snelling State Park, which is owned by the State of Minnesota. Also included in the Petitioned Area is the National Cemetery, owned by the United States Department of Veterans Affairs, and the right of way on State Trunk Highway 5, also designated as Interstate Highway 494, and Cedar Avenue (State Trunk Highway 77). In addition, the Petitioned Area includes certain property contiguous to MSP and owned or occupied by the United States Air Force Reserve, the United States Army Reserve, the Minnesota Air National Guard, the United States Naval Reserve, the General Services Administration, the United States Bureau of Mines, the State of Minnesota (Minnesota Department of Transportation), and the Minneapolis Park and Recreation Board, as well as the right-of-way of portions of State Trunk Highways 62 and 55 and land to the east thereof to the Mississippi River.
- IV. MAC, the United States Air Force Reserve, the United States Army Reserve, Department of the Navy, the Minnesota Air National Guard, and the Minnesota Department of Transportation support this petition. The Minneapolis Park and Recreation Board prefers having its property in one watershed district. See Exhibit C. Support from the other landowners is unknown.
- V. The boundary of the Petitioned Area approximates the hydrological divide separating Mississippi River and Minnesota River drainage and includes a small area of other land which logically should be included therein for the reasons discussed in this petition.

- VI. The Petitioned Area contains valued surface and groundwater resources, including wetlands.
- VII. Granting the petition to include the Area in the LMRWD is appropriate because the petition reflects the hydrological divide separating Mississippi River and Minnesota River drainage and includes a small area of other land which logically should be included therein for the reasons discussed in this petition. Granting the petition meets BWSR's preference that MAC and other property owners adjacent to MSP join a watershed district or joint powers water management organization (JPWMO), and enhances comprehensive watershed district oversight of the Petitioned Area.
- A. Virtually all of the drainage from the Petitioned Area flows to the Minnesota River. The topography and grading of MSP directs stormwater runoff south and east to the Minnesota River. Similarly, MSP's storm sewer system drains in the same direction. MSP's storm sewer system discharges only to the Minnesota River.
- B. The LMRWD has worked with MAC to protect water quality and watershed resources since the 1970s. In the 1970s, the LMRWD reviewed MAC's plans for flume and stormwater ponds. In the 1980s, the LMRWD reviewed MAC's plans to construct stormwater ponds near the Minnesota River, and required MAC to install skimmers on the ponds. The LMRWD also reviewed expansion plans for MSP, and commented on MAC's proposals to implement the 2010 Long-Term Comprehensive Plan. In 1995, the LMRWD became an original member of MAC's de-icing task force, and an LMRWD manager continues to serve on that important body. More recently, the LMRWD commented on the environmental

impact statement for the Dual Track Airport Planning process, and has been instrumental in reviewing projects related to construction of the new north-south runway. For example, the LMRWD recently reviewed MAC's reconstruction plans for the incoming roadway at MSP, and reviewed MAC's proposed new pond system. The water from that pond system discharges into the Minnesota River.

- C. Significant aspects of MSP's operations also occur within LMRWD's current boundaries. For example, MAC owns land in the LMRWD that serves as runway protection zones. In addition, MSP's approach lighting south of the airport and a number of MAC surface water treatment ponds are within LMRWD's current jurisdiction.
- D. The United States Air Force Reserve parcel is located just north of MSP and south of Highway 62. See Exhibits B and D. Nearly fifty percent of the land area of the Air Force Reserve parcel drains to the Minnesota River. The parcel also contains a large runway apron that links directly to the taxiways and runways at MSP. A large portion of the Air Force Reserve runway is located on MAC property, which the Air Force Reserve is leasing from MAC for a 99-year term. The MSP storm sewer system extends to the Air Force Reserve's runway apron, so that stormwater is piped from the parcel south to MSP's main storm sewer system, and ultimately discharged to the Minnesota River. The parcel is immediately contiguous to MSP, and the Air Force Reserve aircraft operations on the parcel are closely related to operations at MSP.

- E. The Petitioned Area also includes a parcel south of Highway 62 and immediately contiguous to MSP that the Minnesota Air National Guard uses for aircraft operations. See Exhibits A and D. The United States Air Force owns the property, and the Minnesota Air National Guard uses the property with the consent of the Air Force. The property includes a large runway apron area that drains to the Minnesota River. The parcel has two connections to the MSP storm sewer system. One connection is a 48-inch diameter pipe, and the other is a 12-inch diameter pipe. Stormwater drains south through both pipes to MSP's storm sewer system, which ultimately discharges to the Minnesota River. A 72-inch pipe drains some of the parcel north toward Highway 62, but that storm sewer line is very shallow. The topography of the area is also quite flat. As a result, the Minnesota Air National Guard has approached MAC with the suggestion of connecting the entire parcel to MSP's storm sewer system, which would result in that water being directed to the Minnesota River.
- F. Minnesota Air National Guard aircraft operations, like the Air Force Reserve aircraft operations, are closely related to operations at MSP. Both parcels contain large aprons that link directly to MSP's taxiways and runways, and storm sewer pipes under those aprons that link directly to MSP's storm sewer system, which discharges into the Minnesota River. In addition, the two parcels are interdependent. For example, the parcels have a common owner—the United States Air Force. The Air Force treats operations on the two parcels as a single unit. The operations share a single fuel farm, located on the Minnesota Air National Guard parcel, where both the Air Force Reserve and the Air National

Guard refuel planes. The Air Force Reserve and Air National Guard also transport aircraft ordinance between parcels.

- G. The United States Army Reserve also owns a portion of the federal land that is part of the Petitioned Area. See Exhibits A and D. Some of the Army property includes land at the end of Runway 4-22, just northeast of the MSP property line. A portion of the Army property is within the hydrological boundary of the LMRWD, and currently drains to the Minnesota River. In the near future, MAC intends to acquire this property for a proposed extension to Runway 4-22. When MAC builds the Runway 4-22 extension, the property in the area will connect to MSP's storm sewer system, which discharges into the Minnesota River. MAC has already designed the storm sewer system to accommodate stormwater from an extended Runway 4-22, which design is currently being reviewed by the LMRWD.
- H. The Minnesota Department of Transportation (MnDOT) also requests that the LMRWD include within its jurisdiction MnDOT property in an area contiguous to MSP, as well as MnDOT's right-of-way of portions of State Trunk Highways 62 and 55 and land to the east thereof to the Mississippi River. The area that MnDOT identifies, which is legally described in Exhibit B, is not currently under watershed district management, and does not include Camp Coldwater. Including the MnDOT property within the LMRWD will promote conservation of natural resources and promote the goals of metropolitan surface water management set forth in Minnesota Statutes sections 103B.201 through 103B.255. Including the MnDOT right-of-way in the LMRWD also reflects hydrological boundaries. We

believe, but are not certain that property north of MnDOT's Highway 62 and 55 right-of-way drains to Minnehaha Creek. Property within and south of the right-of-way drains to the Mississippi or the Minnesota Rivers. In addition, as part of the Highway 62/55 interchange, MnDOT anticipates diverting water that currently drains to the Mississippi River south to MAC's storm sewer system. As discussed above, MAC's storm sewer system discharges to the Minnesota River. Finally, including MnDOT's Highway 62 right-of-way in the LMRWD ensures that one watershed district, rather than two, will have authority over that stretch of roadway. Single watershed district management streamlines the review process and ensures comprehensive oversight and protection of watershed resources. MnDOT has worked with the LMRWD in the past on numerous highway projects, including the Mendota Bridge reconstruction and is presently working with MnDOT related to the proposed modification of the Highway 62/55 interchange upgrade and is reviewing those proposed plans. MnDOT is willing to enter into the LMRWD's model joint resolution to implement water management policies, standards, and criteria at least as stringent as those in the LMRWD Water Management Plan. See Exhibit C.

- I. The Minneapolis Park and Recreation Board owns approximately thirteen acres northwest of Bloomington Avenue and southeast of the Whipple Federal Building. The Minneapolis Park and Recreation Board has a short-term lease for and is negotiating a long-term lease with the State of Minnesota for use of the Parade Ground area and golf course south of Bloomington Avenue, and is planning to develop a major athletic complex on the Fort Snelling Upper Bluff

Parade Grounds. A portion of the Minneapolis Park and Recreation Board's property drains to the Minnesota River. The Minneapolis Park and Recreation Board property is not currently within the jurisdiction of a watershed district or watershed management organization. The Minneapolis Park and Recreation Board prefers that its property be placed entirely within one jurisdiction. See Exhibit C. Single watershed district management streamlines the review process, and ensures comprehensive oversight and protection of watershed resources. Granting the LMRWD's petition would place the Minneapolis Park and Recreation Board property within a single jurisdiction as it has requested. The Minnehaha Creek Watershed District petition, which is discussed below, would divide the Minneapolis Park Board property along Bloomington Avenue and place the Park Board in two watershed districts.

- J. The Petitioned Area is not currently under the jurisdiction of a watershed district or JPWMO. The desire of MAC, the United States Air Force Reserve, the United States Army Reserve, Department of the Navy, MnDOT, and the Minnesota Air National Guard to join the LMRWD satisfies BWSR's preference for MSP and the property contiguous to MSP to be within the jurisdiction of a watershed district or JPWMO. Including the other federal and state property contiguous to MSP within the jurisdiction of the LMRWD also satisfies BWSR's preference.

- VIII. Including the Petitioned Area within the LMRWD is consistent with the purposes of Minnesota's metropolitan water management statute, Minnesota Statutes §§ 103B.205 to 103B.255.

- A. The Area contains valued surface and groundwater resources that the Minnesota metropolitan water management statute is designed to protect, such as surface water and wetlands. See Minn. Stat. § 103B.201.
- B. Including the Area within the LMWRD's jurisdiction advances the principle of establishing boundaries on a hydrological basis. The vast majority of the Area drains to the Minnesota River. The LMRWD includes all other land on each side of the Minnesota River within the LMRWD that directly drains to the Minnesota River. The petition places all such land within the authority of a single water management body.
- C. Minnesota's water planning and wetland protection statutes establish a planning and management process that establishes watershed districts or JPWMOs to manage and protect water resources within the Twin Cities metropolitan area. Most of MSP and all of the properties immediately to the north of MSP are not yet under the jurisdiction of a water resources management authority. This petition seeks to bring LMRWD management to a large area that drains primarily to the Minnesota River.
- D. The other watershed district near the Petitioned Area, the Minnehaha Creek Watershed District (MCWD), is concerned with lands draining to Minnehaha Creek. Because the Petitioned Area drains primarily to the Minnesota River, the LMRWD is the appropriate water resources management body to assume authority over the entire Petitioned Area.
- E. In a March 20, 2000 letter to the LMRWD, the MCWD stated that it "is not interested in surface water management of watershed areas which are not

hydrologically connected to the Minnehaha Creek watershed or the Mississippi River,” and maintained that the MCWD is in “agreement with BWSR initiatives to provide a logical watershed steward for the MAC property, which naturally drains to the Minnesota River.” See Exhibit E.

IX. If BWSR determines that the MCWD boundary change petition has merit, BWSR should include within MCWD’s jurisdiction only the land north of boundary requested herein for the expanded LMRWD.

A. MCWD is petitioning BWSR for a change of its boundary, requesting that BWSR incorporate into the MCWD certain property not currently within watershed district or JPWMO jurisdiction. See Exhibit D. This property is contiguous to MSP. One parcel, which the MCWD petition designates as “part A,” is the United States Air Force Reserve property. This parcel is south of Highway 62. See Exhibit D. This parcel is a part of the Area that the LMRWD is petitioning BWSR to include within the LMRWD’s jurisdiction. A second parcel, which the MCWD petition designates as “part B,” extends both north and south of Highway 62. See Exhibit D. A portion of this parcel identified in Exhibits A and B to the LMRWD petition--that is, property owned or occupied by the United States Army Reserve, United States Naval Reserve, United States Air Force Reserves, the Minnesota National Guard, MnDOT, the General Services Administration, the United States Bureau of Mines, and the Minneapolis Park Board--is also part of the Petitioned Area in the LMRWD’s boundary change petition.

B. The rationale for the MCWD petition is that MCWD asserts jurisdiction over other lands draining to the Mississippi River. The hydrological boundary and the

land use of the area that MCWD seeks to annex, however, suggest that the land identified in this petition should come within the jurisdiction of the LMRWD. As discussed above, stormwater from some of the parcels contiguous to the north side of MSP drains to the Minnesota River. See Exhibits A and D. For example, nearly fifty percent of the Air Force Reserve property designated as “part A” in the MCWD petition drains to the Minnesota River. See Exhibit D. A portion of the Army Reserve and Minnesota National Guard property that the MCWD petition designates as “part B” also drains to the Minnesota River. See Exhibit D. In addition, the Air Force Reserve on the “part A” federal property and the Minnesota Air National Guard on that portion of the “part B” federal property south of Highway 62 conduct aircraft operations using MSP. See Exhibit D. Given that activities on these properties and MnDOT’s operations as discussed above are closely related to operations at MSP, management by a single watershed district is the best method to assure comprehensive oversight and protection of watershed resources.

- C. The MCWD petition states that there is a “gap” in water resource protection because the federal properties are not currently within watershed district or JPWMO jurisdiction. The LMRWD petition addresses this gap by incorporating into the LMRWD’s jurisdiction all federal property designated as “part A” in the MCWD petition, as well as the that portion of the MCWD petition’s “part B” federal property south of Highway 62.
- D. The MCWD petition focuses on that portion of the “part B” property north of Highway 62, including Camp Coldwater Springs and the Highway 55/62

interchange. MCWD also states that its lack of jurisdiction over land adjacent to the Mississippi River constrains its ability to undertake capital projects for managing Mississippi River drainage that originates within the MCWD. In short, the MCWD petition argues that MCWD should exercise jurisdiction over the "part B" property well north of Highway 62. The LMRWD petition offers common land use and hydrological boundaries as compelling reasons to include all of the property requested herein within the LMRWD's jurisdiction. If BWSR determines that the MCWD petition has merit, BWSR should grant the petition only as to the "part B" property north of the boundary requested herein for the expanded LMRWD. BWSR should not include in the MCWD's jurisdiction the parcels that by common land use and hydrological boundary logically belong in the LMRWD ("Contested Areas"). The vast majority of property owners in the Contested Areas have expressed a desire to be included in the LMRWD and not in the MCWD for the reasons set forth herein. See also Exhibit C.

- X. A representative of the MCWD has stated to the LMRWD that MCWD desires to include the Contested Areas because of the need to regulate surface use which may affect groundwater flows and quality. The direction of flow or quality of groundwater is not a factor which is relevant to determination of watershed district boundaries. Assuming *arguendo* it were, the LMRWD has similar concerns and would ensure the protection thereof.
- XI. No city, town, watershed district or JPWMO currently has jurisdiction over the Petitioned Area. Accordingly, the concurrence requirement of Minnesota Statutes § 103B.215, subds. 2(c) and 4(c), is inapplicable.

XII. Because the Petitioned Area is not currently within a watershed management district or JPWMO, the LMRWD represents under Minnesota Statutes § 103B.225 that the addition of the Petitioned Area to the LMRWD does not affect the benefits or damages for any previously constructed improvements by a watershed district. In addition, the property included in the Petitioned Area is not liable for any outstanding indebtedness, levies, or assessments of the LMRWD.

XIII. In the event the LMRWD's Petition is approved, the LMRWD will immediately amend its BWSR approved water management plan, as provided by law, to include special provisions related to the Petitioned Area.

WHEREFORE, the undersigned submits this petition to the Board of Water and Soil Resources on behalf of and under the authority granted by the Lower Minnesota River Watershed District board of managers, in accordance with Minnesota Statutes § 103B.215 and BWSR's rules and procedures, and respectfully requests that BWSR issue findings and an order making the requested boundary change.

President
Board of Managers
Lower Minnesota River
Watershed District

Date

EXHIBIT A

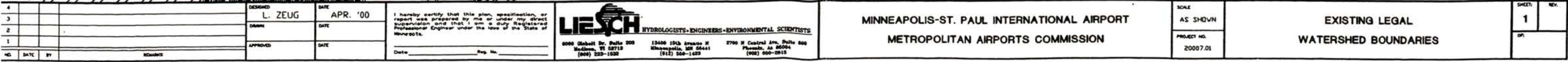


EXHIBIT B

Legal Description

LMRWD BOUNDARY CHANGE PETITION

Petitioned Area Boundary Description

1. Property Located Generally South Of Highways 62 And 55

Beginning at a point on the existing boundary of the Lower Minnesota River Watershed District, said point being at the point of intersection of the centerline of Hennepin County State Aid Highway No. 1 with the north line of Section 1, Township 27 North, Range 24 West, said north line of Section 1 also being a northerly boundary line of the City of Bloomington;

Thence westerly along said north line of Section 1 and said northerly boundary line of the City of Bloomington to an intersection with the southerly extension of the most northerly easterly right of way line of State Trunk Highway No. 77, as the same is located in the Southwest Quarter of the Southwest Quarter of Section 36, Township 28 North, Range 24 West;

Thence northerly along said southerly extension and most northerly easterly right of way line of State Trunk Highway No. 77 to the north line of said Southwest Quarter of the Southwest Quarter of Section 36;

Thence continuing northerly along said easterly right of way line of State Trunk Highway No. 77 as the same is located in the Northwest Quarter of said Southwest Quarter of Section 36 and the Northwest Quarter of said Section 36 to the south line of Section 25, Township 28 North, Range 24 West;

Thence easterly along said south line of Section 25 to the southeast corner of said Section 25;

Thence northerly along the east line of said Section 25 to the northeast corner of said Section 25, also being the southeast corner of Section 24, Township 28 North, Range 24 West;

Thence northerly along the east line of said Section 24 to the southerly right of way line of Hennepin County State Aid Highway No. 62, as the same is located in said Section 24;

Thence easterly along said southerly right of way line of Hennepin County State Aid Highway No. 62 to the westerly right of way line of 42nd Avenue South;

Thence southerly along said westerly right of way line of 42nd Avenue South to the southerly right of way line of East 59th Street;

Thence easterly along said southerly right of way line of East 59th Street to the easterly right of way line of 46th Avenue South;

Thence northerly along said easterly right of way line to said southerly right of way line of Hennepin County State Aid Highway No. 62;

Thence easterly along said southerly right of way line of Hennepin County State Aid Highway No. 62 to the westerly right of way line of State Trunk Highway No. 55;

Thence southerly and southeasterly along said westerly right of way line of State Trunk Highway No. 55 to the southeasterly right of way line of Bloomington Road, also known as Hennepin County Road No. 204;

Thence northeasterly along the northeasterly extension of said southeasterly right of way line of Bloomington Road to the centerline of the Mississippi River;

Thence southeasterly along said centerline of the Mississippi River to said existing boundary of the Lower Minnesota River Watershed District.

2. Minnesota Department Of Transportation Right-Of-Way

Beginning at the intersection of the east boundary of 46th Avenue South, the same being the boundary line between the City of Minneapolis and Fort Snelling Reservation, with the northerly boundary of State Trunk Highway 62;

Thence easterly along said northerly boundary of State Trunk Highway 62 and its easterly extension to the easterly boundary of State Trunk Highway 55, the same being westerly boundary of the United States Bureau of Mines;

Thence southerly and easterly along said easterly boundary of State Trunk Highway 55 for 1115 feet, more or less, to the southeast boundary of said United States Bureau of Mines;

Thence easterly along said easterly boundary of State Trunk Highway 55 and its easterly extension to the centerline of the Mississippi River;

Thence southerly and easterly along the centerline of the Mississippi River to the southerly boundary of Bloomington Road extended;

Thence southwesterly in Township 28 North, Range 23 West, 4th Principal Meridian on the southerly boundary of Bloomington Road extended to the intersection of the westerly boundary of State Trunk Highway 55;

Thence northwesterly in Township 28 North, Range 23 West, 4th Principal Meridian along the westerly boundary of State Trunk Highway 55 to its intersection of the southerly boundary of State Trunk Highway 62;

Thence westerly along the southerly boundary of State Trunk Highway 62 to the easterly boundary of 46th Avenue South, the same being the boundary line between the City of Minneapolis and Fort Snelling Reservation;

Thence northerly along said easterly boundary of 46th Avenue South, the same being the boundary line between the City of Minneapolis and Fort Snelling Reservation, to its intersection with the northerly boundary of State Trunk Highway 62, and there terminating.

EXHIBIT C

METROPOLITAN AIRPORTS COMMISSION

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450-2799

Phone (612) 726-8100 • Fax (612) 726-5296



April 19, 2000

Mr. Bruce D. Malkerson
Counsel for the Lower Minnesota Watershed District
Malkerson Gilliland & Martin LLP
Suite 1500, AT&T Tower
901 Marquette Avenue
Minneapolis, MN 55402-3205

Re: Petition for Boundary Change
Minnehaha Creek Watershed District
Lower Minnesota River Watershed District

Dear Mr. Malkerson:

The Metropolitan Airports Commission (MAC) submits these comments on the petition for boundary change of the Minnehaha Creek Watershed District (MCWD). In addition, the MAC requests that all of the Minneapolis-St. Paul International Airport (MSP) property not currently within the legal boundary of the MCWD be included within the jurisdiction of the Lower Minnesota River Watershed District (LMRWD). As you know, only the northwest corner of the MSP property is currently within the jurisdiction of a watershed district or joint powers watershed management organization. The MAC urges that the hydrologic boundaries of the northwest corner of MSP be used to determine watershed jurisdiction for that parcel. Based upon hydrologic boundaries, most of the northwest corner of MSP currently within the legal boundary of the MCWD belongs within the LMRWD's jurisdiction as well.

I. MSP Property Not Within The Boundary Of The MCWD

Including the MSP property within the LMRWD's jurisdiction is appropriate because such action would reflect the hydrologic divide separating Mississippi River and Minnesota River drainage, and would meet the Minnesota Board of Water and Soil Resource's (BWSR's) preference that the MAC join a watershed district. Virtually all of the drainage from the MSP property—including the northwest corner of the property currently within the MCWD legal boundary—flows to the Minnesota River. The topography and grading of the MSP property directs stormwater runoff south and east to the Minnesota River. Similarly, MSP's storm sewer system drains in the same direction. MSP's storm sewer system discharges solely to the Minnesota River.

Although most of the MSP property is not currently within the jurisdiction of a watershed district, the MAC has worked with the LMRWD to protect water quality and watershed resources since the 1970s. In the 1970s, the LMRWD reviewed the MAC's plans for flume and stormwater ponds. In the 1980s, the LMRWD reviewed the MAC's plans to construct stormwater ponds near the Minnesota River, and required the MAC to install skimmers on the ponds. The LMRWD also reviewed expansion plans for MSP, and commented on the MAC's proposals to implement the 2010 Long-Term Comprehensive Plan. In 1995, the LMRWD became an original member of the MAC's aircraft de-icing task force, and a LMRWD manager continues to serve on that important body. More recently, the LMRWD commented on the environmental impact statement for the Dual Track Airport Planning process, and has been instrumental in reviewing projects related to construction of the new north-south runway. For example, the LMRWD recently reviewed the MAC's reconstruction plans for the incoming roadway at MSP, and reviewed the MAC's proposed new stormwater pond system. The water from that pond system discharges into the Minnesota River. Significant aspects of MSP's operations also occur within LMRWD's

current boundaries. For example, the MAC owns land in the LMRWD that serves as runway protection zones. In addition, MSP's approach lighting south of the airport and a number of the MAC surface water treatment ponds are within LMRWD's current jurisdiction. The MAC's history of cooperation with the LMRWD is logical, given that virtually the entire MAC property drains to the Minnesota River.

Other than the northwest corner of the parcel, MSP is not currently under the jurisdiction of a watershed district. The MAC's desire to join the LMRWD satisfies BWSR's preference for MSP to be within the jurisdiction of a watershed district. Minnesota's water planning and wetland protection statutes establish a planning and management process that establishes watershed districts or joint powers watershed management organizations to manage and protect water resources within the Twin Cities metropolitan area. Most of MSP is not yet under the jurisdiction of a water resources management authority. The MAC's request, therefore, would bring LMRWD management to a large area that drains primarily to the Minnesota River.

Also, a portion of the United States Army Reserve property is within the hydrologic boundary of the LMRWD, and currently drains to the Minnesota River. In the near future, the MAC intends to acquire this property for a proposed extension to Runway 4-22. When the MAC builds the Runway 4-22 extension, the property in the area will connect to MSP's storm sewer system, which discharges into the Minnesota River. The MAC has already designed the storm sewer system to accommodate stormwater from an extended Runway 4-22.

