



Minnesota Board of Water and Soil Resources.
Minutes.

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July 2000

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

BOARD MEMBERS PRESENT:

Jim Dahlvang, Darrell Bruggman, Jerome Deal, Jack Frost, Dwain Otte, Allan Oehlke, Clair Nelson, Lee Coe, Paul Krabbenhoft, Dan Wilson-MDH, Ginny Imholte, Mark Dittrich-MDA, Jim Anderson-MES, Char Kahler, Wayne Edgerton-DNR

BOARD MEMBERS ABSENT:

Kathleen Roer
Rod Massey, PCA

STAFF PRESENT:

Ron Harnack, Jim Birkholz, Tammy McGlone, Mary Jo Anderson, John Jaschke, Michelle Lewis, Greg Larson

OTHERS PRESENT:

Scott Gieseke, MACDE
LeAnn Buck, MASWCD
Ray Bohn, MAWD
Paul Ehlers, Harley Miller, and Dave Wick, Albert Lea Lake Restoration Committee

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Vice-Chair Jim Dahlvang called the meeting to order at 9:00 a.m.

Adopt Agenda – Vice-Chair Dahlvang stated that an additional item has been added to the agenda. Old Business, "Reconsideration of the RIM Services Grants", also under Upcoming Meetings, the BWSR Tour and Meeting has been added. Moved by Lee Coe, seconded by Jack Frost, to adopt the agenda as amended. Motion passed on a voice vote.

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00-54

Minutes of June 29, 2000 – Char Kahler stated that there's a typographical error on page seven, second paragraph, fro should be "for". Moved by Jack Frost, seconded by Jerome Deal, to approve the minutes of June 29, 2000 as corrected. Motion passed on a voice vote.

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00-55

Reports

Vice-Chair Jim Dahlvang reported that he's chairing the meeting today for Kathleen Roer, as she's on the bike tram for MS.

Executive Director - Ron Harnack reported that BWSR has three new employees. He introduced Michelle Lewis, newly hired grants specialist. The communications manager has been hired, Peter Raeker, will start on August 21. Ron introduced Tammy McGlone, newly hired administrative services director.

Ron gave an update on the Vermillion River Watershed Management Organization (VRWMO). The 21 member communities of the VRWMO met on July 19, 2000 and failed to reach unanimous agreement on their new joint powers agreement. As a result of that action, BWSR is required to find the VRWMO in a non-implementing status in accordance with Minnesota Statute 103B.231, Subd. 3(b) and Minnesota Rules 8410. Scott and Dakota Counties will be notified of their statutory responsibility to prepare, adopt and implement a watershed management plan for the former VRWMO area. Metro staff will continue to work with Dakota and Scott Counties as they become more active in water management issues and begin to implement the Vermillion River Watershed Management Plan.

Ron commented on the disaster declarations for many counties in the state. A meeting of the Disaster Task Force will be held on August 8; Doug Thomas and Wayne Zellmer will attend. Ron stated that he anticipates roll-over monies and exceptions exceptions for cost-share grant rules for SWCDs so adjustments can be made to current allocations to address critical disaster situations. Dwain Otte suggested discussing this at the BWSR retreat in August.

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Mark Dittrich suggested that Derek Fischer present transect information at an upcoming BWSR meeting.

Ron reported that he attended the Local Water Planning Conference held last week in Bemidji. He stated that it was a good conference. Local water planning and implementation is continuing to result in enhanced local capacity and significant accomplishments in water and natural resources management.

Ron stated that BWSR received the budget guidelines from the Department of Finance and expects the budget will be tight this year. LCMR just completed their funding recommendations. BWSR has two initiatives that were accepted for funding; \$500,000 for Soil Survey updates and digitization and \$1,365,000 for Accelerated Local Water Management challenge grants. Ron reported that the first phase of rule adoption process has been completed for wetlands. The second step is to go through the formal rule making process within the next two years. Ron's desire is to see more of a performance rule rather than the prescriptive one that is in place now. The comprehensive wetland plans have shown that performance or outcome based can be more efficient and more effective.

Dispute Resolution Committee – Ron Harnack stated that the City of Forest Lake – Cub Food appeal is still pending local decisions and the Pine County appeal from DNR regarding a wildlife dug-out and road building initiative may get resolved through discussions prior to hearing.

Wetlands Committee - Darrell Bruggman reported that a tentative meeting of the committee has been scheduled for September. Ron Harnack reported that a meeting with federal and state agencies will be held July 31 with Congressman Minge in Benson. This meeting will provide an opportunity to build upon previous joint meetings and continue to explore ways to make the three laws (Clean Water Act, Food Security Act and the State Wetland Act) work better together and to assure that the agencies arrive at decisions that are timely and efficient while properly addressing wetland issues and NOT putting landowners in the middle of agency differences. John Jaschke will attending for BWSR. Wetland Committee members or other Board members from the area are welcome to attend.

Share/Soil Conservation Committee - Dwain Otte reported that the committee will meet in August. Dwain stated that the committee will be looking at ways to address the requests that will inevitably be coming in response to the recent disaster events from flooding in the southeast and northwest.

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Education and Public Relations Committee - Paul Krabbenhoft reported that the committee endorsed a plan to transition more of the State Envirothon to MASWCD in the year 2002. The upcoming 2001 Envirothon will be coordinated by Kamal Alsharif, who will work on coordination efforts for a smooth transition from BWSR to MASWCD. Relating to the BWSR Web site, Paul stated that the committee supports additional staff and resources to the BWSR website to make it current and more interactive. Paul reported that the committee was impressed with the resume of the new communications manager, Peter Raeker's, experience and abilities. This full-time position will be a resource link to LGUs.

Administrative Advisory Committee - Ron Harnack reported that a Hay evaluation was conducted for Ron's position and the assistant director's position. BWSR was successful in this effort. Ron stated that this evaluation was important for retaining quality staff and recruitment in the future.

Agency Reports

Mark Dittrich, Department of Agriculture (MDA), reported that MDA will also have a tight budget this year. Mark stated that a feedlot tour will be held in Stearns County tomorrow. MDA staff met with Carver County regarding rock inlets. MDA staff will meet with NRCS, Al Kean and Justin Jeffreys regarding BWSR's offer to look at structures. Mark stated that a meeting will be held tomorrow with the Minnesota Land Improvement Contractors Association regarding tiling at a certain grade and how the certification program will work. Mark stated that MDA received LCMR funding for Implementation of Agricultural Land Preservation, combined with Dakota County and Integrated Pest Management. MDA will be at Farm Fest. MDA distributed grants for beaver dam control. Ron Harnack suggested a joint workshop with MDA to formulate discussions on the 2002 Farm Bill.