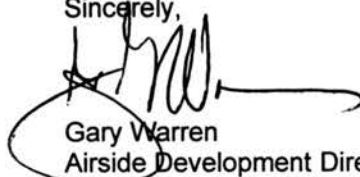
II. The MSP Property Within The MCWD's Legal Boundary

The northwest corner of MSP, which includes Mother Lake, is currently within the legal boundary of the MCWD. The MCWD's legal boundary, however, does not reflect the hydrologic boundary for the northwest corner of the Area. Virtually the entire northwest corner drains into the Minnesota River. The MAC respectfully requests that BWSR, LMRWD, and MCWD alter MCWD's legal boundary in this area to better reflect the hydrologic boundary of the LMRWD and MCWD. In particular, the MAC requests that the portion of the area currently within MCWD's legal boundary but that drains to the Minnesota River be included in LMRWD's jurisdiction. Based on common airport use, the MAC also requests that the land area that includes the MAC maintenance campus, general offices, and the Runway 12L protection area that drains into the Mississippi River also be included in the LMRWD. Employing the hydrologic boundary to establish jurisdiction in the northwest corner of MSP would ensure that Mother Lake, which is within MCWD's current legal boundary and drains into Lake Nokomis, would remain in the MCWD.

IV. Conclusion

The MAC is confident that the LMRWD managers will carefully consider this request to include most of MSP within the LMRWD's jurisdiction. The MAC believes the LMRWD is the logical watershed steward for all of the MSP property that drains to the Minnesota River, including the northwest corner of MSP that is currently within the MCWD's legal boundary.

Sincerely,



Gary Warren
Airside Development Director



DEPARTMENT OF THE ARMY
HEADQUARTERS, 88TH REGIONAL SUPPORT COMMAND
506 ROEDER CIRCLE
FORT SNELLING, MINNESOTA 55111-4009

April 17, 2000

Mr. Bruce D. Malkerson
Counsel for the Lower Minnesota Watershed District
Malkerson Gilliland & Martin LLP
Suite 1500, AT & T Tower
Minneapolis, MN 55402-3205

Dear Mr. Malkerson,

The US Army Reserve 88th Regional Support Command (88th RSC) understands that both the Minnehaha Creek Watershed District (MCWD) and the Lower Minnesota River Watershed District (LMRWD) are petitioning the Minnesota Board of Water and Soil Resources (BWSR) to include a 710-acre area contiguous with the Minneapolis-St. Paul International Airport (MSP) within their respective boundaries. This 710-acre area is currently not under the jurisdiction of any watershed district or joint powers watershed management organization. The 88th RSC currently owns property within this area including a 68-acre parcel with 6 buildings and a separate 3-acre parcel with 1 building.

The 88th RSC requests that our property be included within the jurisdiction of the LMRWD and believes that management of the MSP and other immediately adjacent federal properties north of the MSP by a single watershed district is in the best interest for the protection of watershed resources. The 88th RSC is currently coordinating with the Metropolitan Airports Commission (MAC) and the Minnesota Department of Transportation (MnDOT) on a variety of issues that may or may not impact the 88th RSC property in the near future. In addition, a portion of the 88th RSC's property currently drains to the Minnesota River and would be within the jurisdiction of the LMRWD.

If you have any questions or would like additional information, please contact Mr. Mark Buck at 612-713-3822.

Sincerely,


James F. Phillips
Lieutenant Colonel, USAR
Regional Engineer

DEPARTMENT OF MILITARY AFFAIRS

MINNESOTA ARMY AND AIR NATIONAL GUARD



OFFICE OF THE ADJUTANT GENERAL

VETERANS SERVICE BUILDING

STATE OF MINNESOTA

20 WEST 12TH STREET

ST. PAUL, MINNESOTA 55155-2098

April 18, 2000

The Adjutant General

Mr. Bruce D. Malkerson
Counsel for the Lower Minnesota Watershed District
Malkerson Gilliland & Martin LLP
Suite 1500, AT&T Tower
901 Marquette Avenue
Minneapolis, Minnesota 55402-3205

Re: Petition for Boundary Change
Minnehaha Creek Watershed District
Lower Minnesota River Watershed District

Dear Mr. Malkerson:

The State of Minnesota holds license to Air Force property at the Minneapolis-St. Paul International Airport for use by the Minnesota Air National Guard. As the department head for the agency with the license interest, I wish to state our position related to the current watershed district initiatives. My position is consistent with that stated by the Wing Commander of the Air Force Reserve, that our operations are very closely related and interdependent with those of the airport. It would be very logical that our watershed issues would fall under the same agency.

Obviously, the US Air Force, as fee owner of the property, has preeminence in shaping the official position related to this issue, insofar as sovereign immunity of federal property provisions apply to annexation into watershed boundaries. As licensees, the Minnesota Department of Military Affairs submits its comment that the watershed boundary change should result in the inclusion of our licensed property under the purview of the Lower Minnesota River Watershed District.

The preference of the Minnesota Department of Military Affairs for inclusion in the Lower Minnesota River Watershed District is conditioned upon federal and state law requiring inclusion in a watershed district. Said preference is made with the express reservation of all federal and state statutory and common law immunities and defenses.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene R. Andreotti".

Eugene R. Andreotti
Major General, Minnesota
Air National Guard
The Adjutant General

"AN EQUAL OPPORTUNITY EMPLOYER"



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE COMMAND

18 April 2000

Dean J. Despinoy, Colonel, USAFR
Commander, 934th Airlift Wing
760 Military Highway
Minneapolis St-Paul MN 55450

Mr. Bruce D. Malkerson
Counsel for the Lower Minnesota Watershed District
Malkerson Gilliland & Martin LLP
Suite 1500, AT&T Tower
901 Marquette Avenue
Minneapolis, MN 55402-3205

Re: Petition for Boundary Change
Minnehaha Creek Watershed District
Lower Minnesota River Watershed District

Dear Mr. Malkerson:

The United States Air Force Reserve (Air Force) submits these comments on the petition for boundary change of the Minnehaha Creek Watershed District (MCWD). In addition, the Air Force requests that the Air Force Reserve property, including that area utilized by the Minnesota Air National Guard, contiguous to Minneapolis-St Paul (MSP) International Airport be included within the jurisdiction of the Lower Minnesota River Watershed District (LMRWD). As the Air Force understands the MCWD petition, MCWD is seeking to expand its boundary to 710 acres into land owned by the Air Force that is contiguous to the north side of Minneapolis-St Paul International Airport (MSP). As you know, the property is not currently within the jurisdiction of a watershed district or joint powers watershed management organization.

The Air Force believes that including the Air Force Reserve property with the jurisdiction of the LMRWD is wholly consistent with the purposes of Minnesota Statutes 103B.205 to 103B.255, and would best protect the waters of the state. Including the properties within the LMRWD's jurisdiction would meet the preference of the Minnesota Board of Water and Soil Resources that federal properties north of MSP join a watershed district. The Air Force land is one of the few parcels in the Twin Cities metropolitan area not currently within the boundaries of a watershed district or watershed management organization. The Air Force is applying to be including in the LMRWD because it believes that management of MSP and the immediately adjacent federal properties by a single watershed district is the best method to assure comprehensive oversight and protection of watershed resources.

The principal reason for this is the commonality of operations on the Air Force property with MAC. The Air Force Reserve and Minnesota Air National Guard conduct aircraft operations just as MAC does at MSP. Given that the Air Force activities on these properties is so closely related to operations at MSP, management by a single watershed district – in case the LMRWD – will assure consistent and comprehensive oversight.

The connection to MAC is even more direct as each Air Force parcel contains a large apron that links directly to the taxiways and runways at MSP. All storm water runoff from the ramp areas is collected by a sewer system that extends to the south following MSP's main storm sewer system, eventually discharging into the Minnesota River.

Storm water runoff from the remainder of the Air Force property is divided between systems that run north to the Mississippi River and south to the Minnesota River. One of the sewer lines flowing north is very shallow and the area is quite flat, which has caused the Air Force to approach MAC with a request to connect that entire parcel to their storm water sewer system just as the ramp area currently is. This outflow would then be to the Minnesota River.

MAC has a plan for extending runway 4-22 which extends into the Air Force property. Work will begin within the next 12 months on that extension. This will undoubtedly cause more storm water outflow from the Air Force property to be collected by the MSP storm sewer system, which flows south to the Minnesota River.

I have been informed that the following has occurred, at Flying Cloud Airport a precedent for including an airport parcel under the jurisdiction of a single watershed management body. Although the Flying Cloud Airport property is within two watershed district boundaries, only the LMRWD exercises jurisdiction over the Airport. The LMRWD consults with the other watershed district on matters with respect to the Flying Cloud Airport. Only the LMRWD, however, reviews and approves proposed development projects at Flying Cloud. A single watershed jurisdiction at Flying Cloud Airport promotes comprehensive oversight, and enhances the LMRWD's ability to protect the waters of the state.

The United States Air Force appreciates the opportunity to comment on the MCWD petition for boundary change, and requests to be included in the LMRWD.

Sincerely,


DEAN J. DESPINOY, Colonel, USAFR
Commander, 934th Airlift Wing

cc: Minnehaha Creek Watershed District



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE COMMAND

18 April, 2000

Dean J. Despinoy, Colonel, USAFR
Commander, 934th Airlift Wing
760 Military Highway
Minneapolis MN 55450

Mr Ronald Harnack
Executive Director
Minnesota Board of Water and Soil Resources
One Water Street, Suite 200
St Paul MN 55107

Re: Letter supporting inclusion of U.S. Air Force real estate within Lower Minnesota River Watershed District

Dear Mr Harnack:

Please find enclosed a copy of a letter dated April 18, 2000 sent to Mr Bruce Malkerson, counsel to the Lower Minnesota River Watershed District (LMRWD).

As you know, the U.S. Air Force owns real property in and around the Minneapolis-St Paul International Airport and that we have been requested to join a watershed district.

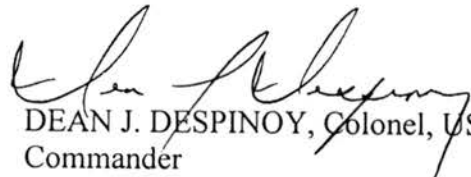
The accompanying letter sets forth our position that the real estate owned by the U.S. Air Force is most properly placed into the LMRWD, provided legal authority supports placement of U.S. Air Force owned real estate within a local watershed district.

I have asked Colonel Paul Groskreutz to act as a point of contact within our organization and to assist you with further information you may require in support of our request. Colonel Groskreutz may be contacted at (612) 713-1205.

Further, I have notified several persons within the U.S. Air Force organization, to include my legal advisors, of the nature of this boundary restructuring. To the extent, any substantial concerns are raised, legal or otherwise, we will be in contact with you.

I appreciate your cooperation and please do not hesitate to contact Colonel Paul Groskreutz as the need arises.

Cordially,



DEAN J. DESPINOY, Colonel, USAFR
Commander



DEPARTMENT OF THE NAVY
NAVAL RESERVE READINESS COMMAND REGION SIXTEEN
715 APOLLO AVENUE
MINNEAPOLIS, MINNESOTA 55450-2018

IN REPLY REFER TO:

11000
Ser N00/0199
April 14, 2000

Mr. Bruce Malkerson
Counsel for the Lower Minnesota Watershed District
Malkerson, Gilliland & Martin LLP
Suite 1500, AT&T Tower
901 Marquette Avenue
Minneapolis, MN 55402-3205

Dear Mr. Malkerson

Subj: PETITION FOR BOUNDARY CHANGE

The Navy is aware that a 710 acre area at the Fort Snelling federal properties site is being petition by both the Lower Minnesota River Watershed District (LMRWD) and the Minneahaha Creek Watershed District (MCWD) to be included in their respective boundaries. Within this same area the Navy owns a parcel of property that provides facilities for the Naval and Marine Corps Reserve Center. Our property is adjacent to the Air Guard and Army properties, which are continuous with the Minneapolis-St. Paul International (MSP) Airport.

The Navy is aware that the Airport and MNDOT, as well as the Air Guard, Air Force and Army are taking steps to be included in the boundaries of the LMRWD. The Navy requests that our property be included in the jurisdiction of the LMRWD. The Navy has a close working relationship with our sister services as well as MSP and MNDOT in developing and coordinating numerous planned and ongoing construction projects around the Fort Snelling properties. The Navy feels it would be in the best interests of all concerned that our property and those adjacent be represented by a single watershed district.

We look forward to continued discussions on this matter. If there are any questions, I can be contacted at (612)713-3721.

Sincerely,

Robert H. Porter
Captain, U.S. Naval Reserve
Readiness Commander

Copy to:

CO, NAVMARCORESCEN St. Paul (Acting)
Mr. Gary Warren, Metropolitan Airports Commission
Mr. Ronald Harnack, Minnesota board of Water Resources



April 19, 2000

Mr. Bruce Malkerson
Attorney, Lower Minnesota Watershed District
901 Marquette Avenue
Minneapolis, MN 55402-3205

Subject: Petition for Watershed Coverage in Fort Snelling Upper Bluff Area

Dear Mr. Malkerson:

The Minneapolis Park Board is planning a major athletic complex on the Fort Snelling Upper Bluff Parade Grounds and other property northwest of Bloomington Avenue. MPRB owns approximately 13 acres northwest of Bloomington Avenue (southeast of the Whipple Federal Building) and is negotiating a long term lease with the Department of Natural Resources for use of the Parade Grounds and golf course. MPRB currently operates the Parade Ground area and golf course on a short term lease with DNR.

Most of the drainage for our project area will be routed to the Mississippi via a stormwater pipe east of T.H.55 that serves the Parade Grounds and Historic Fort area. Project drainage on both sides of Bloomington Avenue will drain through the Parade Ground area and then into the existing pipe to the northeast, under T.H.55.

The Minneapolis Park Board is committed to working cooperatively with any Watershed District or WMO that may be given jurisdiction in the area. We work cooperatively every year with the Minnehaha Creek Watershed District on many projects, and would do the same in this area. We would also commit to cooperating fully with the Lower Minnesota Watershed District and working to implement its management plans, should Lower Minnesota be granted jurisdiction over the area. We would like to state our preference, however, is to be placed entirely within one jurisdiction, to ensure consistency in plan review and design standards. This would not be the case if the boundary were drawn along Bloomington Avenue, as it currently is under Lower Minnesota's Petition No. 1 and Minnehaha Creek's initial petition.

Please feel free to contact me at 612-661-4813 if you need further information about MPRB's proposed development and parcels currently under MPRB ownership.

Sincerely,

Larry G. Peterson, P.E.
MPRB Park Engineer

"playing for life"

President
Edward C. Solomon

Vice President
Bob Fine

Commissioners
Ernie Belton
Rochelle Berry Graves
Walt Dziechacz
Vivian Mason
Scott L. Neiman
Annie Young
Dean Zimmermann

Superintendent
Mary Merrill Anderson

Secretary to the Board
Norman C. Mezifield, Ed.D.

Administrative Offices
400 South Fourth Street
Suite 200
Minneapolis, MN 55415-1400
Phone: 612-661-4800
Fax: 612-661-4777
TTY: 612-661-4788

Operations Center
3800 Bryant Avenue South
Minneapolis, MN 55409-1029
Phone: 612-370-4900
Fax: 612-370-4831

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EXHIBIT D

MCWD MAP

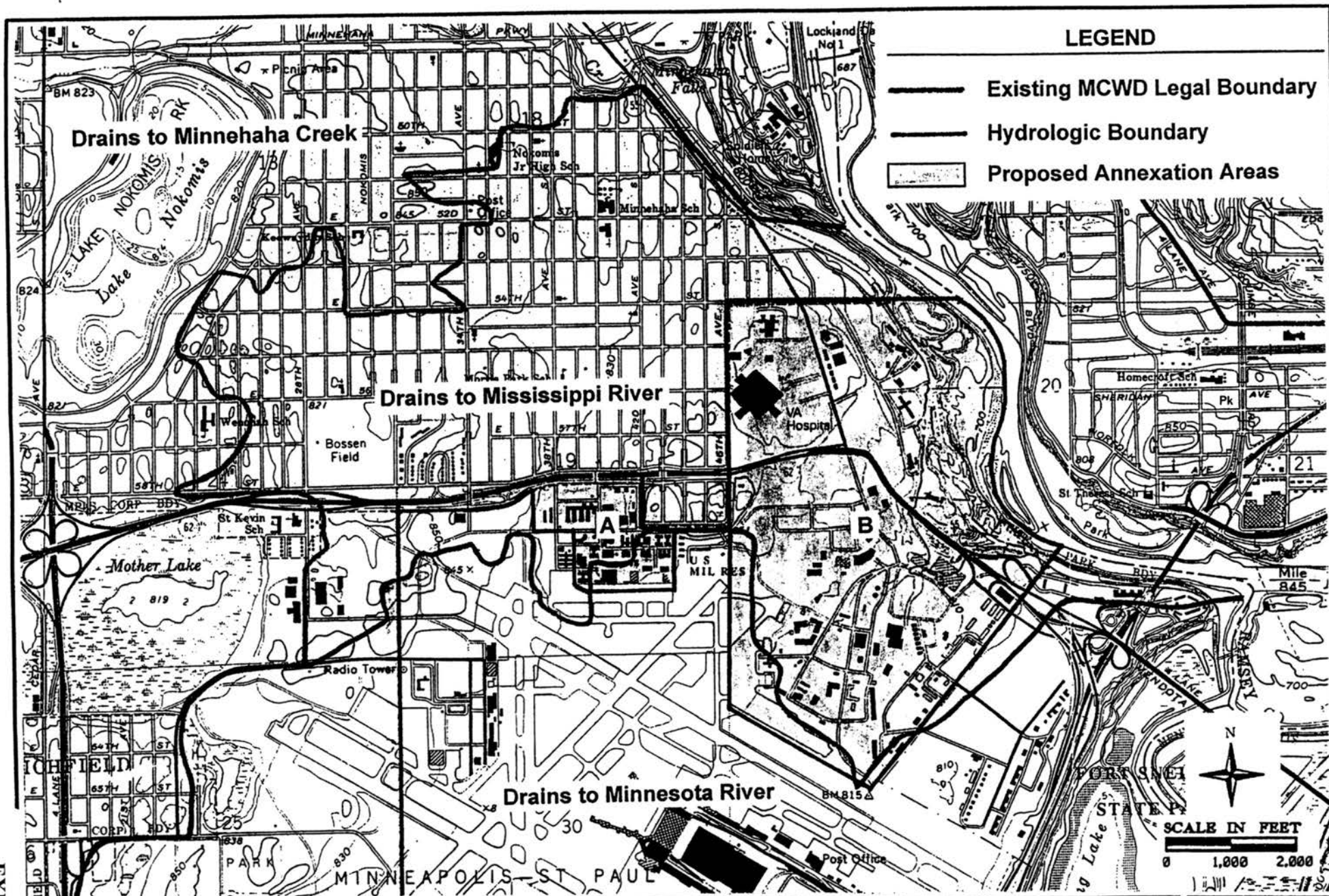


EXHIBIT E
MCWD LETTER

Minnehaha Creek Watershed District

Improving Quality of Water, Quality of Life

Gray Freshwater Center
Hwys 15 & 19, Navarre

Mail:
7500 Shadywood Road
Excelsior, MN 55331-9578
Phone: (612) 471-0590
Fax: (612) 471-0682

Email:
admin@minnehahacreek.org
Web Site:
www.minnehahacreek.org

Board of Managers

Pamela G. Rix
James Calkins
Lance Fisher
Monica Gross
Thomas W. LaBounty
Scott Thomas
Malcolm Reid

March 20, 2000

Terry Schwalbe, President
Lower Minnesota River Watershed District
Wayzata City Hall
600 East Rice street
Wayzata, MN 55391

Dear Mr. Schwalbe:

It has come to my attention that at your March 15, 2000 Lower Minnesota River watershed District meeting the Managers were given a presentation from Gary Warren, Metropolitan Airport Commission (MAC), on the current MSP airport development plans. Included in this presentation were issues of surface water management and references to boundary change petitions from the Minnehaha Creek Watershed District (MCWD).

I wanted to directly correspond with you and describe the Minnehaha Creek Watershed District's boundary petitions.

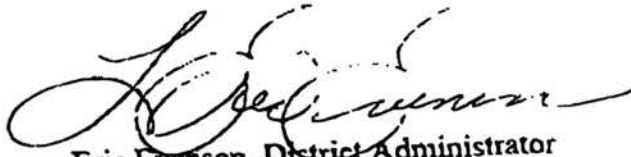
- 1) Coldwater Springs boundary change would annex to the MCWD a small land parcel that currently drains into the Mississippi River and is connected to the MCWD in the vicinity of Hiawatha/Hwy 55 and Crossstown northeast of the MSP airport. This area is non-Metropolitan Airport Commission property.
- 2) Richfield/Bloomington WMO boundary change would remove land area from the MCWD and add it to the Richfield/Bloomington watershed. This area is non-Metropolitan Airport Commission property.

We understand the BWSR contacted MAC in efforts to initiate actions which would lead to seamless watershed coverage across the metropolitan area. The MCWD support BWSR's interests, specifically if this means designating the MAC land areas which drain to the Minnesota River into the Lower Minnesota River Watershed District boundaries. Contrary to what impression MAC may have given the LMRWD, MCWD is not interested in surface water management of watershed areas which are not hydrologically connected to the Minnehaha Creek watershed or the Mississippi River.

Page 2

The MCWD is concerned that the LMRWD Managers understand the we are agreement with BWSR initiatives to provide a logical watershed steward for the MAC property, which naturally drains to the Minnesota River.

Sincerely,



Eric Evenson, District Administrator

Cc: Doug Snyder, BWSR
Jeff Hamiel, MAC
Pam Blixt, MCWD

Old Business

1. Lake Flooding in North
Central Minnesota
DECISION

FY 00 EMERGENCY LAKE FLOODING FUNDING RECOMMENDATION SUMMARY

Background

At their January 26, 2000 Meeting, the Board appropriated \$100,000 of State Cost Share Program roll-over funds for erosion and water quality projects to improve and protect shoreline areas from record precipitation and lake flooding in north central Minnesota.

Issue

Applications for these funds were invited from the 15 SWCDs that were the most adversely affected by flooding. Twelve applications were received requesting \$223,380.

Recommendation

Northern region Grants Team members reviewed these applications according to the following priorities:

- Project must include some level of natural revegetation of shoreline.
- Projects benefiting public infrastructure
- Projects benefiting important fish habitat
- Projects improving water quality in important lakes by reducing phosphorous loading due to erosion and sedimentation

Applications are recommended for funding as follows:

Aitkin SWCD

Funds Requested - \$20,000

Recommended Funding - \$15,000

This is a two-phase project addressing both residential and agricultural contamination. Five hundred feet of residential shoreline stabilization and seven thousand feet of vegetated buffer will be established along priority lakes and rivers.

Locations – Wladimiraf Lake, Jenkins Lake, Flowage Lake, Portage Lake, Mississippi River, Rice River, Willow River, Morrison Brook

Becker SWCD

Funds Requested - \$4,200

Recommended Funding - \$4,200

The purpose of the project is to repair the slope along a section of shoreline, thus reducing sediment loading to the lake and to provide protection to adjacent structures that have lost 10 to 15 feet of shoreland.

Location – Strawberry Lake

Beltrami SWCD

Funds Requested - \$30,000

Recommended Funding - \$17,700

Project will bring financial assistance to lakeshore owners for implementing shoreline stabilization projects on prioritized sites that integrate toe protection with a natural upland vegetative buffer.

Location – primarily, Cass Lake

Cass SWCD

Funds Requested - \$25,000

Recommended Funding - \$15,000

Projects are designed to address extreme erosion problems created due to high water levels. Rock riprap and bioengineered methods will be used.

Locations – Cass, Leech, and Gull lakes

Hubbard SWCD

Funds Requested - \$59,130

Recommended Funding - \$20,000

Projects will reduce the amount of phosphorous and sediment loading that is entering lakes due to accelerated shoreline erosion caused by high water levels from wave and ice action.

Locations – Lake Beltaine, Big Sand, Eighth Crow Wing, Garfield Lake, Fishhook Lake, Eagle Lake, Lake George, Long Lake, Potato Lake

Itasca SWCD

Funds Requested - \$40,000

Recommended Funding - \$15,000

Project will stabilize and revegetate 1,600 feet of severely eroding shoreline to improve water quality and wildlife habitat. Funds will be used primarily to cost share with private landowners.

Location – Bigfork watershed

Lake SWCD

Funds Requested - \$1,100

Recommended Funding - \$1,100

Project will provide for placement of riprap onto three areas between CSAH 7 and Echo Lake. This will reduce the potential for erosion. Coordination with the DNR will be made for public access.

Location – Echo Lake

Lake of the Woods SWCD

Funds Requested - \$12,000

Recommended Funding - \$12,000

Project will reduce site erosion, sedimentation and phosphorous entering the lake, protect fish spawning habitat, and protect lakeshore property.