Dan Wilson, Department of Health, (MDH), reported that MDH is involved in providing assistance after flood and tornado damage. MDH provides free water testing of private wells due to flooding. MDH will be requesting additional resources to assist with this process. Dan stated that abandoned wells are bulldozed after tornado destruction. Dan stated that the Governor's mansion was sampled for lead last week. He reported MDH has sealed in excess of 130,000 wells in the State.

Wayne Edgerton, Department of Natural Resources (DNR), reported that he will be working half-time with BWSR on CREP. The \$600,000 application process ended last Friday, interviews will be held next week, a positive response, hope to have about 20 staff hired as soon as possible. Wayne continues to work on the con-con issue. The formal comment period starts now through September 1st. Four open-house events will be held. That process needs to be finalized before the upcoming legislative session.

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Wayne attended the Farm Bill meeting in Washington, D.C. DNR is interested in working with BWSR, MDA, and others on the next Farm Bill.

Jim Anderson, Minnesota Extension Service (MES), reported that MES continues to work on Red River Valley facilitation; drainage and research efforts, and state soils scientist.

Ron distributed a summary of the EPA Final TMDL Rule for the board's information.

Consent Agenda

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00-56 Sherburne County Comprehensive Local Water Plan Extension - Ron Harnack explained that Sherburne County is one of the most rapidly growing counties in the State. This extension will allow Sherburne County to focus on the update of their comprehensive land use plan and to integrate water management outcomes into the process. Staff recommends approval of the request for extension. Moved by Allan Oehlke, seconded by Clair Nelson, to approve the Sherburne County Comprehensive Local Water Plan Extension to February 28, 2002. Motion passed on a voice vote.

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00-57 Koochiching County Comprehensive Local Water Plan Update - Ron Harnack explained that the subcommittee recommends approval of the update. Moved by Darrell Bruggman, seconded by Lee Coe, to approve the Koochiching County Comprehensive Local Water Plan Update. Motion passed on a voice vote.

Committee Recommendations

Metro Subcommittee

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00-58 Dakota County Groundwater Protection Plan - Ron Harnack reported that the committee met to review this plan. Dwain Otte reported that the committee recommends approval. Moved by Dwain Otte, seconded by Jerome Deal, to approve the Dakota County Groundwater Protection Plan. Motion passed on a voice vote.

Wetland Committee

Wetland Banking Local Public Roads Funding Allocation - John Jaschke reported that the wetland committee adopted the wetland banking local public roads funding allocation and acquisition methods. John stated that this is also a proposal in our budget for a more stable source of funding. The total funding allocation is \$2.34 million.

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00-59 The acquisition methods include: buy credits; build with partners/sponsors; adjoined with RIM. Moved by Lee Coe, seconded by Darrell Bruggman, to adopt the wetland banking local public roads funding allocation and acquisition methods. Motion passed on a voice vote.

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Old Business

Reconsideration of the RIM Services Grants - Greg Larson distributed copies of the conservation easement service grants to SWCDs (\$750,000). Greg explained the staff recommendations: 1) to increase the FY01 allocation of those SWCDs with an allocation decrease of about \$5,000 or more from last year and their workload did not decrease to the FY00 funding level. The funds would be drawn from the FY01 CREP implementation funds. \$93,720 is needed to increase the grants for ten SWCDs. The associated decrease in CREP administrative funds is offset by the increase in FY01 easement services grants and the additional CREP administrative funding. 2) Review and possibly revise the existing easement services grant methodology to better reflect the current easement programs and needs of SWCDs.

** This effort will be completed prior to the FY02 allocations. Discussion followed. Moved
00-60 by Allan Oehlke, seconded by Paul Krabbenhoft to adopt the staff recommendation for the conservation easement service grants to SWCDs. Motion passed on a voice vote.

Vice-Chair Dahlvang called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:35 a.m.

New Business

Overview of Source Water Protection Activities in Minnesota - Bruce Olson, Department of Health/Division of Environmental Health Source Water Protection Unit Wellhead Protection Program, presented an overview of protecting drinking water through wellhead protect. He explained that wellhead protection is a program designed to help prevent contamination from entering public water supply wells at levels that present a human health concern. He distributed a brochure and a fact sheet for board members' information. Vice-Chair Dahlvang thanked Bruce for presenting this information to the Board.

Shell Rock River Watershed District Establishment - Subcommittee Recommendation - Jim Haertel reported that a public hearing was held on June 5 in Albert Lea. Jim stated that the overall comments were evenly split for and against the watershed district establishment. Jim presented the conclusions. Jim stated that the sub-committee recommends the Shell Rock River Watershed District establishment proceedings be held in abeyance for up to one year subject to the successful and timely completion of the conditions listed in the agreement. Ron Harnack stated that he and Jim Haertel met with the county commissioners and others, a special taxing district will be established, which is appropriate. Jim explained that if not all parties sign the agreement, or if other parts of the agreement are not met, this will come before the BWSR again. Jack Frost clarified that if the conditions are not met it will come before the subcommittee for review, and then BWSR. Harley Miller, Dave Wick, and Paul Ehlers, petitioners, briefly commented about their concerns of the county not fulfilling

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00-61 the agreement. Moved by Char Kahler, seconded Ginny Imholte, that BWSR orders that the proceedings on the establishment petition for the Shell Rock River Watershed District be held in abeyance for up to one year subject the to signing of the agreement and to the successful and timely completion of the conditions listed in the agreement, in addition, the county must submit quarterly progress reports on the implementation of this agreement to the BWSR. Motion passed on a voice vote.

Notice of Boundary Change Petition for the Minnehaha Creek Watershed District and Richfield-Bloomington Watershed Management Organization - Jim Haertel explained that a boundary change petition was submitted on June 19, 2000. The subject lands are in the City of Richfield, under the Minnehaha Creek Watershed District and are being petitioned to be transferred to the Richfield-Bloomington Watershed Management Organization. Infrastructure has, or will in the future, change the direction of water flow on the subject lands. All parties concur with the boundary change request, thus the petition can be noticed as noncontroversial and a public hearing held only if one is requested. Jim presented the conclusions. Staff recommend the petition be accepted, noticed, and if a hearing is requested authorize the executive director to

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00-62 set and notice the hearing per the draft order. Moved by Dwain Otte, seconded by Jack Frost, that BWSR orders that the Notice of Filing on the Petition for Boundary Change for the Minnehaha Creek Watershed District and the Richfield-Bloomington Watershed Management Organization be published and, if a timely request for hearing is received, notice of hearing should be published with the Metro Water Planning Subcommittee presiding over the hearing that the executive director sets. Motion passed on a voice vote.