Location – Lake of the Woods

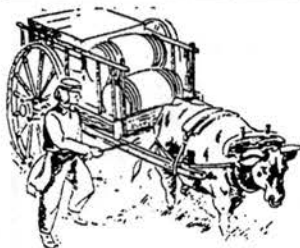
Making A Difference



RED RIVER BASIN BOARD

January, 2000

DRAFT



Red River Basin Board

Manitoba • Minnesota • North Dakota • South Dakota

RRBB • 119 5th St. S. • Box 66 • Moorhead, MN 56561-0066
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January, 2000

Dear Friends,

In recent years, the need for a basin-wide organization that would accept the responsibility as a coordinating unit across and within jurisdictional boundaries has become increasingly apparent in the Red River Basin. Historically, multiple projects and programs have either failed or fallen short of their expectations as a result of disagreements, opposition, or lack of understanding for their actual scope and impacts. Had there been a primary facilitator in place to help address concerns, these initiatives might have been successful in providing benefits to the citizens of the Red River Basin. Today, there is such an organization in place to serve this need; the Red River Basin Board.

Early in the developing stages, it was understood by all participants that the objective of the Red River Basin Board "should not be to replace government agencies having responsibilities for water and land management in the Basin, but to accomplish objectives which government had not been able to accomplish basin-wide."

This interim report, "The Red River Basin Board: Making A Difference," serves as an introduction to the Board, and highlights how it intends to facilitate improved water and land management throughout the Basin. Specifically, it outlines the Guiding Principles of the Red River Basin Board, discusses the process for developing a basin-wide management plan, and gives a historical background of the Board from its inception with The International Coalition (TIC), to its activities to date.

The Board is an outgrowth of local concerns about resolving significant water and land management issues, some long standing. By becoming more informed and involved, the citizens of the Red River Basin, in hand with the Red River Basin Board, have the ability to improve the way resources are managed in the Basin now, and far into the 21st century.

Sincerely,

Morris Lanning
Chairman

Get Involved...Make a Difference

I. DOING BUSINESS IN THE FUTURE

Resource management in the Basin is at a crossroads. Within the Basin there are many different people, many political jurisdictions, many values, many views, many priorities, but still only one resource. The future of the resource, however, is in question. Most everyone agrees that wise use of the resource, and the environment as a whole, will help to ensure that its use by future generations is not compromised. But how to use and conserve the resource without limiting economic activity is the key question.

History has shown that consensus among Basin residents is essential for successful implementation of programs, policies and projects. Projects or programs have often been stalled for many years because there was disagreement regarding the need for the project, its benefits, or its impacts. These disagreements have at times resulted in concerted opposition to an initiative, or at other times, a lack of momentum in support of an initiative. This has occurred within jurisdictions as well as across jurisdictional borders. By acting as a facilitator and by working to achieve consensus, the Red River Basin Board (RRBB) can provide a valuable service in furthering sound water management in the Red River Basin.

The Red River Basin Board was formed to initiate a grass roots effort to address these issues in a basin-wide context. It has completed a set of "Guiding Principles" for the wise use of the Basin's resources, which in turn will lead to a framework for decision-making and future initiatives. Local citizens, community leaders and experts were actively involved in the development of these principles. The Board is a chartered not-for-profit corporation under the provisions of Manitoba, North Dakota, Minnesota and South Dakota law. It maintains an office in Moorhead, Minnesota, and is dedicated to innovation in the management of the Red River Basin's water resources.

The Red River Basin Board is made up of a 21-member Board of Directors, comprised of representatives of local government, including the cities, counties, rural municipalities, watershed boards, water resource districts, joint powers boards, as well as First Nations representation, a water supply cooperative, a lake improvement association, and three at-large members. The Governors of North Dakota, Minnesota, and South Dakota and the Premier of the Province of Manitoba have also appointed members to the Board. Each of the 21 Board members has an alternate who attends meetings on a regular basis and votes in the Board member's absence.

The Red River Basin Board has adopted a vision, a mission statement and a set of Guiding Principles, based on input provided by Basin residents, to guide its future activities. Although general in nature, these documents provide the foundation to develop reasonably specific goals and objectives for water management in the basin. Once these goals and objectives have been developed, they, along with the mission statement and the Guiding Principles, will provide a framework for the Board to conduct business in the future.

Vision – The Red River Basin Board safeguards the region's lifeblood, its water, and the well being of its residents. By 2010, residents of the region will be able to count on an ample year-round supply of good quality water. The Board will continue to work to ensure that lives and property will be safe from serious flooding.

Mission – The Red River Basin Board's mission is to create and implement a comprehensive water management plan for the Red River Basin. The Board also provides a forum for resolving interjurisdictional issues.

Red River Basin Board Guiding Principles

- Our first priority in evaluating projects is human health and safety.
- Resolution of problems and issues should be initiated at the appropriate local level, with all interested parties encouraged to participate.
- Individual and societal needs will be balanced in seeking resolution of basin resource issues and problems.
- Incentives are preferable to regulations in developing solutions.
- The Red River Basin Board will encourage that regulations be consistent within and among jurisdictions.
- The Board will keep people informed, welcome discussion and provide opportunities for participation in its debate and decisions.
- The Board will seek comprehensive solutions to resource issues and problems.
- Water management that is intended to benefit a specific area will be designed to minimize adverse effects on other areas.
- The Red River Basin's water quality will be maintained and improved by proper water and land management.
- All development proposals that involve water use, direct or indirect, will be reviewed for their impact on other existing and potential water uses, as well as their impact on the environment.
- Conservation is a primary consideration in meeting water supply needs identified in the Basin water management plan.
- The Board will examine all sources of water to maintain and expand the supply available for future needs, both human and economic.
- To minimize flood damage, water will be retained where practical in agreement with local, watershed and Basin water management plans.
- All approaches to managing floods and minimizing flood damage will be evaluated for their possible impact on the economy, community and environment.
- Land subject to flooding should be developed only according to planning guidelines that prevent human suffering and property damage, limit public costs and liabilities, and address the impact on the environment.

- River, lake, wetland and shoreline habitats will be preserved, restored, improved and managed for the benefit of Basin residents, the region's economy and the overall environment.
- The Board's approach to land use issues will balance parallel commitments to maintaining a prosperous agricultural economy while conserving natural resources.
- Natural, cultural and heritage resources will be conserved and managed to support diversity in the Basin.
- Projects intended to enhance water quality and quantity will be designed to maintain and improve the quality of the environment, as well as create economic benefits for the Basin.

The Board is positioned to be a focus for water management activities in the Red River Basin in the coming years. The following are just a few of the many organizations that have recently been investigating various models for institutional arrangements in the Basin:

- The International Joint Commission is considering the formation of watershed boards along the international boundary in support of its mandate.
- The International Red River Basin Task Force will be making recommendations on institutional arrangements in its final report expected in the spring of 2000.
- The International Flood Mitigation Initiative, facilitated by the North Dakota Consensus Council, has been examining basin governance since its inception and has proposed a model for consideration by senior levels of government.
- Other groups are also discussing the formation of some sort of "Red River Basin Water Authority".

The Red River Basin Board, possibly with some minor restructuring, can fulfill the role envisioned by most of the aforementioned groups.

The Red River Basin Board can make a difference in furthering water management in the Basin in several ways. The Board can make a major contribution by acting as a consensus building and conflict-resolution body. The Board can also act as a coordinating body to provide a basin-wide perspective to the various water management activities being proposed by the many groups and entities at work in the Basin. In this role, the Board would essentially act as a facilitator for water projects, policies and programs proposed for implementation in the Basin. Finally, the Board could play a significant role in providing information regarding water management to basin residents. This is an essential role for the Board to play in its efforts to achieve consensus on appropriate projects, programs and policies proposed for the basin.

There are any number of consensus-based decision-making models available for use in the basin. For example, there is the model used to develop the Manitoba Water policies or the model used in the Minnesota mediation process. The Board is examining various options and will either adopt a specific model or pick and choose from a number of available models to develop a model specific to its needs and available resources.

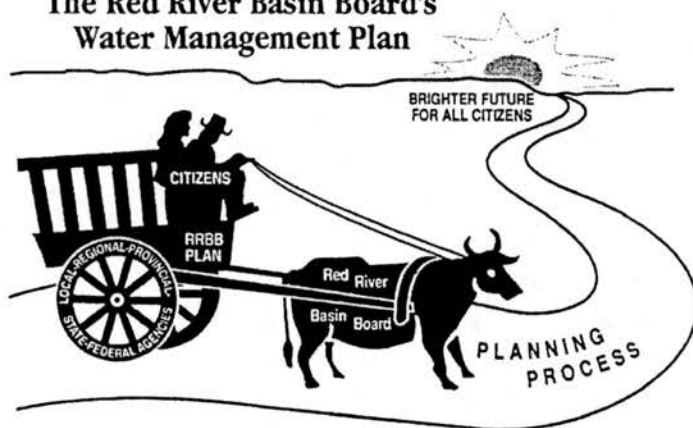
During the course of its existence, the Board has occasionally been approached with regard to specific projects or programs that others wanted to implement within various parts of the Basin. While the Board has provided a forum for the presentation of such information, to date it has not been prepared to provide adequate feedback to the proponents of a particular initiative. In the future, the Board will play a much more active role when such initiatives are presented to it.

In its role as a facilitator and consensus-builder/conflict resolver, the Board will receive presentations on particular initiatives from proponents and then take action based upon the framework provided by its Guiding Principles, goals and objectives. If implementation of the initiative is in accordance with the Guiding Principles, goals and objectives of the Board, the Board could take one of the following actions:

- Direct the proponent to the appropriate entity who would then assist the proponent in achieving the initiative's goals and objectives;
- Create a task force or action group to assist the proponent to:
 - Seek agreement on the need for the initiative, its benefits and costs and its potential impacts,
 - Identify and screen alternatives,
 - Identify contentious issues and potential obstacles, which would have to be overcome before the proposal could be implemented;
- Support proposals submitted by project and program sponsors when such projects and programs contribute to meeting the Board's formal goals and objectives; or
- Monitor progress on the implementation of proposals supported by the Board.

The Board is well-positioned to build upon much of the work that is currently being done by other groups active in the Basin, including the International Red River Basin Task Force, the Red River Water Management Consortium, the International Flood Mitigation Initiative and others. A number of these groups are actively considering some sort of institutional arrangement to continue the work that they have initiated. The Red River Basin Board is uniquely qualified to be the basin entity that will advance the cause of coordinated comprehensive water management initiatives in the future.

The Red River Basin Board's Water Management Plan



- Strength in the Red River Basin Board's pioneering efforts depends upon the cooperation among Basin residents and the agencies that serve them.
- Citizens will guide the development of a new Basinwide plan and direct its implementation.
- By pulling together, board members will provide the energy needed to build and implement a successful basinwide plan.
- Local, state, provincial, regional, and federal agencies contribute technical support critical to keeping the process moving.
- Successful implementation of the plan will carry all Basin residents to a brighter future, with ample year-around water supply, protection from flood damages, and wise use of natural resources.

II. THE PLAN AS A REGIONAL WATER MANAGEMENT TOOL

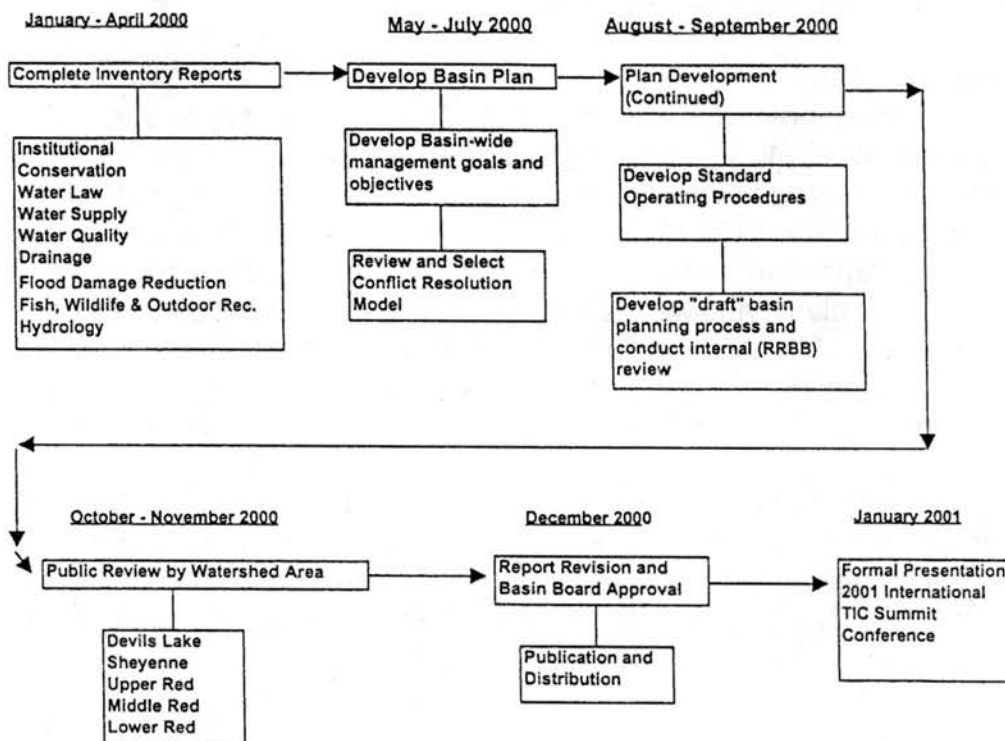
Water Planning Process

The basin-wide planning process envisioned by the Interim Planning Group and endorsed by the Board consists of a framework to guide local decision-makers and other interests. It comprehensively addresses water management issues like water supply needs, flood damage reduction and enhancing water quality. It also establishes water management priorities based on current knowledge. The process identifies issues and opportunities that must be addressed to advance water management initiatives and the implementation of sound policies, programs and projects that sustain the resource while maintaining and enhancing the environment and economy of the region.

The primary components of the plan include:

- An inventory of the Basin's resources, issues and opportunities to establish a basis upon which to build.
- A set of Guiding Principles, subject to periodic public review, which will provide general direction to the Red River Basin Board's future activities.
- A detailed set of land and water management goals and objectives, subject to periodic public review, which will be pursued by the Board.
- A consensus-building and conflict resolution model to serve as a basis for the Board's involvement in furthering the planning and implementation of sound water management policies, programs and projects.
- Guidelines for assisting proponents in furthering land and water management programs, policies and projects that are in concert with the Board's Guiding Principles, goals and objectives.

Timeline for Completion of the Red River Basin Board's Water Management Plan



Land and Water Management Goals and Objectives

One of the most important steps in any planning process is to develop the goals and objectives the plan hopes to accomplish. Goals are broad statements while objectives are more specific and are usually measurable items that help determine success in reaching the associated goal.

Establishing goals and objectives assists in long-term water management planning. Goals and objectives should be statements that are achievable and represent the desires of the public being served by the plan and which are consistent with the Red River Basin Board's Guiding Principles. These desires represent unmet needs that the plan should address. In the planning process, the various Inventory Teams have been asked to identify an initial list of goals and objectives. This list is organized around topical areas such as water supply, water quality, wildlife habitat and agricultural production. Statements are based on Inventory Team member experience and, from their perspective, represent public expectations in the Red River basin.

The initial goals and objectives will undergo significant public review before they are finalized. A final set of statements will eventually be approved by the Board and used as a guide in the balance of the planning process. These statements will be subjected to periodic public review in ensure that they reflect the contemporary needs of Basin residents.

Inventory Task Force Work Teams

Nine Inventory Work Teams are assessing the nature and extent of information already available regarding the basin's land and water management problems, opportunities and issues. Team membership includes Board members and alternates, agency officials, and private citizens. The nine teams are: Conservation, Flood Damage Reduction, Drainage, Hydrology, Water Institutions, Water Law, Water Quality, Water Supply and Fish, Wildlife & Outdoor Recreation. Information gathered by the inventory teams will form the basis for the development of achievable water management goals and objectives. The following outlines the issues and progress to date by the teams. All of the teams are expected to complete their reports by April, 2000.

• Conservation Team

The topic of conservation covers a wide variety of interrelated issues and is defined as sustainable development within the Red River Basin through the management and maintenance of resources in order to assure their use by future generations. In an attempt to gain an understanding of conservation issues of local significance, various types of local plans have been identified and reviewed. Examples of these types of plans are county comprehensive water plans, soil conservation district plans, and watershed district plans. Relevant state and provincial materials were also reviewed to identify conservation issues of a broader nature and the administrative focus of each jurisdiction. In reviewing the plans, the objective was to identify conservation issues, problems and conflicts addressed, as well as solutions proposed or actions taken.

The inventory reveals that the issues in the states and province are similar. The major concerns are soil erosion, water quality, flooding and land use conflicts. The solutions vary a bit primarily due to land use. The level of planning varies greatly. Minnesota has the greatest level of local planning followed by North Dakota, then South Dakota, with Manitoba having limited local planning efforts.

- **Fish, Wildlife and Outdoor Recreation Team**

The Fish, Wildlife and Outdoor Recreation Team's vision is *"Restore and maintain an environment in the Red River Basin that provides for quality human life, prosperous agriculture, flourishing communities, improved water quality, abundant wildlife and healthy habitats, holistic water management, and increased outdoor recreation all which supports compatible long term economic growth and overall basin environmental health."*

The team is putting together a report that includes an inventory of the land use in the Red River Basin, baseline conditions as they relate to fish and wildlife, a discussion on resource values, and any future inventory needs. A web site has been set up that includes all relevant information, plans, reports and research on natural resources in the Red River Basin. The committee is also attempting to articulate the various issues and challenges facing fish and wildlife resources in the Red River Basin and identify opportunities to increase fish and wildlife resources and improve and expand recreational opportunities.

There have been several categories of goals established. They include habitat goals, wildlife goals, and societal goals. The habitat goals will address riparian habitats, wetland and lake resources, prairie/grassland communities, woodland resources, and unique plant communities. The wildlife goals include endangered and threatened species, fisheries, migratory and resident birds, mammals, reptiles and amphibians. Finally, the societal goals will identify recreational systems including trail systems, hunting, fishing, trapping, wildlife watching, environmental education, interpretation, photography, and camping. The opportunities for the development of a recreation and tourism industry, public education and awareness of the fish and wildlife resources of the Red River Basin will also be discussed.

- **Flood Damage Reduction Team**

The goal of Flood Damage Reduction is to reduce the physical and emotional impacts to humans, and reduce damages to property and the natural environment. Flood damage reduction measures include those that affect the flood itself such as upper basin storage, measures that affect flood-susceptible property, for instance floodplain management, and measures that affect damages incurred such as a disaster response network. Accordingly, the Flood Damage Reduction Team has identified the following goals and objectives:

- ◇ Prevent loss of human life;
- ◇ Significantly reduce damage to farm structures, homes and communities;
- ◇ Reduce damage to farmland;
- ◇ Reduce transportation damages;
- ◇ Reduce damage to water quality from floodwaters coming into contact with potential contaminants;
- ◇ Maximize potential environmental enhancement opportunities and minimize adverse environmental impacts to the greatest extent possible;
- ◇ Reduce social and emotional damages;
- ◇ Reduce damage to natural resource systems; and
- ◇ Expand post-flood disaster response initiatives.

The Flood Damage Reduction Team is investigating the history of flooding in the Red River Basin, examining its causes, the extent of past flood damage and the responses of provincial,

state and federal agencies. Projects, programs and legislation for reducing flood damages will be discussed in the Team's report. Existing problems and potential areas of conflict are also being identified along with potential solutions and strategies involving creating a culture of preparedness, creation of public and political will for enforcement, collaborative decision-making, structural measures and land management practices.

- **Drainage Team**

The Drainage Team responsibilities include developing a definition of drainage along with goals and objectives, a historical perspective of drainage, an assessment of drainage today, problem identification, and potential solutions and strategies. The Drainage Team consists of seven people from the various jurisdictions who are knowledgeable in the drainage field. Information was gleaned from various publications such as *A River Runs North*, Red River Water Resources Council; *Understanding Minnesota Public Drainage Law*, Minnesota Association of Counties; *Designation of Drains*, Manitoba Water Resources; and the *North Dakota County Code*. The group is working on areas in the outline that need more information. One need identified by the Team is a map of the Basin showing the drainage systems in place. The group is focusing on man-made or altered drainage.

- **Hydrology Team**

The Hydrology team is compiling existing hydrologic data for the entire Red River Basin. This work involves reviewing existing documents for pertinent hydrologic and climatological information in an attempt to describe the hydrologic cycle of the Red River Basin in layman's terms. The document is intended to be easily understood by all, but be well referenced for those who would like or need more in depth information. The document will discuss both floods and droughts and the factors needed for both to occur.

- **Institutions Team**

The primary purpose of the Task Force's Institutional Report is to convey the idea that management occurs through a multiplicity of efforts by a variety of authorities. Therefore, the basic content of the report will include an inventory of the various groups and agencies who have an interest in the management of the land and water resources within the Red River Basin. This includes the mission, and/or general purpose of groups, agencies, and entities from Manitoba, Minnesota, North Dakota, South Dakota, the United States Federal Government, the Canadian Federal Government and Tribal authorities.

Additional information provided in the report for each of the agencies and entities included their permitting or taxing authority; the legislation and regulations they are required to enforce and act within; the primary databases they are responsible for managing and maintaining; as well as their web addresses.

The appendix of the Institutional Report will provide supplemental information regarding:

- Brief overviews of federal, state and provincial water laws, including acts and treaties;
- More detailed explanations of databases maintained by agencies in South Dakota, North Dakota, Minnesota, Manitoba and Canada;
- Programs related to water resources management for Minnesota, North Dakota, Manitoba, the U.S. Federal Government, and the Canadian Federal government; and
- A nearly complete list of all communities located within the Red River Basin.

- **Water Law Team**

Each of the states and the Province of Manitoba operate under a different system of water laws. For example, with respect to the use and allocation of water, Minnesota operates mainly under a water law based on the riparian doctrine as is true for much of the eastern United States and Canada. On the other hand, North Dakota, South Dakota and Manitoba operate under laws primarily based on the prior appropriation doctrine, which generally forms the basis of water rights legislation in western North America. Laws governing drainage, flood control, environmental protection and other water-related pursuits also differ between jurisdictions. Local water management entities are also governed by different legislative frameworks in each jurisdiction, giving them differing powers depending on the jurisdiction. At the federal level, the Canadian constitution likely vests more authority in the provinces than the United States constitution gives to the states in land and water management matters.

The Water Law Team has documented the legislation in each of the states and the province. It has also summarized the legislation at the federal level in both the United States and Canada, including international agreements and treaties that govern water management across and along the international boundary. The history of the evolution of water law in Manitoba has been completed. The evolution of water laws in each of the states and at both federal levels will also be documented in the Water Law Team's final report. The final report will also include a section which compares and contrasts the legislation between jurisdictions with a view to providing information to the Red River Basin Board and other interested entities involved in water management in the Red River Basin on the legislative framework under which they must operate.

- **Water Quality Team**

The following source documents are being used to extract and tabulate standards data.

- MB - Manitoba Surface Water Quality Objectives, 15 July 1998
- MN - MPCA Red River Basin Information Document, 1997
- MN - MPCA Red River Basin Information Document, 1999 (draft)
- ND - Standards of Water Quality for North Dakota, 1 Feb 1991
- ND - North Dakota Water Quality Assessment, 1996-97

The Water Quality Team will also identify water quality problems in the basin and develop a bibliography of water quality reports, studies, assessments and plans.

- **Water Supply Team**

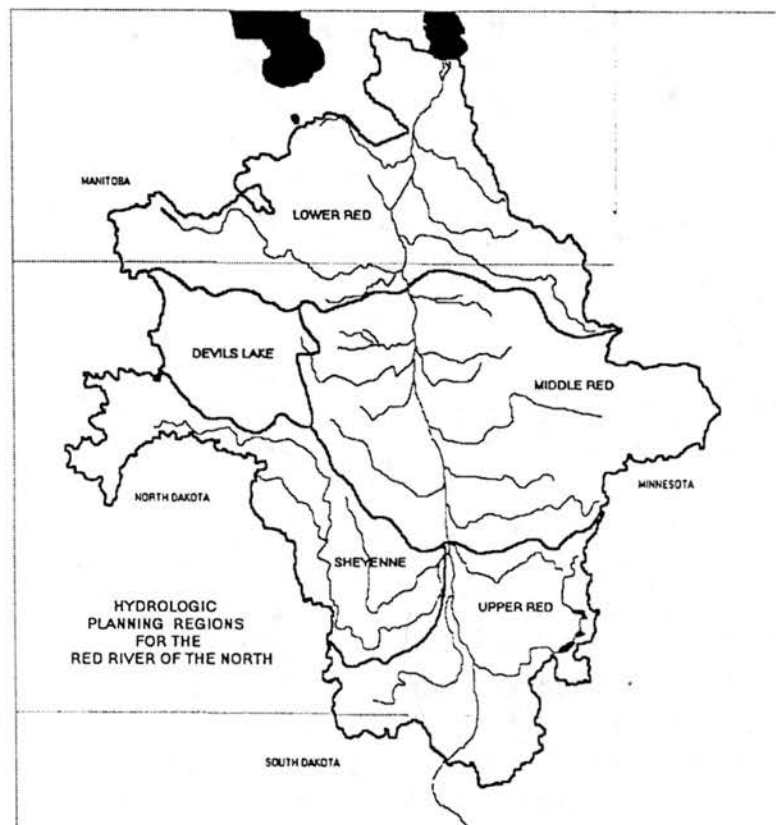
The Water Supply Inventory Team responsibilities include determining historic water use patterns, describing the available water resources, and projecting demands for future water use. Surface and ground water resources will be addressed.