Comfort Lake-Forest Lake Watershed District (CLFLWD) Manager Appointment - Jim Haertel explained that the BWSR established the Comfort Lake-Forest Lake Watershed District and appointed the first board of managers for one-year terms on September 23, 1999. One of the managers from Washington County resigned, thus a vacancy occurred. The Washington County Board of Commissioners has the authority to appoint successors to the first board of managers pursuant to Minnesota Statutes 103D.311. It is unclear whether BWSR or Washington County Board of Commissioners is the appointing authority during the initial one-year term of office. Washington County Board of Commissioners recommends that Richard Damchik complete the remaining one-year term of office on the CLFLWD Board of Managers in

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00-63 conjunction with the Board's appointment of same. Moved by Ginny Imholte, seconded by Dwain Otte, that BWSR appoints Richard Damchik to complete the remaining one-year term of office for the board manager vacancy on the Comfort Lake-Forest Lake Watershed District Board of Managers in conjunction with the Washington County Board of Commissioners appointment of same. Motion passed on a voice vote.

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Pilot Projects for Restructuring the Organization and Operation of Special Purpose Districts that Manage Natural Resources - Jim Birkholz explained the background and history of special purpose districts. He stated that legislation was introduced (SF #3369, Ring; HF #3596, Ozment) and signed into law as 2000 Minnesota Session Laws, Chapter 321. Jim explained the involvement of affected parties, the role of BWSR and the Board of Government Innovation and Cooperation (BGIC), and the implementation scenario. Jim assured the BGIC that BWSR will take an active role in cooperation of this effort. The BGIC will approve the RFP at their August meeting. Jim suggested that BWSR consider appointing an adhoc committee in October to assist with the implementation of this initiative. Discussion followed. Ron Harnack stated that staff will be educated on this so they can educate others about this new venture. Jim asked board members to consider how active do you want BWSR staff to be? He would like this discussed at the August BWSR retreat. Jim will discuss this information with the various involved associations.

Conservation Easement Program Work Plan - Tim Fredbo presented the FY01-02 Easement Work Plan, \$21,500,000 appropriation. Tim explained that the work plan has been submitted to LCMR for their review, which is advisory review only but we must submit the work plan to them before bond funds can be expended. The work plan appropriation is as follows:

\$1,000,000 is to acquire RIM Reserve and PWP easements. \$990,000 will be used to acquire easements and establish conservation practices; \$10,000 will be used to reimburse SWCDs for their title insurance costs. With only \$1,000,000 available for regular RIM, all the money will be available for the fall 2000(FY01) sign-up. Only perpetual easements will be considered for funding.

\$20,000,000 for the Conservation Reserve Enhancement Program (CREP).
\$18,216,000 to acquire easements and establish priorities; \$184,000 to reimburse SWCDs for title insurance costs; \$1,600,000 for engineering and real estate costs to implement CREP.

\$500,000 for administrative expenses to implement CREP and RIM Reserve – this appropriation is from the general fund and will be used to fund the personnel costs associated with the SWCD positions that have been hired to market CREP at the local county level.

Tim stated that staff have developed guidance criteria that will be followed when conducting sign-ups. Discussion followed. It was decided to add sensitive ground water areas to the guidance criteria. Tim stated that with all the money appropriated for CREP to date, BWSR will be able to enroll approximately 43,000 acres, which is 57,000

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- acres short of our 100,000 acre goal. We still need \$42 million of state funds to achieve the goal for CREP. Moved by Lee Coe, seconded by Jack Frost, to approve the Conservation Easement Work Plan, as amended to include sensitive ground water areas to the RIM guidance criteria. Motion passed on a voice vote. Agricultural Disaster Pilot in Northwestern Minnesota - Ron Harnack explained that this is a one-time pilot, the 2000 Legislature provided BWSR with \$2.65 million to implement a three-year land retirement program to provide short-term economic assistance to landowners. It was the intent of this legislation to target the Red River Valley due to devastating flooding and several years of crop failure due to disease and flooding. These counties have been disaster areas several of the last ten years. Counties being proposed to participate in this program are Clay, Polk, Red Lake, Pennington, Marshall, Kittson and Roseau, based on 1998 and 1999 disaster declarations. Greg Larson presented the allocations, based on the proposed county allocations, the approximate acres and number of participants per county. These calculations are based on the average CRP soil rental rate per county, 160 acres per participant, and an average estimated establishment cost. Staff seeks approval to issue a notice to SWCDs that this amount of money is available, seek landowners, grants not to exceed amount presented. Each SWCD can take up to 10% of allocation for administrative purposes. Staff are working on guidelines, promotion of this program will be made.
- Moved by Allan Oehlke, seconded by Dwain Otte, to approve the agricultural disaster pilot for northwestern Minnesota. Motion passed on a voice vote.

Advisory Comments

Minnesota Association of Conservation District Employees (MACDE) - Tim Gieseke reported that the MACDE summer session was held in June, good attendance. The MACDE will not hold a summer session next year, rather they encourage employees to attend the NACD summer meeting. The MACDE is working with Sheila Vanney at MASWCD on the wetland certification program, a meeting will be held next week. MACDE requested DNR to attend their next meeting to present information on burn issues. Tim reported that Carver SWCD received a grant from Met Council for research on rock inlets.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - LeAnn Buck said that it was important for BWSR to receive approval from Finance for use of bonding \$'s for engineering and real estate costs. CREP would never be fully realized without this technical and professional capacity in SWCD's and BWSR. LeAnn reported that the MASWCD Legislative Committee will meet on July 27. Seven area meetings held have been held this summer. LeAnn encouraged BWSR to look at the cost-share program allocation formula and process.

Minnesota Association of Watershed Districts (MAWD) - Ray Bohn thanked Ginny

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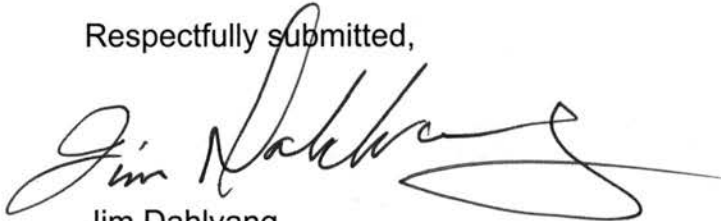
Imholte and the Pelican River Watershed District for a wonderful summer tour. Next year's summer tour will be held in Okabena-Ocheda Watershed District. Ray stated that legislative issues are being looked at. MAWD now has a standing legislation/policy committee rather than an adhoc committee.

Upcoming Meetings

- BWSR Retreat, August 23, Riverwood Conference Center, Monticello. Ron Harnack encouraged board members to arrive at the Riverwood Conference Center the evening of August 22.
- BWSR Tour and Meeting, Two Harbors, September 27-28.
- MAWD Annual Meeting, November 30 – December 2, Alexandria
- MASWCD Annual Meeting, December 3-5, Bloomington
- AMC Annual Meeting, December 4-6, Rochester
- BWSR December meeting will be held December 13, 2000

Vice-Chair Dahlvang adjourned the meeting at 12:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Dahlvang", with a large, stylized flourish extending from the end of the signature.

Jim Dahlvang
Vice-Chair

BOARD OF WATER AND SOIL RESOURCES
ATTENDANCE ROSTER

	NAME	AFFILIATION	PHONE #
1.	<i>Caryl Ehlers</i>	<i>Albert Sea Lake Reservation Comm.</i>	<i>507/373-2415</i>
2.	<i>Steve Wick</i>	<i>" " " "</i>	<i>507 373 1929</i>
3.	<i>Ray Boh</i>		
4.	<i>Jim Guske</i>	<i>WACDC</i>	
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Board of Water and Soil Resources

Memorandum

Metro Region

Date: July 20, 2000

To: Ronald Harnack, BWSR Executive Director

From: Phil Belfiori, Board Conservationist *P. J. B.*

Re: Update on Vermillion River Watershed Management Organization's (VRWMO) JPA.

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

Field Offices

Northern Region:

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3217 Bemidji Avenue N.
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Southern Region:

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Metro Region:

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In a meeting of the Vermillion River Watershed Management Organization (VRWMO) on July 19, 2000, the 21 member communities of the VRWMO failed to reach unanimous agreement on their new joint powers agreement (JPA). As you are aware, the current (old) JPA will expire on August 1, 2000 and the VRWMO was attempting one "last ditch" effort to sign a new agreement.

As a result of last night's action by the VRWMO, we are required to find the VRWMO in a non-implementing status in accordance with Minn. Stat. 103B.231, Subd. 3 (b), and Minn. Rules 8410. Metro region staff will develop a letter for your signature to notify Scott and Dakota Counties of their statutory responsibility to prepare, adopt and implement a watershed management plan for the former VRWMO area.

For future reference, the specific county requirements under 103B are provide below:

"If a watershed management organization located wholly outside Hennepin and Ramsey Counties, is terminated, or the Board of Water and Soil Resources determines a plan is not being implemented in accordance with its rules, the counties containing the watershed unit shall prepare, adopt and implement the watershed plan and for this purpose the counties have the planning, review, permitting, and financing authority of a watershed management organization specified in sections 103B.211 to 103B.255."

Metro staff will continue to support the Scott and Dakota Counties as they become more active in water management issues and begin to implement the Vermillion River Watershed Management Plan. We are also hopeful that Scott and Dakota County can develop a formal agreement to consistently manage and financially support "watershed" programs across county lines. If you have any questions or would like to discuss this issue further, please let me know.

CC: Mary Jo Anderson, BWSR

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DAVID MINGE

2ND DISTRICT, MINNESOTA

1415 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-2331

E-MAIL: WWW.HOUSE.EDU/WRITINGHP



COMMITTEE ON AGRICULTURE

GENERAL FARM COMMITTEE

FORESTRY, RESOURCE CONSERVATION
AND RESEARCH

COMMITTEE ON THE BUDGET

UNITED STATES
HOUSE OF REPRESENTATIVES
July 25, 2000

Ron Harnack
MN BWSR
1 West Water Street STE 200
St. Paul, MN 55107

Dear Ron:

In response to landowners, drainage contractors, State and Federal Agencies and their employees questions about the current Federal and State Wetlands Regulations, I am requesting those agencies involved in the Clean Water Act, Food Security Act and the State Wetland Act to be present at a meeting which has been scheduled for:

Monday, July 31, 2000
1:30 P.M. - 4:30 P.M.
Law Enforcement Center
(Basement Meeting Room)
301 14th Street North
Benson, MN

This meeting will provide the opportunity to build upon previous joint meetings and continue to explore ways to make the three laws work better together and to assure that the agencies arrive at decisions that are in the best interests of society and the environment as well as those of landowners and operators. The meeting is intended to be more than just a restatement of agency policies and current problems. I am looking to the agencies for suggestions of ways to make the process function effectively. For example, if a joint agreement were drafted, what specific items would your agency require? What legislative changes are needed? How can we best assist landowners so they may stay in compliance?

Enclosed is a preliminary agenda. Please contact Ruth Ann Lee in my Montevideo District Office at (320) 269-9311 if you have any needs or questions prior to the meeting. I look forward to your participation at the meeting.

Sincerely,

DAVID MINGE
Member of Congress

DM:ral

— DISTRICT OFFICES —

(NORTHTOWN PLAZA)
542 FIRST STREET SOUTH
MONTVIDEO, MN 56265
(320) 269-9311
TOLL FREE: 1 (800) 453-9392

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(612) 418-6567

(COURTHOUSE SQUARE)
938 FOURTH AVENUE
P.O. BOX 367
WINNEMAN, MN 56101
(507) 831-0115

AGENDA
WETLAND INTERAGENCY DISCUSSION
JULY 31, 2000

Opening Comments/Introduction

- ▶ Purpose
- ▶ Outcomes

Overview of Federal and State Wetland Regulations/Programs

- ▶ Corps of Engineer - Clean Water Act (404)
- ▶ Natural Resources Conservation Service - Food Security Act - Swampbuster
- ▶ Board of Water and Soil Resources - State Wetland Act (WCA)

Difference - Examples

- ▶ Certified versus non-certified determinations
- ▶ Landowners Request (FSA - NRCS)
- ▶ Five year life span (USACE)
- ▶ Clean Water Act - Acceptance of FSA determinations
- ▶ CWNA, CWTE, and WX exemptions for FSA versus 404 and WCA
- ▶ Other exemptions
- ▶ Definition of dredge and fill (plowing tile in a wetland/ USACE)

Other Statutory Differences

- ▶ Abandonment
- ▶ Mitigation (USACE-NRCS-BWSR)
 - ▶ Sequencing
 - ▶ Functional Assessment
 - ▶ Easement
 - ▶ Inter-Agency Acceptance
 - ▶ Minimal Effect

Actions to make improvements on:

- ▶ Legislation Actions
- ▶ Other Actions



Final TMDL Rule:

Fulfilling the Goals of the Clean Water Act

The U.S. Environmental Protection Agency (EPA) issued a final rule to improve the national program for identifying polluted waters, determining the sources of pollution, and designing clean-up plans. This program, known as the Total Maximum Daily Load (TMDL) program, is the framework for working cooperatively with the States to finish the job of cleaning up America's polluted waterways and delivering on the promise of the landmark 1972 Clean Water Act. This new rule will provide a cost-effective, common-sense process for cleaning up America's polluted waters.