The team has elected to use background information describing the basin and its water resources gleaned from the Red River Water Resource Council's "A River Runs North" publication. This information was extensively reviewed and approved by all jurisdictions prior to its being published. Material from the book has been supplemented with more specific information including hydrographs showing the period of record for several key tributary streams and points along the Red River. A discussion will be included concerning the variable nature of flows as an outcome of climatic swings from wet to dry to wet. Groundwater geographic availability, potential supply, and water quality factors will be mapped and discussed in the final report.

An important resource available to this team is the Red River Water Supply Phase 1 study recently completed by the U.S. Bureau of Reclamation. This study addresses in detail the past and future water supply needs of communities in counties adjacent to the Red River in the United States. While this study does not include information about all communities in the Red River Basin, it does address those communities having the greatest potential for increasing water demand. Data presented in this report has been extensively reviewed and has been approved by the communities and other state entities involved. Information presented in the Bureau's report will be included in the water supply team's final report.

The future water demands in communities outside the Bureau's study area is being addressed by developing population projections for the counties and communities and by using per-capita water use and other factors developed in the Bureau study to forecast water demands. The methodology used in the Bureau study is being applied in this effort. Thus far the Bureau has provided population projections for all areas of the Red River Basin within the United States. A Manitoba team member has developed similar population data for the Canadian portion of the Basin.

Irrigation and industrial water supply needs are anticipated to be critical to future economic viability in the Red River Basin. Existing and projected industrial water use will be covered in the team's final report. Irrigated agriculture is a critical consideration in projecting water needs. Since irrigation and growth in irrigation has the potential to require a significant water supply, a special sub-team was established to address this issue. Currently, a draft summary of future needs has been developed for Minnesota, Manitoba and North Dakota and is being reviewed.



III. FORMATION OF THE RED RIVER BASIN BOARD

History

Several factors gave impetus to discussions about how to comprehensively deal with water and related land resource issues in the Red River Basin. A primary catalyst was the decision by the Pro Gold/Cargill company to locate a wet mill corn processing plant in southeastern North Dakota. Local leaders learned early that there did not exist within the basin a central place for them to go to meet their needs for information. Likewise, state officials charged with administering certain permit processes found no central forum for the discussion of issues surrounding the permit applications being considered.

In October 1995, a number of Basin leaders met to discuss their mutual concerns about water and related issues in the Red River Basin. A key item on the group's agenda was that of exploring how best to address water issues in the future. Some type of coordinating mechanism that extended across political boundaries and allowed for greater local involvement seemed to offer the means.

The group, which included both United States and Canadian representatives, met twice more in 1995 and agreed that a meeting of the Basin's leaders should be convened as early as possible to continue discussions about how to better manage the Basin's water resources.

A Red River Basin Leaders Summit held in Grand Forks, North Dakota in February, 1996 attracted nearly 250 participants. Following a full day of discussion led by a professional facilitator, Basin leaders named an *Interim Planning Group (IPG)* and charged it with designing a new, locally-driven mechanism to facilitate the development of a Basinwide water management plan and provide a mechanism for resolving interjurisdictional disputes.

The Summit clearly articulated that the objective should not be to replace government agencies having responsibilities for water management in the Basin, but to accomplish objectives which government had not been able to accomplish Basinwide.

The Interim Planning Group's recommendation to create a Red River Basin Board was adopted by consensus during The International Coalition's 14th Annual Summit Conference held November, 1996 in Winnipeg.

The Charter meeting of the Red River Basin Board was held in Pembina, North Dakota, on July 24, 1997. Since then, substantial progress has been made and the Board has undertaken several initiatives in addition to the Guiding Principles and establishment of the Inventory Teams.

- **Special Task Forces**

To date, three Special Task Forces have been created to focus on specific problem areas: Devils Lake, Pembina River Watershed and Lake Traverse.

- ✓ **The Devils Lake Special Task Force** was instrumental in organizing major public briefings in Grand Forks and Winnipeg regarding issues related to the proposed Devils Lake Outlet. Task Force membership has recently been expanded to include an additional Manitoba Water Resources member and a First

Nation member from North Dakota. The Task Force continues to monitor various Devils Lake issues.

- ✓ **The Pembina River Watershed Special Task Force** was activated for a brief period of time to ensure that the work being done in the watershed was compatible with the objectives of the Red River Basin Board. It has been placed in abeyance until pending the outcome of the work underway by the International Joint Commission, the Pembina River Advisory Board and others.
- ✓ **The Lake Traverse Special Task Force** continues working to determine the nature and extent of the region's water problems; to define the various options identified for dealing with them; and to identify the issues which must be dealt with before problem resolution can occur.

- **Information – Education Committee**

This Committee is responsible for designing an information/education program to help familiarize Basin residents with the Red River Basin Board and to begin the process of building a heightened water management awareness level across a broad spectrum of basin residents. The I&E Committee has undertaken the following initiatives:

- Prepares and distributes a monthly newsletter.
- Prepares and distributes media information, including profiles of all Red River Basin Board members, background on the Board and press releases.
- Developed a display describing the Board and the planning process. The display is used at conferences and public gatherings.
- Constructed a web site for the Red River Basin Board that provides access to documents and plans prepared by the Board.
- Prepares materials for presentations to constituencies of the board members and the public.
- Promotes signage at river crossings on highways in all jurisdictions to help citizens identify with the watersheds in which they live and travel.

- **Plan Management Committee**

This Committee, which involves members of the Board of Directors and planning experts from all levels of government and the private sector, was formed to guide the Board through its planning process. It facilitates and coordinates the Inventory Teams. It has guided modifications in the planning process and has prepared and presented proposals to the Board for its consideration. Since the plan is the heart of the Board's Basin management efforts, the Plan Management Committee acts as the Board's spokesperson when requested.

Becoming Involved:

- **Public Involvement**

Citizens are invited to get involved in Red River Basin Board activities, and can do so in a variety of ways. The regularly scheduled meetings of the Board are open to anyone interested in attending. Citizens can be involved as members of any of the several work groups, task forces, committees or study teams. They can participate in meetings held throughout the Basin to develop and refine water management guiding principles, goals and objectives. Stakeholders can

also petition the board to support a local project or program or to deal with issues surrounding projects and programs in dispute.

- **Government Involvement**

The list of government agencies involved in some facet of water planning and management in the Basin is long. It includes agencies with responsibilities in project and program planning, water quantity and quality, water supply, flood damage reduction, outdoor recreation, fish and wildlife, data collection, regulation, etc.

Government, at all levels, is a repository for vast stores of knowledge about the Basin and its numerous agencies possess expertise in the diversity of disciplines needed to properly manage the Basin's resources. As a consequence, it is essential that government agencies at all levels actively participate in every phase of the Red River Basin Board's coordinated, Basinwide planning process.

- **Future Funding**

Funding sources available to the Basin Board during its start-up phase included local, state, provincial and federal governments, and grant funds. The Red River Basin Board's Finance Committee, Chaired by the Treasurer, is currently developing a strategy to ensure long-term funding which would involve a diversity of income sources including local, state, provincial and federal sources.

New Business

- 1. Shell Rock River Watershed
District Establishment
Hearing
DECISION**

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
Shell Rock River Watershed District in
Freeborn County pursuant to Minnesota
Statutes § 103D.221 Subd. 1.

**ORDER
ESTABLISHMENT
HEARING**

Whereas, more than fifty (50) resident owners residing in the proposed Shell Rock River Watershed District in Freeborn County filed a Petition dated March 8, 2000, with the Board of Water and Soil Resources (Board) on March 9, 2000, 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 "Shell Rock River Watershed District".
2. **Property Description.** The territory to be included in the watershed district is depicted in Exhibit A of the Petition and is the area in the Shell Rock River Watershed that is in Freeborn County, approximately 319 square miles in several communities, which includes land in the Cities of Albert Lea, Clarks Grove, Glenville, Hayward, Manchester, and Twin Lakes, and the Towns of Albert Lea, Alden, Bancroft, Bath, Carlston, Freeman, Hartland, Hayward, Manchester, Nunda, Oakland, Pickerel Lake, Riceland, and Shell Rock.

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3. **Necessity for Watershed District.** The Establishment Petition lists degradation of water quality since the 1920's, erosion, sedimentation and best management practice issues.
4. **Contemplated Improvements.** The Establishment Petition lists the following:
 - a. Establish buffer zones and best management practices along tile and tile outlets, ditches and streams in the watershed.
 - b. Educational programs to improve water quality throughout the watershed area.
 - c. Possible replacement of current restrictions within the water outlet system on the Shell Rock River.
 - d. Possible restoration of aquatic vegetation.
 - e. Possible lake level management practices that best serve the needs of watershed district lakes.
 - f. Improved quality of shoreland practices and management to ensure the development is responsibly done.
 - g. Possible removal of sediment in areas that have lead to the degradation of the water body.
 - h. Ongoing testing for water quality and water clarity to measure results of improvement.
 - i. All other actions that have a positive impact on the many varied uses of the water resources within the Watershed District.
5. **Number of Managers.** The Establishment Petition specifies the proposed number of managers as seven (7).
6. **Signatures.** The Establishment Petition dated March 8, 2000, was filed with the Board on March 9, 2000. 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 March 14, 2000, Dennis Distad, Freeborn County Auditor-Treasurer, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district.

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7. **Filing.** The Petition was filed with the Freeborn County Auditor, the Commissioner of the Department of Natural Resources, the Director of the Department of Natural Resources-Division of Waters, and the Board.
8. **Hearing Location.** The hearing should be held at the Albert Lea Senior High School "Cap" Emmons Auditorium, 109 West Avenue, Albert Lea, Minnesota. The facility is handicap accessible and located within the proposed watershed district.
9. **Hearing Panel.** Board members Char Kahler, Ginny Imholte, Allan Oehlke, and Jim Dahlvang should preside over the hearing and bring a recommendation to the Board.
10. **Hearing Time.** The pertinent parties have been coordinated with such that the hearing should be held on Monday, June 5, 2000, starting at 3:00 PM.

CONCLUSIONS

1. The Petition for establishment of the Shell Rock 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 Shell Rock River Watershed District be heard by Board members Kahler, Imholte, Oehlke and Dahlvang on Monday, June 5, 2000, starting at 3:00 PM at the Albert Lea Senior High School "Cap" Emmons Auditorium, 109 West Avenue, Albert Lea, Minnesota.

Dated this 26th day of April, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

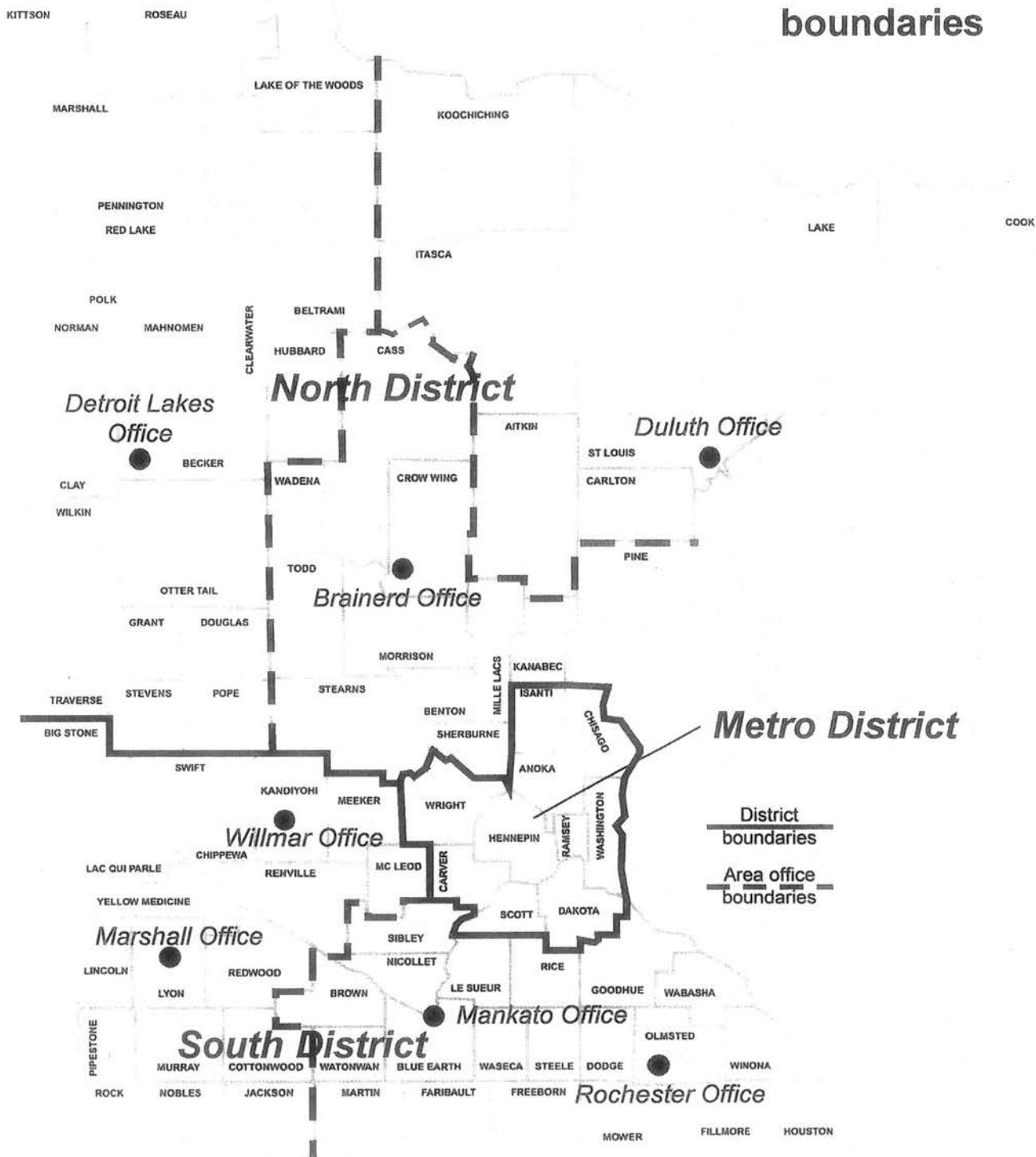
DRAFT

By: _____
Kathleen M. Roer, Chair



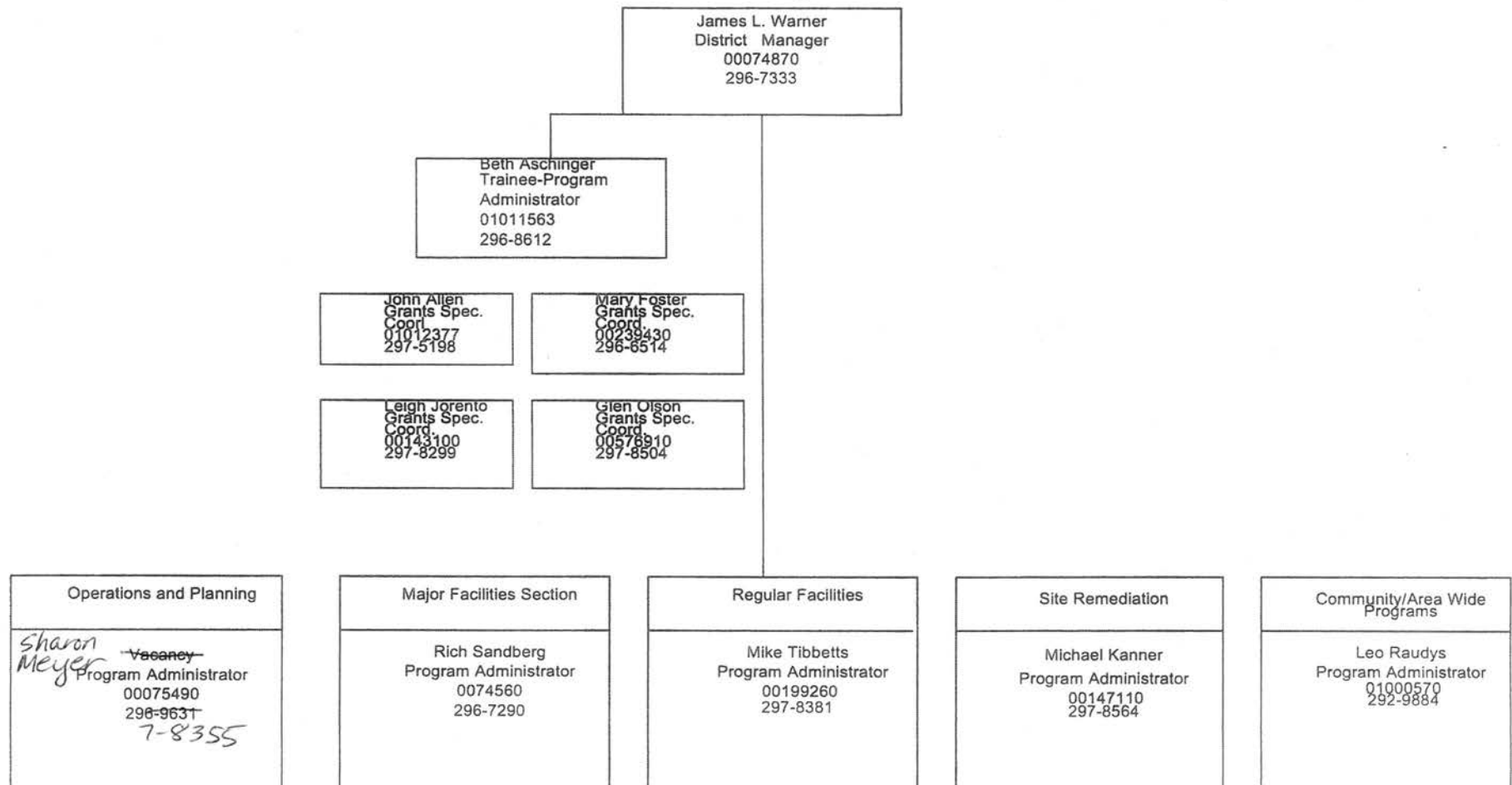
Minnesota Pollution Control Agency

MPCA District Office boundaries



Metro District Manager's Office

As of January 2000



- * This is a part-time position
- ** This is a temporary position
- *** This is a work out-of-class position
- **** Vacancy

North District Manager's Office

As of January 2000

Roger Bjork
District Manager
651/296-7303
01000568
N100

Reed Larson
Brainerd Subdistrict
Manager
218/825-3054
01010483
N600

Jeff Lewis
Detroit Lakes
Subdistrict Manager
218/846-0730
01010485
N700

Suzane Hanson
Duluth Subdistrict
Manger
218/723-4665
01010482
N500

John Holck
Program Manager
North & South Dist
Ops & Plan Section
651/297-7568
00075220
N400

Vacant
(Ulland)
PC Regional Manager
Lake Initiatives
218/828-6115
00613990

Kris Hulsebus
Enforcement Coordinator
651/297-7571
01014282

Laurel Mezner
PC Principal
Community/Area Wide
Unit
00316240
N630

Jim Ziegler
PC Principal
Community/Area Wide
Unit
00075710
N720

Pat Carey
PC Principal
Community/Area Wide
Unit
01001000
N530

Wayne Anderson
Eng Principal Sr.
Planning Unit
00075190
N420

Ron Swenson
PC Principal
Regular Facilities Unit
00198430
N610

Paul Scheirer
Supervisor
Regular Facilities Unit
01011294
N710

Doug Beckwith
PC Principal
Remediation Unit
00075720
N520

Beth Lockwood
PC Principal
Environmental Review Unit
00225660
N410

Don Milless
Supervisor
Remediation Unit
01011300
N620

Don Milless
Supervisor
Remediation Unit
01011300
N730

Jeff Stollenwerk
Supervisor
Regular Facilities Unit
01011295
N510

Chris Johnson
Office Supervisor 1
Business Systems Unit
00363480
N430

South District Manager's Office

As of January 2000

Rod Massey
District Manager
651/296-8002
01006932
S100

Myrna Halbach
Willmar Subdistrict Manager
651/297-7571
01010487
S600

320-214-

Mark Jacobs
PC Principal
Community/Area Wide Unit
01011296
S630

Jim Lungstrom
Eng. Principal
Regular Facilities Unit
00271490
S610

Vacant
(Wetzstein)
Supervisor
Remediation Unit
01011302
S620

Larry Landherr
Rochester Subdistrict Manager
507/285-7345
01010486
S700

Katherine Logan
Supervisor
Community/Area Wide Unit
01014006
S730

Wendy Turri
PC Principal
Regular Facilities Unit
00075730
S710

Vacant
(Wetzstein)
Supervisor
Remediation Unit
01011302
S720

Ann Foss
Program Manager
North & South District
Major Fac & Enf Section
651/296-7512
00075430
S500

Douglas Hall
PC Principal
Majors Unit 1
00075250
S510

Ainars Silis
PC Principal
Majors Unit 2
0071290
S520

Don Smith
Engineer Principal
Majors Unit 3
00075750
S530

Loren Voigt
PC Principal
Lateral Enforcemt
00587800

Pat Mader
PC Principal
Lateral Enforcement
00075010

~~Gretchen Sabel~~
~~Gary Pulford~~
PC Program Manager
Feedlots
651/296-7340
00075760
S400

Gretchen Sabel
PC Principal
Feedlot Coordinator
01013187

BWSR Wetland Committee Meeting Minutes
April 7, 2000

Attendees: Kathleen Roer, Jerome Deal, Jim Dahlvang, Darrell Bruggman, Leland Coe.
Staff: John Jaschke, BWSR; Dan Eklund, BWSR; Doug Norris, DNR.

1. Legislative Update:

Jaschke reported that SF83 has passed the House and Senate by overwhelming margins and an implementation plan has been drafted in concert with DNR to develop the rules that must be in place by August 1, 2000. The Bonding Conference Committee is still deciding the CREP and Road Replacement provisions that BWSR has in the bill and a conference committee is also in place on a supplement side to appropriate money for the road program and with a couple of minor policy things related to public drainage.

[NOTE: Governor Ventura signed this legislation on April 13, 2000 and the bill became law the next day. See attached summary.]

2. Comprehensive Wetland Plans:

- A. Koochiching County: Dan Eklund reviewed the Koochiching County Flexibility Plan which will likely come before the Board in May or June. The plan is the end product of several years of development and has the input and concurrence of agency field staff who are familiar with or work in the landscape in Koochiching County.
- B. Beltrami County: Cliff Tweedale from the Regional Development Commission and Chris Parthun from the Soil and Water Conservation District, along with Leland Coe who, as County Commissioner, was involved tremendously in the initial stages of the plan, discussed the history of the plan and how it originally began with a link to Marshall County. However, Marshall County left the process after determining that they were not able to document status as a <80% area. The process took 2½ years although only 9 months had been planned and much of the success of the plan is due to the strong BWSR staff involvement and to the leadership taken by the local officials to pursue the plan even though there were many times when the going was rough. One question that always comes up regarding the plan is the penalty for wetland banking which is really a social decision and not a scientific one. Modification of the ordinance to be explicit about which parts are local flexibility, which parts are WCA flexibility, and which parts of it are basic WCA will be developed. The Board members indicated that they would be willing to review the plan and seek a conditional approval before the county adopted it as ordinance if the county approved it contingent on the BWSR review and endorsement. It was noted by Beltrami County staff that the shoreland easements program that is in legislative discussion at the present time would be very beneficial to the county.

- C. City of Baxter functional assessment method: Dan Eklund sent a letter listing some concerns regarding the second half of the plan/method and he will convene a local group of resource experts to review the method and also check on past Board actions regarding this method. It was thought that the Board had received a presentation on the Baxter effort, but that a decision regarding that method was never requested.

Eklund also reported that Clay County is about 1/3 of the way done and they are not doing "flexibility" but just focusing on a inventory of drained wetlands. Darrell Bruggman and Dan Eklund noted that Aitkin County is contemplating doing a wetland plan based perhaps in large part on the work done in Beltrami County.