Background

Over 20,000 waterbodies across America have been identified as polluted by States, Territories, and authorized Tribes. These waters include over 300,000 river and shoreline miles and 5 million acres of lakes. The overwhelming majority of people in the U.S. live within 10 miles of one of these polluted waters.

The Clean Water Act provides special authority for restoring polluted waters. The Act calls on States to work with interested parties to develop Total Maximum Daily Loads or TMDLs for polluted waters. A TMDL is essentially a "pollution budget" designed to restore the health of the polluted body of water.

In August 1999, EPA proposed changes to its existing regulations to clarify and strengthen the authorities of EPA, States, Territories, and authorized Tribes (hereinafter referred to as "States") to implement the TMDL program. EPA considered over 34,000 comments on this proposed rulemaking and talked with hundreds of people in public outreach and information-sharing sessions.

Goals of the Final Rule

This final rule will make thousands more rivers, lakes, and coastal waters safe for swimming, fishing, and healthy populations of fish and shellfish.

The final TMDL rule will:

- ▶ Strengthen States' ability to clean up polluted waters by identifying pollution reductions needed to meet clean water goals;
- ▶ Provide for a comprehensive listing of all the Nation's polluted waters;
- ▶ Encourage cost-effective clean-up by ensuring all sources of pollution are considered in the development of cleanup plans;
- ▶ Assure that TMDLs include implementation plans that define specific actions and schedules for meeting clean water goals.

Components of the Final Rule

Identification of Polluted Waters:

- ▶ States develop more comprehensive lists of all polluted waterbodies so that the public will have a clear picture of which waters are polluted and when they will be cleaned up.
- ▶ States are required to develop their lists every 4 years instead of the current 2 years.
- ▶ Threatened waters may be included on the list at the State's discretion.

Prioritized Schedule:

- ▶ States will establish a schedule for clean-up plans for polluted waters within 10 years or be given an additional five years if needed.
- ▶ EPA is requesting that higher priority be given to polluted waters that are sources of drinking water or support endangered species. States can explain why a higher priority is not appropriate.

Elements of a TMDL:

TMDLs will contain key elements:

- waterbody name and location; identification of the pollutant and the water quality standard for the waterbody;
- amount of pollutant allowable to meet standards; load reduction needed to meet standards; sources of the pollutant; wasteload allocation for point sources; load allocation for runoff and other sources of pollution; and an implementation plan.
- margin of safety; consideration of seasonal variation; and allowance for reasonably foreseeable increases in pollutant loads.
- There is a transitional period so states can phase in new TMDL elements over time.
- The public will have the opportunity to comment on the methodology, lists, prioritized schedules, and TMDLs prior to submission to EPA.
- EPA will back-stop state efforts to develop TMDLs.

Implementation Plan:

The implementation plan should reflect both point sources, nonpoint sources, and other sources of pollution, including:

- A list of actions needed to reduce pollutant loadings and a time-line for implementation;
 - Reasonable assurances that implementation will occur;
 - A monitoring or modeling plan and milestones for measuring progress;
 - Plans for revising the TMDL if progress toward cleaning up the waters is not made; and
 - The date by which water quality standards will be met—generally within 10 years.
- ▶ Runoff controls should be put in place 5 years after the implementation plan is developed, if practicable.

The final TMDL rule is available at
http://www.access.gpo.gov/su_docs/aces/aces140.html

Reasonable Assurance:

- ▶ For point sources, reasonable assurance is to be provided through National Pollutant Discharge and Elimination System (NPDES) permits.
- ▶ For nonpoint and other sources, load allocations in each TMDL must meet a four-part test:
 - they apply to the pollutant;
 - they will be implemented expeditiously;
 - they will be accomplished through effective programs;
 - they will be supported by adequate water quality funding.

State Flexibility

States have maximum flexibility to make their own choices about which sources of pollution to clean up, and in what manner, and to produce their own plans for local cleanups to ensure the full protection of public health.

- States set the water quality standards that waters need to meet.
- States develop the TMDLs to decide how to clean up their polluted waters.
- States will have more time to learn the problems, tailor implementation to local conditions, and give full credit to voluntary or incentive-based programs.

Key Improvements in Final Rule:

- ▶ The rule has been upgraded to "major rule" status under the Congressional Review Act, allowing Congress ample time to review it if they choose.
- ▶ The proposed public petition process for review of lists or TMDL implementation has been dropped.
- ▶ States are not required to list "threatened waters."
- ▶ The proposal to require "offsets" before new pollution can be discharged to impaired waters prior to TMDL establishment has been dropped.
- ▶ The final rule does not include specific permit requirements for forestry, and EPA withdraws its proposed provisions for expanded authority for permitting aquaculture and animal feeding operations.



Environmental News

FOR RELEASE: TUESDAY, JULY 11, 2000

CLINTON-GORE ADMINISTRATION MOVES FORWARD ON CLEAN-WATER PLAN

Robin Woods 202-564-7841

The Clinton-Gore Administration today took action to finish the job of cleaning up rivers, lakes and bays throughout the United States in order to ensure safer, healthier water for all Americans. This action comes after a recent legislative effort to delay EPA from finishing this important public health and environmental initiative.

Despite Administration objections, Congress added a legislative "rider" to block the clean water rule, which was undergoing review and revision after a period of public comment. The Administration made substantive changes in response to the public comments it received in finalizing the rule.

EPA Administrator Carol M. Browner said, "Today the Clinton-Gore Administration is taking action geared to finish the job of cleaning up America's rivers, lakes and streams. Americans want and deserve clean beaches and safe waters in which to swim and fish. Yet, 40 percent of America's waters are still too polluted. Some 20,000 river segments, lakes and estuaries across America do not meet water quality goals for protecting health. More than 90 percent of all Americans live within 10 miles of a polluted body of water. This program is designed to control the greatest remaining threat to America's waters - polluted runoff. The time has come to move forward and live up to the promise of the Clean Water Act by making our waters fishable and swimmable once again."

EPA agreed to a number of changes in the program in response to the comments received after its initial proposal, including those from members of Congress. In general, the changes provide the states with significant new flexibility in implementing the program. These changes include: dropping provisions that could have required new permits for forestry, livestock, and aquaculture operations; significantly enhancing state flexibility; giving states four years instead of two years to update inventories of polluted waters; and allowing states to establish their own schedules for when polluted waters will achieve health standards, not to exceed 15 years.