3. LGU Poor Performance Policy:

The Committee suggested that Step 5 be modified to add a new A and re-letter items B and C. They noted that the policy was targeted in the past at incompetence, ignorance and unwillingness whereas in the present day many of these reasons are no longer valid and therefore the timeline should be reduced so that people who know what the expectations are and if they fail to meet, face known consequences. A total timeframe closer to 90 days, but no more than 180, should be the target to reduce BWSR staff time and move the process forward. A message needs to be sent to the good local governments that the bad ones will face real consequences. Eklund noted that there are some problems that are being addressed in the City of Sartell, Lake of Woods County and Hermantown. DNR noted that they viewed BWSR's actions on the Mille Lacs County as action and evidence that there is serious oversight given to program implementation.

4. Ag Memorandum:

Jaschke reported that the USDA, USCOE and BWSR are working on a joint memorandum to the field explaining that various details of each of their respective regulatory programs that affect farmers and Ag producers. In the past, the regulatory programs each did their own thing mostly in isolation and the time has come to give landowners and farmers complete information related to wetland regulation regardless of which office they happen to stop in first. This point was made by Ron Harnack at the U.S. House Ag Committee hearing in Mankato on March 31, 2000 to Representative David Minge, the Chief of the Army Corps of Engineers Regulatory Branch, and other persons who attended that hearing.

5. Policy considerations:

See attachment. The committee noted that an additional Item #5 should be added to this list related to wetland typing as it applies to the exemptions in WCA. They also recommended that items 1, 2, and 5 be dealt with in rulemaking, item #3 be dealt with via Board review and endorsement of the Ag Memorandum to the field, and that #4 is addressed in current policy and agreements with the Federal Government.

6. Road Replacement:

The Committee reviewed the expenditures to date and the reallocation based on the cancellation of three metro urban core projects. It was noted that the commitment to spend 50% of the funds in the metropolitan area should be maintained as that was the law that was in place at the time the money was appropriated even though SF83 changes this a bit and requires that wetlands be replaced where they are most needed based on the impacts. The money that has been freed up based on the cancellations of these projects will be targeted to at least one metropolitan site in Ramsey County and the money that is left from the capital dollars that are not bonding will be used to purchase credits since the flexibility with cash is greater than that than we have with bonding funds. Bonding funds are the source of the money that is expected to be appropriated in the 2000 legislative session (estimated total of \$2.4M).

7. **The next meeting will be held on April 26, 2000** in the St. Paul conference room after the Board meeting from 1:00 p.m. to 3:00 p.m. in tandem with the Wetland Conservation Act Rulemaking Stakeholder group initial meeting. Future schedules for Rulemaking meetings will be set at that time.

Minutes prepared by John Jaschke, BWSR.

C: Board Members
Wetland Staff
Board Conservationists
Regional Supervisors
Greg Larson
Jim Birkholz
Ron Harnack

M:\Wetland Committee Meeting Minutes 4-7-00.doc

Date: 4/14/00 3:16PM
Subject: Senate File 83 is now Law

The Governor signed SF83 yesterday (4-13-00) after the House passed it 120-8 and the Senate by a 62-0 margins last week. A copy of the bill is available at:
<http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=S0083.3&session=ls81>

Parts of the bill take effect today, including:

1. DNR authorization to modify the Public Waters Inventory
2. Expanded/consistent enforcement allowing CDOs and Contractor responsibility provisions for Public Waters (PW) and the Wetland Conservation Act (WCA)
3. WCA regulation of excavation in Type 3,4,5 wetland areas
4. Modification/flexibility for wetland replacement siting
5. Public Waters Wetlands (PWW) and WCA minimum replacement ratios made the same (2:1, 1:1)
6. Modified local government road projects notice procedures (30 days prior) as noted on the form available at: <http://www.bwsr.state.mn.us/programs/major/prompt.html>
7. DNR participation on Technical Evaluation Panels for projects adjacent to Public Waters (within Shoreland Wetland Protection Zone - see Minn. Rule 8420.0110, Subp. 44b)
8. Exemption from M.S. 326 Licensure requirements (Soil Science, etc.) for persons doing wetland delineation work according to the 1987 delineation manual. A plan to develop a wetland delineator certification program is mandated.
9. Authorization for BWSR and DNR to write rules that are exempt from many of the standard procedures for rulemaking so that rules can be in place by August 1, 2000 when the remaining parts of the legislation take effect. The exempt rules must be superceded by permanent rules within 2 years.

If you have questions call John Jaschke, BWSR, at 651-297-3432 or John Linc Stine, DNR-Waters, at 651-296-0440.

Related Items:

- 
1. The kickoff meeting of the stakeholders group and others who are interested in the rule development process is scheduled for *Wednesday, April 26, from 1:00 p.m. - 3:30 p.m.* in the BWSR Conference Room at 1 West Water Street, St. Paul.
 2. The bonding bill and supplemental spending bills are pretty much in holding patterns until overall budget targets are settled via negotiations between the Governor, House and Senate. The roads wetland replacement funds in the bonding bill are still at \$2.4 in the House and \$0.2M in the Senate but the Senate did make a recent offer (as part of a larger proposal) to the House that increased it to the House's \$2.4M level.
 3. Six administrative training sessions for local governments, agency field staff, consultants, etc. are being scheduled for the May 30 - June 8 to present the changes in the SF83 legislation, rulemaking proposals, interagency coordination agreements, etc. The locations are likely to be metro, Marshall, Rochester, Bemidji, Duluth and St. Cloud. More details will follow.

P.S. Feel free to use all or parts of this note to forward to others who may be interested.

John Jaschke
ph: 651-297-3432
FAX: 651-297-5615
e-mail: john.jaschke@bwsr.state.mn.us

4/7/00

DRAFT
WCA EXEMPTION POLICY CONSIDERATIONS

1. **Drainage exemption. Interpretation of the definition of a ditch or tile lawfully connected to a drainage system in Item A**

Items A and B were developed in 1996 and the definition in Item A was created to supplement Item B. However, as written, the Item A definition also applies to Items C through E, thus potentially rendering Item D nearly meaningless as the *private* drainage structures within a *public* drainage assessment area would be treated the same. The intent of this legislation was to add this expansion for agricultural areas but not for developing areas per the limitations contained in Item B(2).

Rule

2. **Public Drainage System as applied to a Incidental Blockage exemption**

As was noted in the Rice Creek Watershed District Ditch 53/62 appeal, the issue of whether public drainage system blockage can be addressed under the incidental blockage exemption #5, or whether it must be considered under the public drainage exemption #2 (because it is subject to the provisions of Minnesota Statute 103E) needs some attention.

Rule

3. **Federal Farm Program Exemption**

The lack of certainty about the Federal Farm Program and the changes that have evolved since 1996 lead to the following interpretations for wetlands on parcels enrolled in the farm program. The WCA federal farm program exemption applies if it:

- a. Qualifies for another of the WCA Ag exemptions;
- b. Involves repair of existing drainage infrastructure or;
- c. Involves mitigation approved by the USDA.

Sand not
to Board
bring

4. **WCA Application to Federal Projects**

The state and local government provisions of the WCA do not apply to federal projects if:

- a. They are being conducted by a federal government agency sponsor on federal land; or
- b. There is a separate agreement between the state and federal government that the WCA does not apply.

✓

5.) Wetland Typing — Seminar
— Ag
— Drainage

Rule

Prepared by John Jaschke, March 31, 2000

m:policyconsiderations

Subp. 2. Drainage.

A. For the purposes of this subpart, "public drainage system" means a drainage system as defined in Minnesota Statutes, section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system.

B. A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or type 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(a) there was an expenditure made from the drainage system account for the public drainage system;

(b) the public drainage system was repaired or maintained as approved by the drainage authority; or

(c) no repair or maintenance of the public drainage system was required under Minnesota Statutes, section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(a) platted lots;

(b) planned unit, commercial, or industrial developments; or

(c) any development with more than one residential unit per 40 acres.

If wetlands drained under this item are converted to uses prohibited under subitem (2) during the ten-year period following drainage, the wetlands must be replaced under Minnesota Statutes, section 103G.222.

C. A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.

D. A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

For items C and D, the landowner must provide documentation that the wetlands which will be partially or completely drained by the maintenance have not existed for more than 25 years. Documentation may include, but is not limited to: aerial photographs, climatological records, soil borings, vegetative analysis, elevation surveys, or sworn affidavits.

E. A replacement plan is not required for draining or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received

BWSR

Wetl.

Committee

4/7/00

Name:

ph:

John Jaskys

651-297-3432

Jerome Deed

320-563-8377

Jim Dahlwang

320-269-8493

Doug Norris - DNR

651-296-0779

Carrell Bruggman

218-426-3330

Dee Co

218-243-2597

Dan Ehrhard

218-825-3015

Kathleen Per

763-475-0789

AN ACT

1

2 relating to natural resources; simplifying and
3 consolidating wetland regulation; amending Minnesota
4 Statutes 1998, sections 103G.005, subdivisions 15 and
5 19; 103G.201; 103G.222; 103G.2241, subdivisions 1, 3,
6 and 9; 103G.2242, subdivisions 1, 2, 5, 9, 11, and by
7 adding a subdivision; 103G.2372; 103G.2373; 103G.245,
8 subdivision 5; and 645.44, by adding a subdivision;
9 proposing coding for new law in Minnesota Statutes,
10 chapter 103G.

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

12 Section 1. Minnesota Statutes 1998, section 103G.005,
13 subdivision 15, is amended to read:

14 Subd. 15. [PUBLIC WATERS.] (a) "Public waters" means:

15 (1) waterbasins assigned a shoreland management
16 classification by the commissioner under sections 103F.201 to
17 103F.221~~7-except-wetlands-less-than-80-acres-in-size-that-are~~
18 ~~classified-as-natural-environment-lakes;~~

19 (2) waters of the state that have been finally determined
20 to be public waters or navigable waters by a court of competent
21 jurisdiction;

22 (3) meandered lakes, excluding lakes that have been legally
23 drained;

24 (4) waterbasins previously designated by the commissioner
25 for management for a specific purpose such as trout lakes and
26 game lakes pursuant to applicable laws;

27 (5) waterbasins designated as scientific and natural areas
28 under section 84.033;

1 (6) waterbasins located within and totally surrounded by
2 publicly owned lands;

3 (7) waterbasins where the state of Minnesota or the federal
4 government holds title to any of the beds or shores, unless the
5 owner declares that the water is not necessary for the purposes
6 of the public ownership;

7 (8) waterbasins where there is a publicly owned and
8 controlled access that is intended to provide for public access
9 to the waterbasin;

10 (9) natural and altered watercourses with a total drainage
11 area greater than two square miles;

12 (10) natural and altered watercourses designated by the
13 commissioner as trout streams; and

14 (11) public waters wetlands, unless the statute expressly
15 states otherwise.

16 (b) Public waters are not determined exclusively by the
17 proprietorship of the underlying, overlying, or surrounding land
18 or by whether it is a body or stream of water that was navigable
19 in fact or susceptible of being used as a highway for commerce
20 at the time this state was admitted to the union.

21 Sec. 2. Minnesota Statutes 1998, section 103G.005,
22 subdivision 19, is amended to read:

23 Subd. 19. [WETLANDS.] (a) "Wetlands" means lands
24 transitional between terrestrial and aquatic systems where the
25 water table is usually at or near the surface or the land is
26 covered by shallow water. For purposes of this definition,
27 wetlands must have the following three attributes:

28 (1) have a predominance of hydric soils;

29 (2) are inundated or saturated by surface or ground water
30 at a frequency and duration sufficient to support a prevalence
31 of hydrophytic vegetation typically adapted for life in
32 saturated soil conditions; and

33 (3) under normal circumstances support a prevalence of such
34 vegetation.

35 (b) For the purposes of regulation under this chapter, the
36 term wetlands does not include public waters wetlands as defined

1 in subdivision 15a.

2 Sec. 3. Minnesota Statutes 1998, section 103G.201, is
3 amended to read:

4 103G.201 [PUBLIC WATERS INVENTORY.]

5 (a) The commissioner shall prepare a public waters
6 inventory map of each county that shows the waters of this state
7 that are designated as public waters under the public waters
8 inventory and classification procedures prescribed under Laws
9 1979, chapter 199. The public waters inventory map for each
10 county must be filed with the auditor of the county.

11 (b) The commissioner is authorized to revise the list of
12 public waters established under Laws 1979, chapter 199, to
13 reclassify those type 3, 4, and 5 wetlands previously identified
14 as public waters wetlands under Laws 1979, chapter 199, as
15 public waters or as wetlands under section 103G.005, subdivision
16 19. The commissioner may only reclassify public waters wetlands
17 as public waters if:

18 (1) they are assigned a shoreland management classification
19 by the commissioner under sections 103F.201 to 103F.22; or

20 (2) they are classified as lacustrine wetlands according to
21 Classification of Wetlands and Deepwater Habitats of the United
22 States (Cowardin, et al., 1979 edition).

23 (c) The commissioner must provide notice of the
24 reclassification to the local government unit, the county board,
25 the watershed district, if one exists for the area, and the soil
26 and water conservation district. Within 60 days of receiving
27 notice from the commissioner, a party required to receive the
28 notice may provide a resolution stating objections to the
29 reclassification. If the commissioner receives an objection
30 from a party required to receive the notice, the
31 reclassification is not effective. If the commissioner does not
32 receive an objection from a party required to receive the
33 notice, the reclassification of a wetland under paragraph (b) is
34 effective 60 days after the notice is received by all of the
35 parties.

36 (d) The commissioner shall give priority to the

1 reclassification of public waters wetlands that are or have the
2 potential to be affected by public works projects.

3 Sec. 4. [103G.2212] [CONTRACTOR'S RESPONSIBILITY WHEN WORK
4 DRAINS OR FILLS WETLANDS.]

5 Subdivision 1. [CONDITIONS FOR EMPLOYEES AND AGENTS TO
6 DRAIN OR FILL WETLANDS.] An agent or employee of another may not
7 drain or fill a wetland, wholly or partially, unless the agent
8 or employee has:

9 (1) obtained a signed statement from the property owner
10 stating that the wetland replacement plan required for the work
11 has been obtained or that a replacement plan is not required;
12 and

13 (2) mailed a copy of the statement to the local government
14 unit with jurisdiction over the wetland.

15 Subd. 2. [VIOLATION IS SEPARATE OFFENSE.] Violation of
16 this section is a separate and independent offense from other
17 violations of sections 103G.2212 to 103G.237.

18 Subd. 3. [FORM FOR COMPLIANCE WITH THIS SECTION.] The
19 board shall develop a form to be distributed to contractors'
20 associations, local government units, and soil and water
21 conservation districts to comply with this section. The form
22 must include:

23 (1) a listing of the activities for which a replacement
24 plan is required;

25 (2) a description of the penalties for violating sections
26 103G.2212 to 103G.237;

27 (3) the telephone number to call for information on the
28 responsible local government unit;

29 (4) a statement that national wetland inventory maps are on
30 file with the soil and water conservation district office; and

31 (5) spaces for a description of the work and the names,
32 mailing addresses, and telephone numbers of the person
33 authorizing the work and the agent or employee proposing to
34 undertake it.

35 Sec. 5. Minnesota Statutes 1998, section 103G.222, is
36 amended to read:

1 103G.222 [REPLACEMENT OF WETLANDS.]

2 Subdivision 1. [REQUIREMENTS.] (a) Wetlands must not be
3 drained or filled, wholly or partially, unless replaced by
4 restoring or creating wetland areas of at least equal public
5 value under a replacement plan approved as provided in section
6 103G.2242, a replacement plan under a local governmental unit's
7 comprehensive wetland protection and management plan approved by
8 the board under section 103G.2243, or, if a permit to mine is
9 required under section 93.481, under a mining reclamation plan
10 approved by the commissioner under the permit to mine. Mining
11 reclamation plans shall apply the same principles and standards
12 for replacing wetlands by restoration or creation of wetland
13 areas that are applicable to mitigation plans approved as
14 provided in section 103G.2242. Public value must be determined
15 in accordance with section 103B.3355 or a comprehensive wetland
16 protection and management plan established under section
17 103G.2243. Sections 103G.221 to 103G.2372 also apply to
18 excavation in permanently and semipermanently flooded areas of
19 type 3, 4, and 5 wetlands.

20 (b) Replacement must be guided by the following principles
21 in descending order of priority:

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

24 (2) minimizing the impact by limiting the degree or
25 magnitude of the wetland activity and its implementation;

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

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

31 (5) compensating for the impact by restoring a wetland; and

32 (6) compensating for the impact by replacing or providing
33 substitute wetland resources or environments.

34 For a project involving the draining or filling of wetlands
35 in an amount not exceeding 10,000 square feet more than the
36 applicable amount in section 103G.2241, subdivision 9, paragraph

1 (a), the local government unit may make an on-site sequencing
2 determination without a written alternatives analysis from the
3 applicant.

4 (c) If a wetland is located in a cultivated field, then
5 replacement must be accomplished through restoration only
6 without regard to the priority order in paragraph (b), provided
7 that a deed restriction is placed on the altered wetland
8 prohibiting nonagricultural use for at least ten years.

9 (d) Restoration and replacement of wetlands must be
10 accomplished in accordance with the ecology of the landscape
11 area affected.

12 ~~(e) Replacement shall be within the same watershed or~~
13 ~~county as the impacted wetlands, as based on the wetland~~
14 ~~evaluation in section 1036.2242, subdivision 2, except that a~~
15 ~~greater than 80 percent area may accomplish replacement in less~~
16 ~~than 50 percent areas. Wetlands impacted by public~~
17 ~~transportation projects may be replaced statewide, except that~~
18 ~~wetlands impacted in a less than 50 percent area must be~~
19 ~~replaced in a less than 50 percent area, and wetlands impacted~~
20 ~~in the seven-county twin-cities metropolitan area by public~~
21 ~~highways must be replaced.~~

22 ~~(1) in the affected county, or, if no restoration~~
23 ~~opportunities exist in the county,~~

24 ~~(2) in another seven-county twin-cities metropolitan area~~
25 ~~county.~~

26 ~~The board must maintain a public list of restoration~~
27 ~~opportunities within the metropolitan area. Disputes about~~
28 ~~restoration opportunities for wetland replacement in a watershed~~
29 ~~or county may be appealed to the board's committee for dispute~~
30 ~~resolution. Replacement of wetlands may be accomplished under~~
31 ~~the rules for wetland banking as provided for under section~~
32 ~~1036.2242.~~

33 ~~(f)~~ Except as provided in paragraph ~~(g)~~ (f), for a
34 wetland or public waters wetland located on nonagricultural
35 land, replacement must be in the ratio of two acres of replaced
36 wetland for each acre of drained or filled wetland.

1 ~~(g)~~ (f) For a wetland or public waters wetland located on
2 agricultural land or in a greater than 80 percent area,
3 replacement must be in the ratio of one acre of replaced wetland
4 for each acre of drained or filled wetland.

5 ~~(h)~~ (g) Wetlands that are restored or created as a result
6 of an approved replacement plan are subject to the provisions of
7 this section for any subsequent drainage or filling.

8 ~~(i)~~ (h) Except in a greater than 80 percent area, only
9 wetlands that have been restored from previously drained or
10 filled wetlands, wetlands created by excavation in nonwetlands,
11 wetlands created by dikes or dams along public or private
12 drainage ditches, or wetlands created by dikes or dams
13 associated with the restoration of previously drained or filled
14 wetlands may be used in a statewide banking program established
15 in rules adopted under section 103G.2242, subdivision 1.
16 Modification or conversion of nondegraded naturally occurring
17 wetlands from one type to another are not eligible for
18 enrollment in a statewide wetlands bank.

19 ~~(j)~~ (i) The technical evaluation panel established under
20 section 103G.2242, subdivision 2, shall ensure that sufficient
21 time has occurred for the wetland to develop wetland
22 characteristics of soils, vegetation, and hydrology before
23 recommending that the wetland be deposited in the statewide
24 wetland bank. If the technical evaluation panel has reason to
25 believe that the wetland characteristics may change
26 substantially, the panel shall postpone its recommendation until
27 the wetland has stabilized.

28 ~~(k)~~ (j) This section and sections 103G.223 to 103G.2242,
29 103G.2364, and 103G.2365 apply to the state and its departments
30 and agencies.

31 ~~(l)~~ (k) For projects involving draining or filling of
32 wetlands associated with a new public transportation project in
33 a greater than 80 percent area, public transportation
34 authorities, other than the state department of transportation,
35 may purchase credits from the state wetland bank established
36 with proceeds from Laws 1994, chapter 643, section 26,

1 subdivision 3, paragraph (c). Wetland banking credits may be
2 purchased at the least of the following, but in no case shall
3 the purchase price be less than \$400 per acre: (1) the cost to
4 the state to establish the credits; (2) the average estimated
5 market value of agricultural land in the township where the road
6 project is located, as determined by the commissioner of
7 revenue; or (3) the average value of the land in the immediate
8 vicinity of the road project as determined by the county
9 assessor. Public transportation authorities in a less than 80
10 percent area may purchase credits from the state at the cost to
11 the state to establish credits.

12 ~~(m)~~ (1) A replacement plan for wetlands is not required for
13 individual projects that result in the filling or draining of
14 wetlands for the repair, rehabilitation, reconstruction, or
15 replacement of a currently serviceable existing state, city,
16 county, or town public road necessary, as determined by the
17 public transportation authority, to meet state or federal design
18 or safety standards or requirements, excluding new roads or
19 roads expanded solely for additional traffic capacity lanes.
20 This paragraph only applies to authorities for public
21 transportation projects that:

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

25 (2) except as provided in clause (3), submit annual
26 project-specific reports by January 15 to the board, the
27 technical evaluation panel, the commissioner of natural
28 resources, and members of the public requesting a copy at least
29 30 days prior to construction that indicate the location,
30 amount, and type of wetlands that have been filled or drained
31 during the previous year and a projection of the location,
32 amount, and type of wetlands to be filled or drained by the
33 project or, alternatively, convene an annual meeting of the
34 parties required to receive notice to review projects to be
35 commenced during the upcoming year; and

36 (3) for minor and emergency maintenance work impacting less

1 than 10,000 square feet, submit project-specific reports, within
2 30 days of commencing the activity, to the board that indicate
3 the location, amount, and type of wetlands that have been filled
4 or drained.

5 Those required to receive notice of public transportation
6 projects may appeal minimization, delineation, and on-site
7 mitigation decisions made by the public transportation authority
8 to the board according to the provisions of section 103G.2242,
9 subdivision 9. The technical evaluation panel shall review
10 minimization and delineation decisions made by the public
11 transportation authority and provide recommendations regarding
12 on-site mitigation if requested to do so by the local government
13 unit, a contiguous landowner, or a member of the technical
14 evaluation panel.

15 Except for state public transportation projects, for which
16 the state department of transportation is responsible, the board
17 must replace the wetlands, and wetland areas of public waters if
18 authorized by the commissioner or a delegated authority, drained
19 or filled by public transportation projects on existing roads in
20 ~~critical-rural-and-urban-watersheds.~~

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

32 ~~(n)~~ (m) If a landowner seeks approval of a replacement plan
33 after the proposed project has already ~~impacted~~ affected the
34 wetland, the local government unit may require the landowner to
35 replace the ~~impacted~~ affected wetland at a ratio not to exceed
36 twice the replacement ratio otherwise required.

1 ~~(e)~~ (n) A local government unit may request the board to
2 reclassify a county or watershed on the basis of its percentage
3 of presettlement wetlands remaining. After receipt of
4 satisfactory documentation from the local government, the board
5 shall change the classification of a county or watershed. If
6 requested by the local government unit, the board must assist in
7 developing the documentation. Within 30 days of its action to
8 approve a change of wetland classifications, the board shall
9 publish a notice of the change in the Environmental Quality
10 Board Monitor.

11 ~~(p)~~ (o) One hundred citizens who reside within the
12 jurisdiction of the local government unit may request the local
13 government unit to reclassify a county or watershed on the basis
14 of its percentage of presettlement wetlands remaining. In
15 support of their petition, the citizens shall provide
16 satisfactory documentation to the local government unit. The
17 local government unit shall consider the petition and forward
18 the request to the board under paragraph ~~(e)~~ (n) or provide a
19 reason why the petition is denied.