The Administration has called on the Congressional leadership to eliminate the delay, which was added into the emergency supplemental spending bill just before the July 4th recess. The Administration today is going forward with the signing of the final clean water rule, before the legislative prohibition becomes effective. The Agency, however, is making the effective date for the program coincide with the end of the delay. That date presently is October 1, 2001. EPA has upgraded today's final action to "major rule" status under the Congressional Review Act, allowing Congress ample time to review it if they choose.

President Clinton announced the proposed program to bring cleaner water to all Americans last August. The final program announced and signed today comes after four years of extensive consultation with states, local communities, and agricultural, environmental and industrial groups.

Under the final program signed today, the U.S. Environmental Protection Agency would work in partnership with state and local governments to develop common sense, flexible solutions for cleaning up the 40 percent of U.S. waterways that presently do not meet the goals for public-health protection.

The Clinton-Gore Administration's action is aimed at protecting the health and livelihood of the more than 90 percent of the American population that lives within 10 miles of a polluted body of water. Today's action is geared to address the greatest remaining source of water pollution in the United States -- uncontrolled runoff. EPA and the states working together already have identified over 20,000 river segments, lakes and estuaries across America that do not meet water quality standards to protect public health.

When the rule takes effect, water pollution problems will be addressed comprehensively on a state-by-state, river-by-river basis, for the first time ever. EPA, the states and local communities will work together to develop cleanup plans tailored specifically to the protection of local water bodies. States and local communities will have maximum flexibility to determine how best to meet cleanup goals by setting their own TMDL's, or total maximum daily loads. TMDL's establish allowable limits to reduce the pollution that flows directly into a waterbody.

The plan builds on the successful cleanup models of the Great Lakes and the Chesapeake Bay, using measurable targets to achieve real reductions in water pollution. It supports a credit trading system like that used in the acid rain program to ensure cost-effectiveness. And it allows maximum flexibility for state and local governments to develop cleanup plans.

R-108

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(FOR BOARD ACTION)

SHERBURNE COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

Sherburne County's current Comprehensive Local Water Plan (CLWP) was approved by the Minnesota Board of Water and Soil Resources (BWSR) on February 28, 1996. The effective or end date of this CLWP is February 28, 2001.

The 1995 amendment to the Comprehensive Local Water Management Act, M.S. 103B.301, gives BWSR authority to grant an extension of a CLWP ending date. A County's request which has a two year limit must be in writing. On June 23, 2000, the BWSR received a Resolution from the Sherburne County Board of Commissioners.

At the present time Sherburne County is one of the most rapidly growing Counties in the State. This growth is requiring Cities and the County to review and change their comprehensive land use plans and official controls. The resolution extension requested is based on the need to incorporate these changes into the water plan update. In order to allow for adequate time to incorporate the land use changes and official controls, Board Conservationist Keith Grow recommends approval of Sherburne County's 12-month Extension request until February 28, 2002.

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 Sherburne County (1995 Minnesota Session Law, Chapter 184,
Section 24 authorizing BWSR to grant extensions).

Whereas, Sherburne County had a state approved Comprehensive Local Water Plan that is effective until February 28, 2001 pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Sherburne County Board of Commissioners passed a resolution requesting an extension of the Comprehensive Local Water Plan to the Board of Water and Soil Resources on June 13, 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 June 23, 2000, the Board of Water and Soil Resources received a resolution from Sherburne County requesting an extension of their Comprehensive Local Water Plan.
2. On July 5, 2000, the Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Sherburne 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 Sherburne 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 Sherburne County Comprehensive Local Water Plan until February 28, 2002. Dated at St. Paul, Minnesota, this 26th day of July, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer, Chair

**RESOLUTION
SHERBURNE COUNTY BOARD OF COMMISSIONERS**

June 13, 2000

061300-AD-639

Date

Number

Resolution Requesting Extension
of
Sherburne County Comprehensive Local Water Plan

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.301 gave the MN Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period not to exceed 2 years; and

WHEREAS, Sherburne County has a current state approved and locally adopted Comprehensive Local Water Plan with an end date of February 28, 2001; and

WHEREAS, Sherburne County is experiencing rapid growth and change in land use resulting in many updates and revisions to plans and official controls within the county; and

WHEREAS, studies and monitoring efforts during recent years have provided a large amount of data and information to be summarized; and

WHEREAS, in order to obtain adequate input from cities and county departments, to review existing controls and plans and to summarize data and information that will benefit the Comprehensive Local Water Plan update, Sherburne County will not be able to complete its comprehensive Local Water Plan update prior to February 28, 2001.

NOW, THEREFORE BE IT RESOLVED:

THAT THE Sherburne County Board of Commissioners request from BWSR a 12 month extension of their existing Comprehensive Local Water Plan; and

THAT Sherburne County will insure continued public participation in the form of the Water Plan Advisory Committee and Public Information meetings; and

THAT no projects will be ordered or commenced under M.S. 103B.331 subd. 3 and 4 during the extension period.



Arne Engstrom
Chair

Sherburne County Board of Commissioners



Attest:

Brian Bensen
County Administrator

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

In the Matter of Reviewing the Comprehensive Water Plan Update
for **Koochiching County** (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170)

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Koochiching County Board of Commissioners adopted a Comprehensive Water Plan (Plan) under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on December 7, 1994, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2000 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Koochiching County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on April 3, 2000, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update.

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. In May 1999, Koochiching County passed a resolution to develop a Plan Update to meet the requirements.
3. Koochiching County completed a draft Plan Update, and submitted it to affected local government units for review and comment pursuant to Section 103B.315, Subd. 1.
4. On April 3, 2000, Koochiching County submitted a draft Plan Update to the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, the Environmental Quality Board and the Minnesota Geological Survey for final review and comment. Preliminary comments were also requested from the agencies.
5. On March 7, 2000, Koochiching County held a public hearing on the Plan Update pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
6. On April 3, 2000, Koochiching County submitted its Plan Update, along with all written comments received on the Plan Update and a record of the public hearing, to the Board for final State review pursuant to Section 103B.315, Subd. 5.