20 Subd. 2. [ROAD CREDIT FUNDING.] ~~At-least-50-percent-of~~
21 ~~money-appropriated-for-road-repair-wetland-replacement-credit~~
22 ~~under-this-section-must-be-used-for-wetland-restoration-in-the~~
23 ~~seven-county-metropolitan-area-~~

24 The board shall give priority to restoration projects that
25 will:

26 (1) ~~intensify~~ will encourage land use that leads to more
27 compact development or redevelopment;

28 (2) will encourage public or private infrastructure
29 investments which connect ~~urban-neighborhoods-and-suburban~~
30 ecosystems and communities, attract private sector investment in
31 commercial or residential properties adjacent to the public
32 improvement; or

33 (3) ~~complement-projects-receiving-funding-under-section~~
34 ~~473-253~~ are located in critical rural and urban watersheds.

35 Subd. 3. [WETLAND REPLACEMENT SITING.] (a) Siting wetland
36 replacement must follow this priority order:

1 (1) on site or in the same minor watershed as the affected
2 wetland;

3 (2) in the same watershed as the affected wetland;

4 (3) in the same county as the affected wetland;

5 (4) in an adjacent watershed or county to the affected
6 wetland; and

7 (5) statewide, only for wetlands affected in greater than
8 80 percent areas and for public transportation projects, except
9 that wetlands affected in less than 50 percent areas must be
10 replaced in less than 50 percent areas, and wetlands affected in
11 the seven-county metropolitan area must be replaced in the
12 affected county or, if no restoration opportunities exist in the
13 county, in another seven-county metropolitan area county.

14 (b) The exception in paragraph (a), clause (5), does not
15 apply to replacement completed using wetland banking credits
16 established by a person who submitted a complete wetland banking
17 application to a local government unit by April 1, 1996.

18 (c) When reasonable, practicable, and environmentally
19 beneficial replacement opportunities are not available in siting
20 priorities listed in paragraph (a), the applicant may seek
21 opportunities at the next level.

22 (d) For the purposes of this section, "reasonable,
23 practicable, and environmentally beneficial replacement
24 opportunities" are defined as opportunities that:

25 (1) take advantage of naturally occurring
26 hydrogeomorphological conditions and require minimal landscape
27 alteration;

28 (2) have a high likelihood of becoming a functional wetland
29 that will continue in perpetuity;

30 (3) do not adversely affect other habitat types or
31 ecological communities that are important in maintaining the
32 overall biological diversity of the area; and

33 (4) are available and capable of being done after taking
34 into consideration cost, existing technology, and logistics
35 consistent with overall project purposes.

36 (e) Regulatory agencies, local government units, and other

1 entities involved in wetland restoration shall collaborate to
2 identify potential replacement opportunities within their
3 jurisdictional areas.

4 Sec. 6. Minnesota Statutes 1998, section 103G.2241,
5 subdivision 1, is amended to read:

6 Subdivision 1. [AGRICULTURAL ACTIVITIES.] (a) A
7 replacement plan for wetlands is not required for:

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

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

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

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

24 (3) activities in a wetland that has received a commenced
25 drainage determination provided for by the federal Food Security
26 Act of 1985, that was made to the county agricultural
27 stabilization and conservation service office prior to September
28 19, 1988, and a ruling and any subsequent appeals or reviews
29 have determined that drainage of the wetland had been commenced
30 prior to December 23, 1985;

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

35 (5) aquaculture activities including pond excavation and
36 construction and maintenance of associated access roads and

1 dikes authorized under, and conducted in accordance with, a
2 permit issued by the United States Army Corps of Engineers under
3 section 404 of the federal Clean Water Act, United States Code,
4 title 33, section 1344, but not including construction or
5 expansion of buildings;

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

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

16 (8) agricultural activities in a wetland that is on
17 agricultural land:

18 (i) annually enrolled in the federal Food, Agricultural,
19 Conservation, and Trade Act of 1990, United States Code, title
20 16, section 3821, subsection (a), clauses (1) to (3), as
21 amended, Agriculture Improvement and Reform Act of 1996 and is
22 subject to sections 1421 to 1424 of the federal act United
23 States Code, title 16, sections 3821 to 3823, in effect on
24 January 1, 1991, except that 2000; or

25 (ii) subject to subsequent federal farm program
26 restrictions that meet minimum state standards under this
27 chapter and sections 103A.202 and 103B.3355 and that have been
28 approved by the board of water and soil resources, the
29 commissioners of natural resources and agriculture, and the
30 pollution control agency.

31 (b) Land enrolled in a federal farm program under paragraph
32 (a), clause (8), is eligible for easement participation for
33 those acres not already compensated under a federal program.

34 (b) (c) The exemption under paragraph (a), clause (4), may
35 be expanded to additional acreage, including types 1, 2, and 6
36 wetlands that are part of a larger wetland system, when the

1 additional acreage is part of a conservation plan approved by
2 the local soil and water conservation district, the additional
3 draining or filling is necessary for efficient operation of the
4 farm, the hydrology of the larger wetland system is not
5 adversely affected, and wetlands other than types 1, 2, and 6
6 are not drained or filled.

7 Sec. 7. Minnesota Statutes 1998, section 103G.2241,
8 subdivision 3, is amended to read:

9 Subd. 3. [FEDERAL APPROVALS.] A replacement plan for
10 wetlands is not required for:

11 (1) activities exempted from federal regulation under
12 United States Code, title 33, section 1344(f), as in effect on
13 January 1, 1991;

14 (2) activities authorized under, and conducted in
15 accordance with, an applicable general permit issued by the
16 United States Army Corps of Engineers under section 404 of the
17 federal Clean Water Act, United States Code, title 33, section
18 1344, except the nationwide permit in Code of Federal
19 Regulations, title 33, section 330.5, paragraph (a), clauses
20 (14), limited to when a new road crosses a wetland, and (26), as
21 in effect on January 1, 1991; or

22 (3) activities authorized under the federal Clean Water
23 Act, section 404, or the Rivers and Harbors Act, section 10,
24 regulations that meet minimum state standards under this chapter
25 and sections 103A.202 and 103B.3355 and that have been approved
26 by the board of water and soil resources, the commissioners of
27 natural resources and agriculture, and the pollution control
28 agency.

29 Sec. 8. Minnesota Statutes 1998, section 103G.2241,
30 subdivision 9, is amended to read:

31 Subd. 9. [DE MINIMIS.] (a) Except as provided in
32 paragraphs (b) ~~7~~ and (c) ~~7~~ and (d), a replacement plan for
33 wetlands is not required for draining or filling the following
34 amounts of wetlands as part of a project ~~7~~ regardless of the
35 ~~total amount of wetlands filled as part of a project:~~

36 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland,

1 excluding white cedar and tamarack wetlands, outside of the
2 shoreland wetland protection zone in a greater than 80 percent
3 area;

4 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland,
5 excluding white cedar and tamarack wetlands, outside of the
6 shoreland wetland protection zone in a 50 to 80 percent area;

7 (3) 2,000 square feet of type 1, 2, or 6 wetland, outside
8 of the shoreland wetland protection zone in a less than 50
9 percent area;

10 (4) 400 square feet of wetland types not listed in clauses
11 (1) to (3) outside of shoreland wetland protection zones in all
12 counties; or

13 (5) 400 square feet of type 1, 2, 3, 4, 5, 6, 7, or 8
14 wetland, in the shoreland wetland protection zone, except that
15 in a greater than 80 percent area, the local government unit may
16 increase the de minimis amount up to 1,000 square feet in the
17 shoreland protection zone in areas beyond the building setback
18 if the wetland is isolated and is determined to have no direct
19 surficial connection to the public water. To the extent that a
20 local shoreland management ordinance is more restrictive than
21 this provision, the local shoreland ordinance applies.

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

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

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

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

32 (3) 400 square feet.

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

1 ~~subdivision-~~

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

4 Sec. 9. Minnesota Statutes 1998, section 103G.2242,
5 subdivision 1, is amended to read:

6 Subdivision 1. [RULES.] (a) The board, in consultation
7 with the commissioner, shall adopt rules governing the approval
8 of wetland value replacement plans under this section and public
9 waters work permits affecting public waters wetlands under
10 section 103G.245. These rules must address the criteria,
11 procedure, timing, and location of acceptable replacement of
12 wetland values; may address the state establishment and
13 administration of a wetland banking program for public and
14 private projects, which may include provisions allowing monetary
15 payment to the wetland banking program for alteration of
16 wetlands on agricultural land; the administrative, monitoring,
17 and enforcement procedures to be used; and a procedure for the
18 review and appeal of decisions under this section. In the case
19 of peatlands, the replacement plan rules must consider the
20 impact on carbon balance described in the report required by
21 Laws 1990, chapter 587, and include the planting of trees or
22 shrubs.

23 (b) After the adoption of the rules, a replacement plan
24 must be approved by a resolution of the governing body of the
25 local government unit, consistent with the provisions of the
26 rules or a comprehensive wetland protection and management plan
27 approved under section 103G.2243.

28 (c) If the local government unit fails to apply the rules,
29 or fails to implement a local comprehensive wetland protection
30 and management plan established under section 103G.2243, the
31 government unit is subject to penalty as determined by the board.

32 Sec. 10. Minnesota Statutes 1998, section 103G.2242,
33 subdivision 2, is amended to read:

34 Subd. 2. [EVALUATION.] (a) Questions concerning the public
35 value, location, size, or type of a wetland shall be submitted
36 to and determined by a technical evaluation panel after an

1 on-site inspection. The technical evaluation panel shall be
2 composed of a technical professional employee of the board, a
3 technical professional employee of the local soil and water
4 conservation district or districts, ~~and~~ a technical professional
5 with expertise in water resources management appointed by the
6 local government unit, and a technical professional employee of
7 the department of natural resources for projects affecting
8 public waters or wetlands adjacent to public waters. The panel
9 shall use the "United States Army Corps of Engineers Wetland
10 Delineation Manual" (January 1987), including updates,
11 supplementary guidance, and replacements, if any, "Wetlands of
12 the United States" (United States Fish and Wildlife Service
13 Circular 39, 1971 edition), and "Classification of Wetlands and
14 Deepwater Habitats of the United States" (1979 edition). The
15 panel shall provide the wetland determination and
16 recommendations on other technical matters to the local
17 government unit that must approve a replacement plan under this
18 section, wetland banking plan, exemption determination, no-loss
19 determination, or wetland boundary or type determination and may
20 recommend approval or denial of the plan. The authority must
21 consider and include the decision of the technical evaluation
22 panel in their approval or denial of a plan or determination.

23 (b) Persons conducting wetland or public waters boundary
24 delineations or type determinations are exempt from the
25 requirements of chapter 326. By January 15, 2001, the board, in
26 consultation with the Minnesota Association of Professional Soil
27 Scientists, the University of Minnesota, and the Wetland
28 Delineators' Association, shall submit a plan for a professional
29 wetland delineator certification program to the legislature.

30 Sec. 11. Minnesota Statutes 1998, section 103G.2242, is
31 amended by adding a subdivision to read:

32 Subd. 2a. [WETLAND BOUNDARY OR TYPE DETERMINATION.] (a) A
33 landowner may apply for a wetland boundary or type determination
34 from the local government unit. The landowner applying for the
35 determination is responsible for submitting proof necessary to
36 make the determination, including, but not limited to, wetland

1 delineation field data, observation well data, topographic
2 mapping, survey mapping, and information regarding soils,
3 vegetation, hydrology, and groundwater both within and outside
4 of the proposed wetland boundary.

5 (b) A local government unit that receives an application
6 under paragraph (a) may seek the advice of the technical
7 evaluation panel as described in subdivision 2, and, if
8 necessary, expand the technical evaluation panel. The local
9 government unit may delegate the decision authority for wetland
10 boundary or type determinations with the zoning administrator,
11 or establish other procedures it considers appropriate.

12 (c) The local government unit decision must be made in
13 compliance with section 15.99. Within ten calendar days of the
14 decision, the local government unit decision must be mailed to
15 the landowner, members of the technical evaluation panel, the
16 watershed district or watershed management organization, if one
17 exists, and individual members of the public who request a copy.

18 (d) The local government unit decision is valid for three
19 years unless the technical evaluation panel determines that
20 natural or artificial changes to the hydrology, vegetation, or
21 soils of the area have been sufficient to alter the wetland
22 boundary or type.

23 Sec. 12. Minnesota Statutes 1998, section 103G.2242,
24 subdivision 5, is amended to read:

25 Subd. 5. [PROCESSING FEE.] The local government unit and
26 soil and water conservation district may charge processing fees
27 in amounts not greater than are necessary to cover the
28 reasonable costs of implementing the rules adopted under
29 subdivision 1 and for technical and administrative assistance to
30 landowners in processing other applications for projects
31 affecting wetlands.

32 Sec. 13. Minnesota Statutes 1998, section 103G.2242,
33 subdivision 9, is amended to read:

34 Subd. 9. [APPEAL.] (a) Appeal of a replacement plan,
35 exemption, wetland banking, wetland boundary or type
36 determination, or no-loss decision may be obtained by mailing a

1 petition and payment of a filing fee of \$200, which shall be
2 retained by the board to defray administrative costs, to the
3 board within 15 days after the postmarked date of the mailing
4 specified in subdivision 7. If appeal is not sought within 15
5 days, the decision becomes final. The local government unit may
6 require the petitioner to post a letter of credit, cashier's
7 check, or cash in an amount not to exceed \$500. If the petition
8 for hearing is accepted, the amount posted must be returned to
9 the petitioner. Appeal may be made by:

10 (1) the wetland owner~~7-by~~;

11 (2) any of those to whom notice is required to be mailed
12 under subdivision 7~~7~~; or by

13 (3) 100 residents of the county in which a majority of the
14 wetland is located.

15 (b) Within 30 days after receiving a petition, the board
16 shall decide whether to grant the petition and hear the appeal.
17 The board shall grant the petition unless the board finds that:

18 (1) the appeal is meritless, trivial, or brought solely for
19 the purposes of delay; that

20 (2) the petitioner has not exhausted all local
21 administrative remedies;

22 (3) expanded technical review is needed;

23 (4) the local government unit's record is not adequate; or
24 that

25 (5) the petitioner has not posted a letter of credit,
26 cashier's check, or cash if required by the local government
27 unit.

28 (c) In determining whether to grant the appeal, the board
29 shall also consider the size of the wetland, other factors in
30 controversy, any patterns of similar acts by the local
31 government unit or petitioner, and the consequences of the delay
32 resulting from the appeal.

33 (d) All appeals must be heard by the committee for dispute
34 resolution of the board, and a decision made within 60 days of
35 the appeal. The decision must be served by mail on the parties
36 to the appeal, and is not subject to the provisions of chapter

1 14. A decision whether to grant a petition for appeal and a
2 decision on the merits of an appeal must be considered the
3 decision of an agency in a contested case for purposes of
4 judicial review under sections 14.63 to 14.69.

5 Sec. 14. Minnesota Statutes 1998, section 103G.2242,
6 subdivision 11, is amended to read:

7 Subd. 11. [WETLAND HERITAGE ADVISORY COMMITTEE.] The
8 governor shall establish a wetland heritage advisory committee
9 consisting of a balanced diversity of interests including
10 agriculture, environmental, and sporting organizations, land
11 development organizations, local government organizations, and
12 other agencies. The committee must consist of nine members
13 including the commissioner of agriculture, or a designee of the
14 commissioner, the commissioner of natural resources, and seven
15 members appointed by the governor. The governor's appointees
16 must include one county commissioner, one representative each
17 from a statewide sporting organization, a statewide conservation
18 organization, an agricultural commodity group, one faculty
19 member of an institution of higher education with expertise in
20 the natural sciences, and one member each from two statewide
21 farm organizations. The committee shall advise the board on the
22 development of rules under this section and, after rule
23 adoption, shall meet at least twice a year to review
24 implementation of the program, to identify strengths and
25 weaknesses, and to recommend changes to the rules and the law to
26 improve the program. The committee expires on July 1, 2000.

27 Sec. 15. Minnesota Statutes 1998, section 103G.2372, is
28 amended to read:

29 103G.2372 [ENFORCEMENT.]

30 Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] The
31 commissioner of natural resources, conservation officers, and
32 peace officers shall enforce laws preserving and protecting
33 wetlands and public waters. The commissioner of natural
34 resources, a conservation officer, or a peace officer may issue
35 a cease and desist order to stop any illegal activity adversely
36 affecting a wetland or public waters. In the order, or by

1 separate order, the commissioner, conservation officer, or peace
2 officer may require restoration or replacement of the wetland or
3 public waters, as determined by the local soil and water
4 conservation district for wetlands and the commissioner of
5 natural resources for public waters.

6 Subd. 2. [MISDEMEANOR.] A violation of an order issued
7 under subdivision 1 is a misdemeanor and must be prosecuted by
8 the county attorney where the wetland ~~is~~ or public waters are
9 located or the illegal activity occurred.

10 Subd. 3. [RESTITUTION.] The court may, as part of
11 sentencing, require a person convicted under subdivision 2 to
12 restore or replace the wetland or public waters, as determined
13 by the local soil and water conservation district for wetlands
14 and the commissioner of natural resources for public waters.

15 Sec. 16. Minnesota Statutes 1998, section 103G.2373, is
16 amended to read:

17 103G.2373 [ANNUAL WETLANDS AND PUBLIC WATERS WETLANDS
18 REPORT.]

19 By March 1 of each year, the commissioner of natural
20 resources and the board of water and soil resources shall
21 jointly report to the committees of the legislature with
22 jurisdiction over matters relating to agriculture, the
23 environment, and natural resources on:

24 (1) the status of implementation of state laws and programs
25 relating to wetlands and public waters wetlands;

26 (2) the quantity, quality, acreage, types, and public value
27 of wetlands and public waters wetlands in the state; and

28 (3) changes in the items in clause (2).

29 Sec. 17. Minnesota Statutes 1998, section 103G.245,
30 subdivision 5, is amended to read:

31 Subd. 5. [DELEGATION OF PERMIT AUTHORITY TO LOCAL UNITS OF
32 GOVERNMENT.] (a) The commissioner may delegate public waters
33 work permit authority to the appropriate county or municipality
34 or to watershed districts or watershed management organizations
35 that have elected to assert local authority over protected
36 waters. The public waters work permit authority must be

1 delegated under guidelines of the commissioner and the
2 delegation must be done by agreement with the involved county,
3 municipality, watershed district, or water management
4 organization and in compliance with section 103G.315.

5 (b) For projects affecting public waters wetlands, the
6 commissioner may waive the requirement for a public waters work
7 permit if the local government unit makes a replacement, no-loss
8 or exemption determination in compliance with sections 103A.201,
9 103B.3355, and 103G.222 to 103G.2373, and rules adopted pursuant
10 to these same sections.

11 (c) For projects affecting both public waters and wetlands,
12 the local government unit may, by written agreement with the
13 commissioner, waive the requirement for a replacement plan,
14 no-loss or exemption determination if a public waters work
15 permit is required and the commissioner includes the provisions
16 of sections 103A.201, 103B.3355, and 103G.222 to 103G.2373, and
17 rules adopted pursuant to these same sections in the public
18 waters work permit.

19 Sec. 18. Minnesota Statutes 1998, section 645.44, is
20 amended by adding a subdivision to read:

21 Subd. 13a. [WETLANDS.] "Wetlands" means lands transitional
22 between terrestrial and aquatic systems where the water table is
23 usually at or near the surface or the land is covered by shallow
24 water. For purposes of this definition, wetlands must have the
25 following three attributes:

26 (1) have a predominance of hydric soils;

27 (2) are inundated or saturated by surface water or
28 groundwater at a frequency and duration sufficient to support a
29 prevalence of hydrophytic vegetation typically adapted for life
30 in saturated soil conditions; and

31 (3) under normal circumstances, support a prevalence of
32 such vegetation.

33 Sec. 19. [REPORT.]

34 By January 15, 2001, the board of water and soil resources
35 and the commissioner of natural resources shall provide a joint
36 report to the house and the senate committees responsible for

1 agriculture and environmental policy on further technical
2 changes to the Wetland Conservation Act and rules to provide for
3 an improved regulatory consolidation process, public water
4 inventory refinement, and other changes to improve wetland
5 regulatory programs. The report shall include the language on
6 any recommended draft law and rule changes.

7 Sec. 20. [EXEMPT RULES.]

8 (a) Within 90 days of the effective date of this section,
9 the board of water and soil resources and the commissioner of
10 natural resources shall adopt rules that amend the rules
11 previously adopted under Minnesota Statutes, sections 103G.2242,
12 subdivision 1; 103B.3355; and 103G.315, subdivision 15, to:

13 (1) provide sequencing and standard of application rules
14 for public waters wetlands and permanently and semipermanently
15 flooded areas of type 3, 4, and 5 wetlands under the Wetland
16 Conservation Act;

17 (2) incorporate changes to the statutes in this act; and

18 (3) other provisions to improve consistency of wetland
19 regulatory processes.

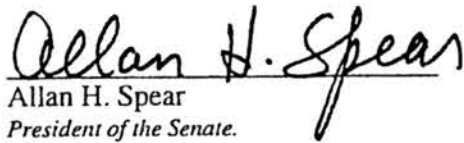
20 (b) The rules authorized under paragraph (a) are exempt
21 from the rulemaking provisions of Minnesota Statutes, chapter
22 14, except that Minnesota Statutes, section 14.386, applies and
23 the proposed rules must be submitted to the members of senate
24 and house environment and natural resource and agriculture
25 policy committees at least 30 days prior to being published in
26 the State Register. The amended rules are effective for two
27 years from the date of publication of the rules in the State
28 Register unless they are superseded by permanent rules.

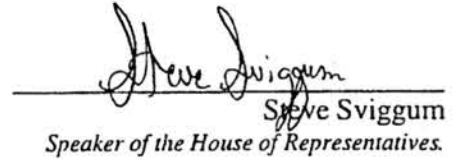
29 Sec. 21. [EFFECTIVE DATE.]

30 Sections 1 to 5, 9 to 10, 14 to 16, and 18 to 20 are
31 effective the day following final enactment.

CHAPTER No. 382
S.F. No. 83

This bill was passed in conformity to the rules of each house and the joint rules of the two houses as required by the Constitution of the State of Minnesota.

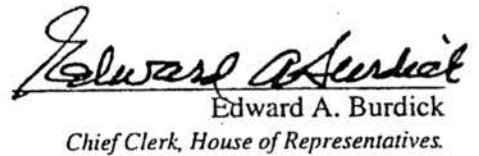

Allan H. Spear
President of the Senate.


Steve Sviggum
Speaker of the House of Representatives.

Passed the Senate on April 5, 2000.


Patrick E. Flahaven
Secretary of the Senate.

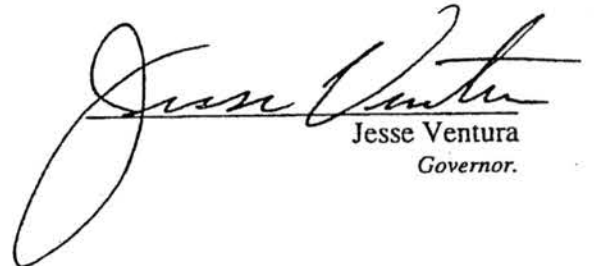
Passed the House of Representatives on April 4, 2000.


Edward A. Burdick
Chief Clerk, House of Representatives.

This bill is properly enrolled and was presented to the Governor on April 10, 2000.


Michele L. Timmons
Revisor of Statutes.

Approved on April 13, 2000, at 4:58 P.M.


Jesse Ventura
Governor.

Filed on April 13, 2000.


Mary Kiffmeyer
Secretary of State.

FOR YOUR INFORMATION

April 26, 2000

- "Board Member Update"
- BWSR Education and Public Relations Committee Meeting Minutes of 3/22/00
- Letter of March 20, 2000 to Mississippi River Basin Governors regarding concerns with the draft Integrated Assessment of Hypoxia in the Gulf of Mexico.
- Memo of April 3, 2000 to agency heads regarding 90-day state review of the Koochiching County Comprehensive Local Water Plan Update.



Board member Update

March 2000

Southern Region

The Conservation Reserve Enhancement Program (CREP)

Tabor Hoek, watershed coordinator for the Conservation Reserve Enhancement Program (CREP), says local CREP implementation is on the minds of many. Currently 87 percent of the acres enrolled are from less than 50 percent of the eligible counties. Many of these counties are well on their way to contacting all the agricultural producers who own land that qualifies for CREP. Some soil and water conservation districts (SWCDs) are doing this by using project-specific proposals developed on aerial photos along with payment rates. Follow-up contacts and visits have proven to be the fundamental way to secure landowner interest. Like any other land use, CREP has to compete with the alternatives as well as present and future tax ramifications. Just like selling a certain brand of new car, it takes some convincing or salesmanship to seal the deal. Funding and local priorities will play a large roll in the future of CREP.

General local government assistance

Board Conservationist (BC) Thomas Fischer assisted the Brown-Nicollet-Cottonwood local water planners with the second annual Children's Water Festival held at the South Central Technical College in North Mankato on March 15. More than 1,100 fourth grade students and their teachers attended. Staff from various state and federal agencies, organizations, local governments and private entities contributed to this successful event through their excellent presentations.

Other

Feedlots and drainage were the topics of a recent meeting of Minnesota county commissioners and Iowa county supervisors (same as county commissioners in Minnesota). The group agreed to continue to talk about their common needs for improved water quality in the Blue Earth River. Twenty-two percent of the river basin flows north into Minnesota, and this area of Minnesota and Iowa has some of the highest density of hog production in the northern corn belt region.

*Like any other
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CREP has to
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alternatives as
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ramifications.*

Another possibility to unify the organizations within the Blue Earth Basin is through the Board of Government Innovation Pilot Grant Program for restructuring the organization and operation of environmental special purpose districts.

A team-building workshop in Fairmont provided the opportunity for major watershed stakeholders in the Minnesota River to continue, and in some cases begin, a dialogue about "who" should be the organization to lead in the management, protection, and cleanup of this particular watershed. One such opportunity is for the players in the Blue Earth River Basin to begin a process of facilitated conflict resolution. Time will tell if this leads to a more unified basin approach.

Another possibility to unify the organizations within the Blue Earth Basin is through the Board of Government Innovation Pilot Grant Program for restructuring the organization and operation of environmental special purpose districts. These pilot projects may address the overlapping authority of these special purpose districts relative to management of our natural resources at the local level.

Redwood Cottonwood Rivers Control Area (RCRCA) Executive Director Bob Finley is leaving to accept the position of Executive Director of the Mankato State University Water Resource Center. This position was open due to the retirement of Professor Henry Quade. Jim Doering of the Marshall office of the Minnesota Pollution Control Agency will be returning to RCRCA as the new Executive Director.

Pioneer Public Television of Appleton has produced a fourteen-segment series on the Minnesota River. Thus far there have been two live town hall meetings where the

public is invited to call in with questions. Marshall BC Tabor Hoek has participated as a panelist, and Minnesota River Basin Joint Powers Board Director Steve Hansen has served as the moderator.

Engineering and Technical Services Section

Lakeshore Engineering

Gene Clark, lakeshore engineer, recently submitted a grant application to the new Minnesota Lake Superior Coastal Program managed by the DNR. The grant would provide for continued technician support for BWSR engineering assistance to and through Lake Superior Association soil and water conservation districts (SWCDs) for lakeshore and tributary erosion reduction. The current EPA 319 grant for the part-time lakeshore engineering technician position held by Brad Matlack will end this year.

Gene recently helped SWCD Joint Powers Area (JPA) 3 conduct interviews for a new engineer. Nicole Sternquist, who is currently employed in SWCD Joint Powers Area 6 and recently became a registered professional engineer, will be the new JPA 3 engineer.

A number of lakeshore stabilization

projects are scheduled for construction this season along the North Shore, using multiple funding sources. Gene and Brad are busy assisting landowners and SWCDs with plans, specifications, permit applications and contractor selection.

Conservation Easements

Steve Miller, realty specialist, Tim Fredbo, easement program manager, and BCs Tabor Hoek and Dave Sill provided a training session for SWCD staff on real estate aspects of easement acquisition March 21 in Redwood Falls. The session addressed landowner eligibility, title insurance, types of ownership documents and common issues encountered, including mineral rights. About 20 SWCD staff attended.

The Conservation Reserve Enhancement Program (CREP)

Applications continue to be accepted in anticipation of new state funding. Following are current statistics.

	No.	Acres
Funded Apps	400	13,200 acres
New Funding*	138	5,829 acres
Totals	538	19,029 acres

*pending

MN Cost of Funded Applications: \$9.1 million

MN Cost of Pending Applications: \$3.9 million

Total State Cost: \$13 million

Total Federal \$ Leveraged: \$29.9 million

Types of applications received to date:

Riparian Buffer	405
Wetland Restoration	121
50-Yr. Marg. Pasture	12
Total	538

Reinvest in Minnesota (RIM) Reserve/Wetland Restoration Program (WRP) Partnership

BWSR, the Natural Resources Conservation Service (NRCS) and Ducks Unlimited, Inc., (DU) staff continue to work out agreements to help address the workload and increase the amount of WRP funding that can be used in Minnesota via the RIM/WRP partnership and straight WRP. The Minnesota Waterfowl Association and U.S. Fish and Wildlife Service are also involved in these enhanced implementation efforts. DU recently proposed ways that it could provide implementation assistance using WRP funding and match for certain implementation activities. Coordination of roles and funding in the short- and long-term are key to these agreements.

Engineering Training

During the past month, Justin Jeffery, BWSR/NRCS training and design engineer, provided hydrology training in Marshall and Detroit Lakes and ag waste management systems planning training in St. Paul. An EPA staff person from Chicago, who is substantially involved with feedlot regulation, at-

BWSR, the Natural Resources Conservation Service (NRCS) and Ducks Unlimited, Inc., (DU) staff continue to work out agreements to help address the workload and increase the amount of WRP funding that can be used in Minnesota via the RIM/WRP partnership and straight WRP.

Common understandings and coordination at the local and state levels is key to effective feedlot assistance and regulation.

tended the latter training session in St. Paul.

Justin also provided Feedlot Evaluation Model (FLEVAL) training in McIntosh and Rochester. Training on use of the model is critical for state-wide consistency of use and associated regulatory acceptance.

Al Kean, chief engineer, John Brach, NRCS state conservation engineer, and Justin are working with Pollution Control Agency (PCA) staff to provide written responses to many questions raised at the Feedlot Partners Training session held in March. Common understandings and coordination at the local and state levels is key to effective feedlot assistance and regulation.

Feedlots

The governor has signed a feedlot policy bill. The new feedlot law modifies certain provisions of feedlot rules and permitting requirements, provides for private manure applicator education, training and certification, expands administrative penalty order use requirements, limits environmental upgrade costs for certain sizes of feedlots without cost-share, and requires a study of financial assistance needs for certain sizes of feedlots.

The Environmental Quality Board (EQB) recently approved an updated work plan for the Animal Agriculture generic environmental impact statement (GEIS). The plan identifies specific tasks to complete the GEIS. Some of the 12 topic areas identified in the scoping document will be grouped for further study and drafting of the GEIS

document. The work plan envisions additional contracted studies beyond the literature search conducted last year. It seems to be realistic about gathering the latest information from "ongoing research," as opposed to trying to conduct new research within the limited study time frame.

George Johnson has been hired by the EQB as the new Animal Ag GEIS project manager. George reportedly worked for the PCA for a number of years in the past and has been a private consultant for about ten years.

Metro Region

Wetland Conservation Act (WCA)

The north Metro has been very busy with wetland replacement plans, wetland violations and watershed plans. The multi-county Kreger Wetland Violation has extended from Sherburne and Mille Lacs counties into northwestern Anoka County. The violation includes approximately 7.5 acres of wetland drainage from ditch realignment and tile placement. The township will issue a restoration order shortly. BC Lynda Peterson has been working with the local governments on this case.

North Metro staff has received over 15 wetland replacement plans since the beginning of March.

Watershed/WMO plans

Metro watershed district (WD)/ watershed management organization (WMO) plans currently under review include:

- The Sunrise WMO
- The Vermillion River WMO
- The Carnelian Marine WD

Plans being completed include:

- The Lower Mississippi River WMO
- The Black Dog WMO
- The Grass Lake WMO
- The Browns Creek WD

The Comfort Lake Forest Lake WD is beginning to develop a watershed plan. The Clearwater River Watershed District is in the beginning stages of rewriting its watershed plan.

Metro staff is also reviewing changes to accommodate major projects in the South Washington WD plan and the Valley Branch WD plan.

Miscellaneous

- On April 4, Washington County approved the Water Governance Study and will move ahead with two plans to expand and consolidate watershed management in Washington County, resulting in a changed water management structure. The county intends to have these in place by the first of the year. BC Phil Belfiori has been involved in all workgroups and committees.
- A second wetland replacement site has been denied for the controversial Forest Lake Cub Foods.
- The Valley Creek Best Manage-

ment Practices Manual, which BWSR helped develop, was presented at the recent Metropolitan Association of Watershed Districts. The response was very favorable. The group plans to sponsor a media campaign on best management practices based on the manual.

- The Minnesota Association of Watershed Districts (MAWD) tour will be in Detroit Lakes the last weekend in June.

On April 4, Washington County approved the Water Governance Study and will move ahead with two plans to expand and consolidate watershed management in Washington County, resulting in a changed water management structure.

Education and Public Relations Committee Minnesota Board of Soil and Water Resources

Minutes of 3/22/00 Meeting

Attending

Members: Jim Anderson, Leland Coe, Ginny Imholte, and Paul Krabbenhoft, and Claire Nelson were present. Staff: Ron Struss

Susan Tsakakis – BWSR Communications Director

As part of a series of presentations by BWSR education staff, Susan presented on the educational programs she takes leadership on. In summary, Susan presented on:

Recent publications

- RIM Reserve Report – joint effort with DNR
- Wetland Brochure with administrative information (who to call for what)
- Wetland Conservation Act Report – targeted at folks very much involved in the program
- Local Water Planner Newsletter – soon to be issued only electronically

Discussion:

1. Jim Anderson noted that a “Lakes Primer” and “Rivers Primer” have been published by the UM Water Resources Center. There has been some talk about the possible need of a “Wetlands Primer”, and he would like to talk with the Committee about this possible need further at a future meeting.
1. Susan noted and the Committee agreed that development of educational materials for general audiences is a more suitable role for UM Extension than BWSR
2. Paul Krabbenhoft asked Susan how strong our “communications pipeline” is with local units of government. Susan replied that it varies; with SWCDs and Water Planners it is very strong, less strong with some other units of government such as watershed districts. With the general public, which is not a target audience for BWSR (we work through LGUs), our communications pipeline is not very strong.

Envirothon

Started in 1993, this competitive environmental educational event keeps getting better. Currently 1,200 students are involved. A strong partnership with SWCD Areas, and other agencies and organizations, Envirothon returns high results with moderate input. Paul Krabbenhoft concurred on the value of the program.

CREP

CREP has been a big push for BWSR, and Susan has been involved in developing:

- RIM Report (mentioned before)
- Fact Sheets
- Floor Display
- Media Releases and Communications

Website

Susan was involved in the initial launching of the BWSR website over a year ago. Since it is up, issues have arisen that need to be addressed:

- Few provisions have been made for website maintenance, and it has fallen out of date
- No procedures have been set forth on how to determine what goes on the website
- It is not clear if now is the time to "cut the paper cord" and require LGUs to depend on the site solely to obtain BWSR information (forms, reports, etc.)

Discussion:

The Committee felt a review of the BWSR website is needed, and has asked to dedicate a future Committee meeting entirely to that issue. The May Committee meeting is being considered.

Drainage Law Education Proposal

This proposal provides technical support to counties that would benefit from developing a more formal structure for administering drainage law. The concept is to obtain funds to cover half the anticipated \$10,000 per county cost. It is anticipated that seven counties would participate.

The Committee directed Ron to contact potentially impacted BC's for their input. So far, Mark Nelson has responded and he feels the concept has merit. If other BC's are also supportive, Ron is instructed to start discussions with AMC as to their support. If AMC is supportive, funding sources will be sought.

"History of BWSR" Board Room Display

Discussion tabled due to lack of time.

Adjourn – Next meeting 4/26/00

Next meeting will be held on 4/26/00. Derek Fisher, BWSR Conservation Agronomist in New Ulm, will share with the Committee his work in cropland nutrient management, feedlot management, and conservation tillage education.

March 20, 2000

Governor Don Siegelman, State of Alabama
Governor Mike Huckabee, State of Arkansas
Governor George Ryan, State of Illinois
Governor Frank O'Bannon, State of Indiana
Governor Tom Vilsack, State of Iowa
Governor Bill Graves, State of Kansas
Governor Paul Patton, State of Kentucky
Governor Mike Foster, State of Louisiana
Governor John Engler, State of Michigan
Governor Jesse Ventura, State of Minnesota
Governor Ronnie Musgrove, State of Mississippi
Governor Mel Carnahan, State of Missouri
Governor Mike Johanns, State of Nebraska
Governor James B. Hunt, Jr., State of North Carolina
Governor Edward Schafer, State of North Dakota
Governor Bob Taft, State of Ohio
Governor Frank Keating, State of Oklahoma
Governor Tom Ridge, State of Pennsylvania
Governor William Janklow, State of South Dakota
Governor Don Sundquist, State of Tennessee
Governor George W. Bush, State of Texas
Governor Jim Gilmore, State of Virginia
Governor Cecil Underwood, State of West Virginia
Governor Tommy Thompson, State of Wisconsin

Dear Mississippi River Basin Governor:

The undersigned agricultural and conservation organizations are writing to express our strong concerns with the draft Integrated Assessment of Hypoxia in the Gulf of Mexico recently published by the White House Office of Science and Technology Policy's Committee on Environment and Natural Resources (CENR).

We represent a vast array of agricultural interests, all of which have a concern about our environment and have a long history of being stewards of the land by implementing sound conservation practices. Agriculture has made substantial investments and taken great strides in protecting our environment through voluntary, incentive-based programs. These programs have led to many successes and will continue to help the agricultural community build upon the ongoing progress of improving water quality.

We applaud the Clinton Administration's January 7, announcement that it will seek \$1.3 billion in the FY2001 budget for additional conservation programs to help family farmers take further steps to protect water quality and the environment. This initiative is the correct approach to solving water quality problems because it recognizes the importance of flexible, incentive-based, and site-specific programs.

Furthermore, we urge you to support the CORE 4 program developed by the agricultural industry. The CORE 4 is a voluntary program that works to improve soil and water quality and increase production efficiencies for greater producer profits. These will be accomplished through improved nutrient management, conservation tillage, integrated weeds, pest management and conservation buffers.

However, the draft CENR hypoxia assessment contains sweeping recommendations that could have a devastating impact on agriculture, small businesses and rural communities in the Mississippi River basin states. These recommendations include a 20 percent reduction in fertilizer use on cropland and the conversion of 5 million acres of cropland to wetlands at an annual cost of almost \$5 billion. These are far-reaching and costly federal proposals that, based on the same draft scientific assessment, may have little, if any, impact in reducing hypoxia in the Gulf of Mexico. In fact, a reduction in the amount of nutrients of this magnitude flowing into the Gulf of Mexico is likely to lead to a reduction in the productivity of one of the nation's most valuable fisheries.

The issue of excess nutrient loadings in the Mississippi basin's lakes, rivers and streams is very important to agricultural producers as we too utilize these waters as sources of drinking water, recreation, and habitat. We believe it is in our best interest to manage nutrient loadings from agriculture, industry and communities in a manner that protects these vital and valuable resources. We also believe that the appropriate place to determine the best farming practices and control mechanisms is at the state and the watershed levels.

As you may know, agricultural food and fiber producers have an environmental and economic self-interest in reducing nutrient losses from their fields. The measures and practices that have been used by farmers and livestock producers on a voluntary, incentive basis have worked to reduce nutrient losses. Nutrient use efficiency is rising, largely as a result of best management practices like the installation of conservation buffers, nutrient management planning, conservation tillage, site-specific agricultural practices and others. More can be done. Additional state and federal cost-share and incentive dollars can help speed the adoption of these practices. However, more mandates from Washington, like those recommended in the CENR assessment, will only be counterproductive in helping achieve improved nutrient management efficiencies.

We strongly believe the draft CENR assessment does not provide credible scientific evidence to support nutrient use reduction mandates or nutrient management regulations as a hypoxia reduction strategy. We ask you not to agree to any federal or state action plan, which commits your state to a nutrient use reduction goal. Instead we urge your strong support of ongoing, voluntary, incentive-based successes, which do not create new, costly and burdensome regulations for Mississippi River basin farmers, ranchers, citizens and businesses.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
American Feed Industry Association
American Soybean Association
Cenex Harvest States
Equipment Manufacturers Institute
Farmland Industries
National Association of Conservation Districts
National Association of Wheat Growers
National Cattlemen's Beef Association
National Conservation Buffers Council
National Corn Growers Association
National Council of Farmer Cooperatives
The Fertilizer Institute



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

An equal opportunity employer

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April 3, 2000

TO: Commissioner, Minnesota Department of Agriculture
Commissioner, Minnesota Department of Health
Commissioner, Minnesota Department of Natural Resources
Commissioner, Minnesota Pollution Control Agency
Chair, Minnesota Environmental Quality Board
Director, Minnesota Geological Survey

On April 3, 2000 the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90 day State review of the Koochiching County Comprehensive Local Water Plan Update. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is transmitting a copy of the County water plan update for your agency's review and comment. Your agency has 45 days from receipt of this letter to submit comments in writing to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with state law.

The Koochiching County water plan update document itself is being sent to your agency's 103B Technical Review Committee Member under separate cover. The 103B Technical Review Committee Members are:

MDA, Mark Zabel
MDH, Betty Wheeler
MDNR, John Fax
MPCA, Celine Lyman
EQB, Marilyn Lundberg
MGS, Barb Palen

Thank you for your agency's continued assistance and commitment to make comprehensive local water planning the success that it has become. We also look forward to working with your agency as counties continue implementation of their updated water plans.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Harnack".

Ron Harnack
Executive Director

cc: BWSR Board Members
BWSR M-Team
Mark Nelson, Board Conservationist
Richard Lehtinen, Koochiching County Water Plan Coordinator

s:waterplanreviewkoochiching

May 2000

DRAFT

BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
MAY 24, 2000

BOARD MEMBERS PRESENT:

Kathleen Roer, Jim Dahlvang, Lee Coe, Jerome Deal, Jack Frost, Darrell Bruggman, Kristin Apelgate-PCA; Paul Krabbenhoft, Jim Anderson-MES; Allan Oehlke, Char Kahler, Clair Nelson, Ginny Imholte, Dwain Otte, Wayne Edgerton-DNR, Sharon Clark-MDA.

BOARD MEMBER ABSENT:

Dan Wilson, Department of Health

STAFF PRESENT:

Ron Harnack, John Jaschke, Doug Thomas, Mary Jo Anderson, Al Kean, Steve Woods

OTHERS PRESENT:

Sue Scribner and Ray Bohn, MAWD

LeAnn Buck, MASWCD

Franklin Denn, MAT

Tim Gieseke, MACDE

Chuck Holtman, Minnehaha Creek Watershed District Counsel

Bruce Malkerson, Lower Minnesota River Watershed District Counsel

BWSR Meeting Minutes

May 24, 2000

Page Two

Chair Roer called the meeting to order at 9:00 a.m.

- Adopt Agenda** – Ron Harnack stated that item #3 under New Business, Office of State Soil Specialist, will be deferred until July or August. Moved by Darrell Bruggman, seconded by Jerome Deal to adopt the agenda as revised. Motion passed on a voice vote.
- 00-36

- Minutes of April 26, 2000** - Char Kahler reported that a change is needed on page three, under Mark Dittrich's report, it should read, "MDA is looking at issues of pesticide use in K-12 schools." On the top of page four, it should read, "feedlot meetings with dairy groups". Also on page four, the second paragraph under Committee Recommendations, regarding the Minnehaha Creek Watershed District boundary change should read, "Camp Coldwater and Coldwater Spring" issue. Moved by Lee Coe, seconded by Jim Dahlvang, to approve the minutes of April 26, 2000 as revised. Motion passed on a voice vote.
- 00-37

Reports

Chair's Report - Kathleen Roer reported that she attended the EQB meeting. EQB presented a certificate of commendation to BWSR for the Water Management Unification Initiative. The EQB discussed power plant issues; wind turbos; the general bird study has been eliminated, but research will be done on bats. Chair Roer attended the State Envirothon yesterday; she thanked SWCDs, DNR, and NRCS for their involvement in the State Envirothon. Susan Tsakakis will present more information on the Envirothon later in the agenda.

Executive Director's Report - Ron Harnack thanked agencies for their assistance at the Envirothon by being presenters at the various stations. Ron reported that the legislative session ended, overall BWSR was reasonably successful. Biennial budget and legislative policy proposals will be brought before the board in July with continued discussion at the board retreat in August.

Ron reported that LCMR is in the process of making final allocations and recommendations on various projects for consideration during the legislative session next year. BWSR has four LCMR proposals still under consideration for funding; 1) accelerated implementation of local water plan grants - \$3,500,000, hearing held on June 6th; 2) soil survey updates and digitization - \$500,000, hearing held on June 6th; 3) inventory and records modernization of public drainage systems - \$1,282,080, hearing to be held on June 27th; and 4) measuring and targeting soil and water conservation activities – no hearing scheduled.

BWSR Meeting Minutes

May 24, 2000

Page Three

Ron reported that staff have spent a lot of time and effort on the City of Hugo litigation. It seems that some folks would rather fight than work together to secure a long-term solution to the issues. The only ones that are winning in this issue are the lawyers and even most of them would like to see the mediation process work.

Dispute Resolution Committee - Jim Haertel reported that there are presently three WCA appeals pending. The latest appeal is in the City of Duluth involving a Home Depot site. It involves a rezoning decision and a wetland replacement plan approval. A decision has not been made yet on whether the appeal will be accepted. One appeal is in the City of Sartell which involves a violation and restoration order. The appeal is in abeyance until the city council makes a decision. The other pending appeal involves Cub Foods and Chisago County. The appeal is in abeyance until the City of Forest Lake makes a decision.

Wetlands Committee - Darrell Bruggman reported that the wetlands committee will meet this afternoon. There are wetland issues that will be discussed later in the meeting today. Ron Harnack reported that BWSR staff met last week with DNR to discuss the wetland rules. The committee will need to meet formally before the June meeting to develop a recommendation on the expedited WCA rules to meet statutory deadlines for adoption.

Cost-Share/Soil Conservation Committee - Dwain Otte reported that additional funding was not received for feedlots. Ron Harnack stated that discussions continue regarding rock inlet systems for water quality and cost-share practices. The committee will meet in the near future to discuss these issues and other cost-share proposals.

Education and Public Relations Committee - Paul Krabbenhoft reported that the committee will meet this afternoon.

Agency Reports

Sharon Clark, Department of Agriculture, reported that MDA fared well with the legislature. Commissioner Hugoson is in Crookston this week with the Governor to discuss technology within the communities. MDA has been meeting with various agencies and organizations, specifically SWCD's and AMC regarding the dairy MOU.

Wayne Edgerton, Department of Natural Resources, reported that DNR did fairly well during the legislative session: 260,000 acres were designated as con-con lands; the wolf management bill passed; the big game shooting bill was defeated.

Jim Anderson, Minnesota Extension Service, reported that he attended the very successful "Minnesota Water 2000 Conference" last month; there were 340

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participants. Jim thanked all the agencies and entities involved in that conference. MDA Commissioner Hugoson was the keynote address; DNR Deputy Commissioner Steve Morse was a presenter and MN Planning Commissioner Dean Barkley also was a presenter. MES is involved in the reorganization of core capacity areas of field and campus staff, with implementation in July. Jim reported that MES is doing a pilot project for sewage systems regarding wastewater treatment in communities.

Kristin Apelgate, Pollution Control Agency, reported that the legislative session focus for PCA was feedlots. Kristin stated that legislators were cooperative in making changes to agency feedlot rules, programs and permit issues. PCA will have a summary of the outcome of the session available for the board at the June meeting. PCA received \$2M for the clean water partnership program. Controversial issues were discussed yesterday at the MPCA Board meeting regarding dairy and feedlot issues in the Karst region. Kristin commented on the manure management plan requirements for feedlots and cost-share funding available for facilities from this year's legislative session.

Consent Agenda

Big Stone County, Chippewa County, Lac Qui Parle County and Swift County Comprehensive Local Water Plan Extension Request - Doug Thomas reported that staff recommend approval of the extensions. Ron Harnack stated that these counties are very active in the Conservation Reserve Enhancement Program and some with updating of land use plans locally. Moved by Allan Oehlke, seconded by Jerome Deal, to approve the Big Stone County, Chippewa County, Lac Qui Parle County, and Swift County Comprehensive Local Water Plan extensions. Motion passed on a voice vote.

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00-38

Committee Recommendations

Wetland Subcommittee

Beltrami County Comprehensive Wetland Protection and Management Plan - John Jaschke commented on the plan and reported that staff endorse the plan. John stated that this has been a unique effort, the SWCD and other county planning efforts have come together. The county board approved the changes on the plan this morning. Lee Coe stated that this is a good plan; more recognition of the Wetland Conservation Act due to this plan. Lee commended BWSR staff for their efforts on the plan. Ron Harnack commended the staff of DNR and PCA for their collaboration with local governments in working on this plan. Moved by Jack Frost, seconded by Lee Coe, to approve the Beltrami County Comprehensive Wetland Protection and Management Plan. Motion passed on a voice vote.