7. On May 24, 2000, a written overview of the Plan Update was presented to the Board for their information and review.
8. **Minnesota Department of Agriculture (MDA) Review:** The Minnesota Department of Agriculture expressed their continued cooperation in implementation of the Plan Update.
9. **Minnesota Department of Health (MDH) Review:** In its preliminary review dated February 1, 2000, the MDH commented that this Plan Update presents a great opportunity to further public health protection through the proposed actions to protect water and related land resources. Specific comments related to Wellhead Protection, Source Water Assessments, Sealing Unused Wells, and Data Reporting. MDH recommended final approval of the Plan Update.
10. **Minnesota Department of Natural Resources (DNR) Review:** Local DNR staff were closely involved with the Plan Update development. DNR comments in the development period were included in the draft Plan Update.
11. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA provided thorough and informative comments for their combined preliminary-final review. Suggestions for additions include: River Watch, Identifying specific water quality projects in the action plan, and several clarifying comments. An example of a clarifying comments is to amend the language which states that MPCA monitors Boise Cascade's effluent to the fact that Boise sends monitoring reports to MPCA.

The County included most of the comments from MPCA in their Plan Update. Note that the Rainy Basin Plan development by MPCA is not fully integrated into the County Water Planning Process.

12. **Environmental Quality Board (EQB) Review:** No written comments were received.
13. **Minnesota Geological Survey (MGS) Review:** The Minnesota Geologic survey commented informally to the Update. The MGS wished to convey they are available to cooperate in geologic atlas efforts with counties. MGS is also interested in assisting local governments in developing strategies for field verification of well logs.
14. **Minnesota Board of Water and Soil Resources (Board):** The Board provided comments in the final review period to Koochiching County. The comments are as follows: Include a conflict resolution procedure, include an amendment procedure, document an effective date of the Update, and include time elements on the objectives. The County agreed to include the first three in the Update. Time elements will be described in the biennial work plans.
15. **County Response to Agency Comments:** In its final Plan Update submitted to the Board on June 23, Koochiching County incorporated many of the changes and additions suggested in the preliminary review. Final review changes will be agreed to and incorporated into the final approved Plan Update.
16. **Board Water Plan Review Committee Meeting:** On July 6, 2000, the Board committee met in Duluth with Board staff and representatives from Koochiching County to review and discuss the Plan Update. Those in attendance were Clair Nelson, Darrell Bruggman, and Ginny Imholte of the Board; Ron Shelito and Mark Nelson of the Board regional staff; Koochiching Water Plan Coordinator Richard Lehtinen and Koochiching SWCD Technician Tom Toratti. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the county on the planning process.
17. On July 6, 2000, the BWSR water plan review committee recommended that the Board of Water and Soil

Resources approve the Koochiching County Plan Update.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Koochiching County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.
2. The Koochiching County Plan Update attached to this Order states water and water related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Water Plan Update of Koochiching County, dated at St. Paul, Minnesota, this twenty sixth day of July, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer, Chair

OVERVIEW OF KOOCHICHING COUNTY COMPREHENSIVE WATER PLAN UPDATE

Introduction

On May 4, 1999, the Koochiching County Board resolved to update their Comprehensive County Water Plan. The county contracted with a consultant to complete the County Water Plan Update (Update). The consultant worked closely with the Koochiching Environmental Services Division (ESD) and Koochiching Soil and Water Conservation District (KSWCD) to complete the Update.

A preliminary draft of the Update was circulated in December 1999. The Minnesota Department of Health and Minnesota Pollution Control Agency submitted preliminary comments. These written comments were incorporated into the final draft.

A public hearing on the Update was held on March 7. Subsequently, the Update was forwarded to BWSR for the final 90-day review period.

Koochiching County is located in extreme north-central Minnesota, approximately 300 miles north of the Twin Cities. It is the second largest county in Minnesota with around 2,010,000 acres. Of that, 67% is currently jurisdictional wetland. Currently, over 98% of the original wetlands exist in Koochiching County.

Other significant numbers include: 73% of the land is publicly owned and the state owns 1,092,000 acres in Koochiching County. Only 13% of the county is agricultural land. The other lands are (mostly) forested. Since there are under 13,000 people residing in the county, the urban land component is quite small.

Nearly all the county drains northward into the Rainy River and Rainy Lake. In fact, besides Rainy Lake, there are only 10 smaller lakes in the county.

Staff Review

Koochiching County has developed an accurate and realistic Update. In the last few years, the County has attained greater personnel stability in their ESD and SWCD. This has allowed the staff and County Commissioners to plan proactively for the water resources in the County.

High priority goals listed in the Update are:

- administrate the water plan
- update individual sewage treatment systems,
- administer the Wetland Conservation Act, and erosion and sediment control activities.

Moderate and low priority goals are also described in the Update.

The County received preliminary comments from the MPCA and the MDH. The MPCA offered many suggestions, both detailed and broad. RiverWatch, Citizen Stream Monitoring, Rainy Lake On Site Septic Project, detailed schedule for projects and the Rainy Basin Plan are examples. The County has incorporated some of the comments. Dedicating significant County resources to the Basin Plan may not be resolved for this Update.

The MDH focused their comments on Wellhead Protection, Source Water Assessments, and Data Reporting. The county has incorporated the MDH ideas into the revised draft.

BWSR commented on including the required amendment and effective date language. We also asked the County to document a schedule of projects for the Update. The County and BWSR agreed that the work plan items would be specifically identified in Koochiching County's yearly work plan.

DNR will most probably forward comments for the final draft. Since local DNR representatives were active in the Update development, I foresee no great concern.

Since this is a second-generation water plan, the third generation BWSR policy will not apply. However, this Update is addressing the highest needs in the County.

The BWSR Ad Hoc Committee meeting is proposed for 1:00 p.m. on July 6 at the BWSR Office in Duluth. Hopefully, the Update will then be forwarded to the full board for approval at the July 26 meeting.

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

In the Matter of Reviewing the Ground Water Protection Plan for
Dakota County (Minnesota Statutes Section 103B.255)

**ORDER APPROVING
GROUNDWATER
PLAN**

Whereas, the Dakota County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on June 6, 2000, pursuant to Minn. Stat. 103B.255, 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. Chapter 103B.255 authorizes and encourages counties in the seven-county metropolitan area to develop and implement groundwater plans.
2. Dakota County completed an initial draft Plan on October 8, 1999, and submitted it to affected local units of government for review and comment, to the Board, the Departments of Health, Natural Resources and Agriculture, the Pollution Control Agency, the Minnesota Geological Survey, and the Metropolitan Council for preliminary review and comment, pursuant to Section 103B.255.
3. The Dakota County Groundwater Protection Plan is included as part of the January 1999, Dakota County Comprehensive Plan 2020, per Minnesota Statutes, Chapter 473.458, Subd. 1.
4. Dakota County submitted further revisions to the draft plan in January, 2000 to the Board, the Departments of Health, Natural Resources and Agriculture, the Pollution Control Agency, the Minnesota Geological Survey, and the Metropolitan Council for review and comment.
5. On June 5, 2000, Dakota County submitted the final plan to BWSR.
6. **Minnesota Department of Agriculture Review:** The MDA offered their assistance to local units of government in implementation of strategies addressing education regarding

agricultural chemicals and their use, including lawn and garden. MDA would like to explore the potential for cooperation and coordination with Dakota County in pursuing monitoring efforts that may be mutually beneficial in meeting goals of the Dakota County Comprehensive Groundwater Plan and goals of the MDA monitoring program.