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00-39

Koochiching County Comprehensive Wetland Protection and Management Plan - John Jaschke reported that Koochiching County has worked hard to get this plan in place.

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00-40 ** John commended Dan Eklund for his efforts and work with the county to get the plan in place, staff recommends adoption of the plan. Moved by Lee Coe, seconded by Darrell Bruggman, to not disapprove the Koochiching County Comprehensive Wetland Protection and Management Plan. Ron Harnack commended the staff, local officials, DNR and PCA for their efforts in collaborating work to get this plan completed. Motion passed on a voice vote.

Metro Water Planning Subcommittee

00-41 ** Rice Creek Watershed District Watershed Management Plan Amendment - Ron Harnack reported that the purpose of the Rice Creek Watershed District plan amendment is to update and extend the implementation section of the Plan through the year 2005. The Metro Water Planning Subcommittee met on May 11 to review the plan amendment and recommend approval. Moved by Dwain Otte, seconded by Jack Frost, to approve the watershed management plan amendment of the Rice Creek Watershed District. Motion passed on a voice vote.

00-42 ** Comfort Lake-Forest Lake Watershed District Establishment - Ron Harnack reported that the district was established on September 23, 1999 and the order did not correctly specify the inclusion of the Higgins Lake area in Columbus Township in Anoka County. Ron stated that Higgins Lake is a basin with an undetermined outlet and has no compelling water resource problems. The majority of Higgins Lake is in Anoka County and is presently managed by the Sunrise River Watershed Management Organization. Most of the remainder of Higgins Lake is in Chisago County which is presently managed by the Chisago County water plan. Ron stated that Higgins Lake is a land-lock lake and it's appropriate at this time that the lake not be included. The Metro Water Planning Subcommittee recommends approval of the boundary change. Moved by Dwain Otte, seconded by Clair Nelson, to approve the recommendation of the Metro Water Planning Subcommittee to approve the establishment of the Comfort Lake-Forest Lake Watershed District, excluding the entire area of Higgins Lake and territory in Columbus Township, Anoka County, and the easterly area of Higgins Lake in Chisago and Washington Counties. Motion passed on a voice vote.

Chair Roer called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:30 a.m.

Old Business

Legislative Update - Ron Harnack commented briefly on the \$20M BWSR received for CREP with minimal implementation dollars. The challenge for BWSR with RIM is do we keep it a statewide program, should it focus on wetland restoration. With limited funding of \$1 million we will need to target available resources. The RIM Reserve Advisory

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Committee will be meeting and we will bring their recommendation to the Board in June. Wetland road replacement was another big issue this session and was finally fully funded.

Ron reported that the supplemental appropriation included a new program, the "Finseth Bill", with significant application to northwest Minnesota. This program is a short-term three year contract, similar to CRP but for recovery of floods, crop disease, and to promote alternative crop establishment, some of which can be a cost-shared grant to SWCDs, based on criteria approved by the BWSR.

Another legislative issue pertained to drainage authorities to accept outside money for the purpose of wetland restoration, enhancement, and flood control. Ron commended watershed districts and counties for their support in this endeavor. Ron stated that the BWSR Cost-Share Committee will develop criteria for feedlot changes. BWSR will be working with agencies on feedlot issues for next year.

Ron reported that the Governor signed the WCA amendments. The wetland rules and guiding principles will be brought before the board in July. Ron will meet this afternoon with Finance and the Governor's office staff regarding additional implementation dollars for CREP.

Chair Roer thanked Ron Harnack for his long hours and hard work during the legislative session. Ron thanked Ray Bohn, LeAnn Buck, Sally Westby, Marilyn Berhardson, Judy Erickson, Dave Weirens, and Dick Nelson for their efforts and the broad coalition of support.

CREP Agreement - Ron Harnack reported that USDA recently announced changes to the continuous enrollment provisions of the CRP program. To maintain consistency between the CRP program and CREP (of which CRP is a part), it is necessary to amend the CREP agreement. The Farm Services Agency State Committee has approved the changes. The BWSR needs to approve it also before USDA officials in Washington, D.C. and Governor Ventura can proceed with final processing of the amendments. Ron encouraged the board to act on this. Moved by Jim Dahlvang, seconded by Paul Krabbenhoft, to approve the amendments to the CREP agreement regarding the changes made at the federal level. Discussion followed. Ron stated that the federal commitment is not a financial amount, it's a commitment to acreage which has a financial allocation, all from the CCC. Motion passed on a voice vote.

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00-43

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New Business

Minnehaha Creek Watershed District (MCWD) and Lower Minnesota River Watershed District (LMRWD) Boundary Change - Jim Haertel reported that the Minnehaha Creek Watershed District submitted a boundary change petition dated February 9, 2000 for lands in the vicinity of the Minneapolis-St. Paul International Airport. Subsequent to the Minnehaha Creek Watershed District filing, the Lower Minnesota River Watershed District filed a petition for the lands in the vicinity of the Minneapolis-St. Paul International Airport, including some of the same lands as Minnehaha Creek petitioned for. The area of overlay is termed the "contested" area.

The Metro Water Planning Subcommittee held a public hearing on both petitions at the Veterans Affairs Medical Center on April 27, 2000. Jim stated that there were many issues surrounding these two boundary change petitions that involved the international airport, the many different federal lands, state lands, the Minneapolis Park Board and Camp Coldwater and Coldwater Spring. A major issue was the MNDot project for the Highways 55 and 62 interchange. The Metro Water Planning Subcommittee met on May 11, 2000 and recommends approval of the boundary change. The recommendation does not approve Minnehaha Creek Watershed District's requested boundary in the "contested" area. The MCWD subsequently passed a resolution to withdraw their petition on the boundary change, however it was after the record had closed. The boundary determination is based primarily on the existing surface water drainage of the petitioned area, but with consideration given to commonality of land use, groundwater flow, parcel configuration, desires of land occupiers, and future storm water drainage projects. Jim stated that the MCWD voted to withdraw their petition on the boundary change. Dwain Otte stated that generally the watershed district boundaries are based on which way surface water flows within a given area. Surface water in the area claimed by both the MCWD and the LMRWD doesn't flow into either Minnehaha Creek or the Minnesota River, but into the Mississippi River.

Chair Roer stated that her principle concern is that the area was not under the jurisdiction of the watershed district or water management organization, so having these federal lands under either watershed district is positive for water management. The language in the order recognizes the importance of water resources, but that resources may be effected by actions of man outside a particular district is what is being claimed. She stated that the important positive result is that these districts work together to protect both surface and ground water resources, with the hope of accomplishing good water management as a result. Chair Roer informed those present that the BWSR meeting is a public meeting, but is not the place for public testimony since the public hearing was already held. Ron Harnack stated that federal agencies have an obligation to consider and comply with local and state water management

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plans as much as practical. The Minnesota Department of Transportation (MNDOT) has applied for a Department of Natural Resources (DNR) permit to do construction work in the area, and that the DNR Permit will contain groundwater monitoring requirements to ensure that the highway work does not interfere with water flow to the spring. Chair Roer clarified that BWSR is not the only state agency looking at this; PCA and DNR are also involved. Dwain Otte clarified that the Metro Water Planning Subcommittee assignment was to determine the boundary. Chair Roer stated that it is hoped that the MCWD and the LMRWD will work together to resolve any possible adverse impacts of the Highways 55 and 62 interchange project. Moved by Dwain Otte, seconded by Jack Frost, to approve Minnehaha Creek Watershed District boundary to include Camp Coldwater and Coldwater Springs area. Motion passed on a voice vote.

00-44

Ron Harnack stated that he would be attending the MCWD meeting on Thursday evening to address the Board's decision, at the request of the District.

00-45

Moved by Jack Frost, seconded by Dwain Otte, to approve the petition of the Lower Minnesota River Watershed District. Motion passed on a voice vote.

Watershed District Planning Grants - Doug Thomas explained that staff are proposing that BWSR continue its tradition of assisting local governments in their water planning efforts by expanding its current policy regarding water planning grants to watershed districts revising plans pursuant to 103D. Watershed districts receiving the grant would be required to submit a work plan and budget and comply with the watershed district comprehensive plan guidelines adopted by the Board in 1999. Individual grant amounts would not exceed \$15,600 and would require a 1:1 local cash or in-kind match. Doug stated that there are approximately 20 watershed districts affected by this decision. Based on the current funding level, which was established when the Board approved the metro planning grants, BWSR can accommodate starting up to six plans per year. Moved by Ginny Imholte, seconded by Jerome Deal, that BWSR endorse the use of Local Water Resource Protection and Management Program monies to provide planning grants to watershed districts that will be revising their comprehensive plans. Motion passed on a voice vote.

00-46

Video from the USDA National Summit on Private Land Conservation - Ron Harnack presented a video tape for board members information. Ron reported that Minnesota is rated as the second highest state in the country with wind erosion, Texas being the first. Ron stated that Minnesota needs to reassess the erosion problems and have continued discussions on this issue. Discussion followed. Chair Roer asked if a reallocation of cost-share dollars is something to think about in terms of practices.

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State Envirothon Update - Susan Tsakakis reported that the State Envirothon was held yesterday at the Alexander Ramsey Park in Redwood Falls. Rushford-Peterson was the winner, they will now move on to the National Envirothon in Nova Scotia, Canada, July 31-August 6. Chair Roer thanked Susan for her enthusiasm and great efforts in organizing and working on the Envirothon. Chair Roer reported that Susan will be greatly missed as she is leaving BWSR as of May 31 to be a stay-at-home mom. Susan thanked Mary Jo Anderson for her assistance in making the Envirothon a success.

Advisory Comments

Minnesota Association of Townships (MAT) - Franklin Denn encouraged board members to attend the MAT summer meeting, June 5-6 in Willmar.

Minnesota Association of Conservation District Employees (MACDE) - Tim Gieseke reported that Curtis Borchert resigned as president of MACDE; thus Tim is now president. Tim stated that MACDE would like to increase the one-stop shopping needs of landowners. Tim reported that a meeting was held on May 12 with MACDE, PCA and BWSR to define the roles in the MOU with dairy inspectors. Tim stated that the communication aspect within SWCDs has changed business efforts for the better since e-mail has been implemented, keeping SWCDs informed. Ron stated that Tim has been involved in rock inlets.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - LeAnn Buck commented on the appropriation for CREP. LeAnn thanked the SWCDs for their support and active involvement in the legislative session. LeAnn reported that a meeting with Monsanto will be held in St. Louis to see if funding is available for conservation tillage. LeAnn thanked Ron Harnack for his fine efforts during the legislative session.

Minnesota Association of Watershed Districts (MAWD) - Susan Scribner thanked Ron Harnack for acknowledging Ray Bohn's efforts during the legislative session. Susan invited board members to attend the MAWD summer tour, June 22-24 in Detroit Lakes. Susan reported that a new manager orientation will be held on June 21.

Upcoming Meetings

- Local Water Planners Conference, July 17-19, Bemidji
- MAWD Annual Tour, June 22-24, Pelican River Watershed District, Detroit Lakes
- BWSR Tour and Meeting, June 28-29, Montevideo
- BWSR Meeting, July 26, St. Paul
- BWSR Retreat, August 23, Riverwood Conference Center, Monticello

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Wayne Edgerton invited board members to attend the "Spend a day at the farm" on June 23 at the Big Woods Dairy near Nerstrand, the only working dairy farm in a Minnesota State Park.

Ron Harnack presented the "Agenda Item Request Form" and asked that agency members utilize this form as a point of discussion .

Chair Roer announced that the wetland committee and the education committee will meet following this meeting.

Ron Harnack commended the Dispute Resolution Committee and staff regarding the issues before them. Chair Roer requested a refresher for board members on how to address the media, keep this in mind for the new communications manager. Ron stated that we may need to provide an opportunity for citizen input on the agenda. Ron suggested that Chair Roer request an agency member to be involved and assigned to the regional committees.

Chair Roer adjourned the meeting at 12:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kathleen Roer".

Kathleen Roer
Chair

Basin Teams

Lake Superior Basin: Brian Fredrickson, Pollution Control Agency, chair; Joel Peterson, PCA, vice chair; Mark Nelson, Board of Water and Soil Resources, vice chair; B. Kevin Daw (primary), Kelly Voigt (alternate); Natural Resources Conservation Services; Mark Dittrich or Mark Zabel, Department of Agriculture; Beth Kluthe, Department of Health; Mark Nelson, BWSR; Roger Nelson, PCA; Dan Retka, Department of Natural Resources

Lower Mississippi and Cedar River Basins: Mark Dittrich, Agriculture, co-chair; Norm Senjem, PCA; co-chair; John Nicholson (primary), Mark Kunz (alternate), NRCS; Art Persons, Health; Dave Peterson, BWSR; Walt Popp, DNR; Judy Sventek, Metropolitan Council; Mark Zabel, Agriculture

Minnesota, Des Moines and Missouri River Basins: Terry Bovee, Health, co-chair; Larry Gunderson, PCA, co-chair; Mike Appel (primary), Ann English (alternate), NRCS; Mark Dittrich or Mark Zabel, Agriculture; Jack Frost, Met Council; Mark Hanson, PCA; Cheryl Heide, DNR; Chris Hughes, BWSR; Dave Leuthe, DNR

Rainy River Basin: Nolan Baratano, PCA chair; Howard Christman, DNR; B. Kevin Daw (primary), Kelly Voigt (alternate), NRCS; Mark Dittrich or Mark Zabel, Agriculture; Beth Kluthe, Health; Mark Nelson, BWSR

Red River Basin: Brian Dwight, BWSR, co-chair; Lisa Scheirer, PCA, co-chair; Nolan Baratano, PCA; Mark Dittrich or Mark Zabel, Agriculture; Mike Howe, Health; Glen Kajewski (primary), Jim Ayres (alternate), NRCS; Paul Swenson, DNR

St. Croix River Basin: Keith Grow, BWSR, co-chair; Dale Homuth, DNR, co-chair; Tori Boers, Met Council; Mark Dittrich or Mark Zabel, Agriculture; Mike Howe, Health; Rita O'Connell, PCA; Harvey Sundmacker (primary), B. Kevin Daw (alternate), NRCS

Upper Mississippi River Basin: Jim Hodgson, PCA, co-chair; Dan Steward, BWSR, co-chair; Jim Ayres (primary), Harvey Sundmacker (alternate), NRCS; C. B. Bylander, DNR; Mark Dittrich or Mark Zabel, Agriculture; Beth Kluthe, Health; Judy Sventek, Metropolitan Council

Because four basins affect the Twin Cities region and the area contains large numbers of people and water-related groups, a **Metro Committee** has been formed to help gather input in this area. The committee includes: Steve Woods, BWSR, co-chair; Jack Frost, Met Council, co-chair; Judy Sventek (alternate co-chair); Wayne Barstad, DNR; Tori Boers, Met Council; Art Persons, Health; Glenn Skuta, PCA; Harvey Sundmacker (primary), Ed Musielewicz (alternate), NRCS

EQB Water Resources Committee

Paul Toren, chair
Carolyn Engebretson, vice-chair
Marilyn Lundberg, director
Pat Bloomgren, Department of Health
Patrick Brezonik, University of Minnesota Water Resources Center
Greg Buzicky, Department of Agriculture
Ron Harnack, Board of Water and Soil Resources
Kent Lokkesmoe, Department of Natural Resources
Gary Oberts, Metropolitan Council
Tim Scherkenbach, Pollution Control Agency
David Southwick, Minnesota Geological Survey

Water Management Unification Task Force

Marilyn Lundberg, EQB Water Resources Committee Director
Paul Toren, EQB Water Resources Committee Chair
Jim Birkholz, Greg Larson, Doug Thomas: Board of Water and Soil Resources
David Brostrom, Molly MacGregor: Minnesota Rivers Council
Tim Koehler, Natural Resources Conservation Service
Bruce Olsen, Art Persons: Department of Health
Bob Patton, Department of Agriculture
Paul Schmiechen, Glenn Skuta: Pollution Control Agency
Jack Skrypek, Sarah Tufford, Keith Wendt, David Wright: Department of Natural Resources
David Southwick, Bob Tipping: Minnesota Geological Survey
Judy Sventek, Metropolitan Council
Clarence Turner, Minnesota Environmental Indicators/Department of Natural Resources

From: Jim Haertel
To: Doug Snyder; MaryJo Anderson; Ron Harnack; Steve Woods;
Susieandtony@remotepoint.com
Date: 5/25/00 2:15PM
Subject: News Release-MCWD and LMRWD

NEWS RELEASE

For immediate release:
Thursday, May 25, 2000
For further information call:
Jim Haertel 651-297-2906

BWSR ADDS COLDWATER SPRINGS AREA TO MINNEHAHA CREEK WATERSHED DISTRICT

The Minnesota Board of Water and Soil Resources (BWSR) voted Wednesday, May 24, to add land near the Veterans Affairs Medical Center, including the Camp Coldwater and Coldwater Springs area, to the Minnehaha Creek Watershed District (MCWD). The MCWD had also wanted to incorporate the Highway 55 and Crosstown 62 interchange into its territory, along with certain federal land on the north side of the airport, but this area was added to the Lower Minnesota River Watershed District (LMRWD).

"The board looked at a number of factors when it made this decision," said Ron Harnack, executive director of the BWSR. "Our primary concern is protecting the surface and ground water quality."

The area is important because Coldwater Springs is one of the few springs in the metropolitan area that provides drinkable water. Concerns have been raised that the Highway 55 project may affect the springs.

Generally, watershed district boundaries are based on which way surface water flows within a given area. Surface water in the area claimed by both the MCWD and the LMRWD, however, doesn't flow into either Minnehaha Creek or the Minnesota River, but into the Mississippi River.

The board therefore considered a number of other factors, including land use and ownership, when deciding which land belonged in which watershed district. As part of its request to the BWSR, the LMRWD also asked to extend its territory to cover the Minneapolis-St. Paul International

Airport, which is unquestionably within the area that drains to the Minnesota River and therefore belongs within the LMRWD, Harnack said.

Harnack also pointed out that the Minnesota Department of Transportation (MnDOT) has applied for a Department of Natural Resources (DNR) permit to do construction work in the area, and that the DNR permit will contain ground water monitoring requirements to ensure that the highway work does not interfere with water flow to the spring. Ground water flow for the area is unclear.

The 18-member board approved the decision unanimously.

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Jim Haertel, Water Management Specialist
Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107
voice: (651) 297-2906
FAX: (651) 297-5615



Envirothon Wrap-Up

From Susan Tsakakis, BWSR, 651-297-1893

Background:

The 2000 Minnesota State Envirothon was Tuesday, May 23, at Alexander Ramsey Park in Redwood Falls.

Who won?

Rushford-Peterson High School from Fillmore County won (for the second year in a row) with a score of 102.5 (out of a possible 130 points). A second team from Rushford-Peterson took second place with 100 points; and third place went to Lincoln High School (Thief River Falls) with 99 points. SCORE SHEET ON BACK.

Who participated?

Approximately 260 teams (1300 students) participated in the Area Envirothons; 24 teams participated in the State Envirothon.

Area I:	90 teams	Area V:	40 teams
Area II:	33 teams	Area VI:	20 teams
Area III:	36 teams	Area VII:	14 teams
Area IV:	27 teams		

THANKS TO ALL THE AREA ENVIROTHON COORDINATORS FOR THEIR WORK!

Who sponsored it?

Area SWCDs were sponsored by individual SWCDs, Area SWCD Associations, and local businesses and groups. The State Envirothon was sponsored by the Minnesota Board of Water and Soil Resources (BWSR), the Minnesota Forestry Association, the Pollution Control Agency, the MASWCD Auxiliary; the Redwood Falls Burger King donated juice and McDonald's donated coffee; Pizza Hut provided pizzas at a discount and Pepsi donated some of the pop. Again, thanks to all.

Who helped?

Tons of people! Special thanks go to the State Envirothon Committee (SEC), especially Marcia Heiling of Redwood SWCD, who did a fantastic job as co-chair! Other SEC members include Cheryl Mathias (Cottonwood SWCD); Lori Olson (Yellow Medicine SWCD); Mavis Menning (Pipestone SWCD); Arlyn Gehrke (Rock SWCD) and Mary Jo Anderson (BWSR). Thanks, also, to all the area coordinators and sponsors; and all of the presenters and oral presentation judges (which includes staff from DNR and NRCS).

What about the National Envirothon?

It's July 31-August 6 in Nova Scotia, Canada. About 50 teams are expected.

What about next year?

If you think your area should host next year's State Envirothon, talk to your Area Envirothon coordinator soon!

A final good-bye from Susan Tsakakis...

My last day at BWSR is May 31...I'm going to be a stay-at-home mom for a while. Thanks to all of you for your hard work on the Envirothon and I'm confident it will continue and grow without me!

STATE ENVIROTHON 2000
RAMSEY PARK - REDWOOD FALLS

Place	School	TOTAL	Forestry	Soils	Aquatics	Wildlife	Wetlands	Oral	TieBreak
	Clearbrook-Gonvick (4)	88	12.5	12.5	10	15	17	21	1
	Climax (3)	61.5	10	11.5	7	8	13	12	1
	Cromwell-Wright (14)	86	10.5	14.5	13	9	14	25	1
	Fergus Falls (11)	83.5	15	12	12	11.5	14	19	1
	Lake Benton (18)	86.5	10	18	11	12.5	10	25	1
	Lake Crystal-Welcome (19)	88	11	15	15	13	16	18	2.5
	Lakes Area Christian (9)	90.5	13.5	14	14	6.5	14	28.5	3
	Lincoln (1)	99.5	14	17	16	8.5	18	26	1
	Lincoln (10)	96	13	17	12	11.5	17	25.5	1
	Little Falls (8)	95	13	16.5	17	12.5	16	20	3
	Mabel Canton (7)	89	12	12.5	13	11.5	15	25	2
	Mahnomen (5)	77	10	11.5	13	8.5	14	20	1
	New Ulm (20)	87.5	12.5	17	11	13	12	22	2
	Plummer (22)	82	11	14.5	11	9	14	22.5	1
	Redwood Valley (17)	93.5	14	14.5	13	13	12	27	2
	Redwood Valley (2)	84	14.5	15.5	12	10.5	13	18.5	2
	Rushford Peterson (6)	102.5	14	16	14	12	18	28.5	3
	Rushford Peterson (13)	100	14	17	19	10	12	28	2
	Saint John's Prep School (16)	91.5	11.5	14	13	13	17	23	4
	School of Envir. Studies (15)	99	12	16.5	13	13	19	25.5	3
	School of Envir. Studies (23)	95	15	15	13	12	15	25	2
	Sleepy Eye (21)	81	8	15	9	10	17	22	2
	Willow River (12)	90	13	13.5	14	11	15	23.5	4
	Willow River (24)	75.5	12	13	10	10	14	16.5	1
	Alternate #1	55	10	14	9	8	14		4
	Alternate #2	50	7.5	12	10	8.5	12		1

FOR YOUR INFORMATION
May 24, 2000

- Agenda Item Request Form
- Memo from Helen Bohrer regarding Expense Forms
- "Spend a day at the farm"
- Brown's Creek Watershed District Press Release



**BOARD OF WATER AND SOIL RESOURCES
(BWSR)**

Agenda Item Request Form

Name/Title: _____

Department: _____

BWSR Meeting Date: _____

Topic: _____

Explanation/Background Information:

(attach additional information as needed)

Is the agenda item for Information, Discussion, or
Decision? _____

Length Of Time Needed: _____

AV Equipment Needs:

- ☐ Overhead projector
- ☐ Screen
- ☐ Slide projector
- ☐ Other

Contact Mary Jo Anderson (651.297.4290) with questions.
Return this completed form via fax to: 651.297.5615 or e-mail to:
maryjo.Anderson@bwsr.state.mn.us by noon on the second
Thursday of each month.

Spend a day at the farm

The Big Woods Dairy Advisory Committee invites you to join fellow leaders in state and local government for a tour of the only working dairy farm in a Minnesota State Park.

Hosts Phil and Dawn Brossard are part of a 10-year demonstration project called Big Woods Dairy, an 80-acre farm within the 2,800-acre Nerstrand-Big Woods State Park. Although they lease the land and buildings from the DNR, the Brossards own the cattle and pay the bills as if Big Woods Dairy were their own farm.

Please join Phil, Dawn and members of the advisory committee at Big Woods Dairy on **Friday, June 23. The tour will run from 10 a.m. to noon** followed by an outdoor lunch from the grill.

Please call Nerstrand-Big Woods State Park at (507) 334-8848 by June 16 if you plan to attend.

Sponsoring Agencies include: Department of Agriculture, Department of Natural Resources and the Rice County Extension Office

Directions to Big Woods Dairy: Take Rice County Road 40 west from Nerstrand toward Nerstrand-Big Woods State Park. The farm is marked by a sign on the right prior to the park. Parking will be provided at the farm.