7. **Minnesota Department of Natural Resources Review:** The DNR Natural Heritage and Non-game Research Program identified eight calcareous seepage fens in Dakota County. In later comments, the DNR stated that there is no legal mechanism to provide the authority to allocate groundwater permits to Dakota County. They feel that it would be appropriate for the County to consider review or comment on groundwater permits.
8. **Metropolitan Council Review:** The MCES comments focused on specific standards, guidelines, and official controls to establish better coordination with local communities. They also recommend the integration of multiple groundwater modeling efforts currently underway to more accurately determine future groundwater availability and the effects of its use in the County.

The Metropolitan Council stated in a letter that its concerns had been addressed and that BWSR should approve the Plan.

9. **Minnesota Board of Water & Soil Resources Comments:** BWSR comments mostly related to improving the implementation section (Section 4) to specify priority, timeline, responsible party and funding mechanism for the thirteen major management goals/policies/strategies listed in Section 3, and the specific/high-priority local resource issues identified in Section 2. We initially found it difficult to define from the implementation section exactly who was going to do what, when, and for how much. We also recommend geographically identifying "local areas of concern" that are dependent on groundwater. The final Plan does adequately address the initial concerns raised by BWSR Staff. Staff recommends approval of the Dakota County Groundwater Management Plan.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Ground Water Protection Plan of Dakota County, Minnesota, pursuant to Minn. Stat. 103B.255.
2. The Dakota County Groundwater Protection Plan attached to this Order:
 - (a) Covers the entire County area;
 - (b) Describes existing and expected changes to the physical environment, land use, and development in the County;
 - (c) Summarizes available information about ground water and related resources in the County;
 - (d) States the goals, objectives, scope, and priorities of groundwater protection in the County;
 - (e) Contains standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas,

critical areas, and previously contaminated areas; as provided in Minnesota Statutes Chapter 103B.255.

ORDER

The Board hereby approves the attached Plan as the Ground Water Protection Plan of Dakota County. Dated at St. Paul, Minnesota, this 26th day of July, 2000.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Kathleen Roer,
Chair

WETLANDS COMMITTEE DECISION
June 22, 2000

WETLAND BANKING – Local Public Roads – Funding Allocation

\$735K Northern Region, with \$135K for Vesledahl (Phase II of III).

\$600K Southern Region

\$1.0M Metro Region

\$2.35M TOTAL

ACQUISITION METHODS

1. Buy Credits: account holders.
2. Build with partners/sponsors: WCA, LGUs, SWCDs, WDs, Agencies (MnDOT, DNR, etc.).
3. Adjoined with RIM: joint communiqué with Tim Fredbo to SWCDs (early August).

Approved by the Wetland Committee on 6-22-00.

Prepared by John Jaschke 

c: Board Members
 Board Conservationists/Regional Supervisors
 Bruce Sandstrom
 Dan Eklund
 Ron Harnack
 Jim Birkholz
 Al Kean
 Doug Thomas
 Greg Larson
 Tim Fredbo
 Steve Eggers, USACOE
 Doug Norris, DNR Eco Services
 Bruce Gerbig, DNR Waters

Conservation Easement Service Grants to SWCDs - \$750,000

SWCD	(Pre-CREP)		FY00	FY01	Workload decrease
	FY98	FY99			
Aitkin	\$ 1,096	\$ 1,467	\$ 1,315	\$ 4,318	
Anoka	\$ 1,096	\$ 1,217	\$ 1,315	\$ 4,318	
Becker	\$ 4,346	\$ 4,467	\$ 1,815	\$ 1,818	
Beltrami	\$ 1,346	\$ 1,467	\$ 1,815	\$ 1,318	
Benton	\$ 4,346	\$ 8,217	\$ 4,315	\$ 4,318	
Big Stone	\$ 4,346	\$ 8,217	\$ 4,315	\$ 4,318	
<i>Blue Earth</i>	\$23,596	\$13,217	\$23,565	\$23,568	
Brown	\$13,096	\$ 8,217	\$13,065	\$23,568*	
Carlton	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,068	
Carver	\$13,096	\$13,217	\$ 4,315	\$ 4,318	
Cass	\$ 1,346	\$ 1,467	\$ 1,315	\$ 1,318	
<i>Chippewa</i>	\$ 8,096	\$13,217	\$36,065	\$23,568**	Yes
Chisago	\$ 1,346	\$ 1,467	\$ 1,815	\$ 4,318	
Clay	\$13,096	\$ 8,217	\$ 8,065	\$ 8,068	
Clearwater	\$ 1,346	\$ 4,467	\$ 4,315	\$ 1,818	
Cook	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,068	
<i>Cottonwood</i>	\$ 4,346	\$ 8,217	\$ 8,065	\$36,068*	
Crow Wing	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,068	
Dakota	\$ 1,346	\$ 1,467	\$ 1,815	\$ 1,818	
Dodge	\$ 1,346	\$ 1,467	\$ 1,815	\$ 1,818	
Douglas	\$13,096	\$13,217	\$ 8,065	\$ 4,318	
Faribault	\$23,596	\$13,217	\$ 4,315	\$13,068*	
Fillmore	\$ 4,346	\$ 1,467	\$ 4,315	\$ 4,318	
Freeborn	\$ 8,096	\$ 8,217	\$23,565	\$13,068**	No (\$10,497)
Goodhue	\$13,096	\$ 8,217	\$13,065	\$ 8,068**	No (\$4,997)
Grant	\$ 1,346	\$ 4,467	\$ 4,315	\$ 4,318	
Hennepin	\$23,596	\$23,717	\$23,565	\$ 8,068**	No (\$15,497)
Hubbard	\$ 1,346	\$ 1,467	\$ 1,815	\$ 1,318	
Isanti	\$ 1,096	\$ 1,467	\$ 1,315	\$ 4,318	
Itasca	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,068	
Jackson	\$23,596	\$23,717	\$13,065	\$23,568*	
Kanabec	\$ 4,346	\$ 4,467	\$ 1,815	\$ 1,318	
<i>Kandiyohi</i>	\$23,596	\$23,717	\$23,565	\$13,068**	No (\$10,497)
Kittson	\$ 4,346	\$ 4,467	\$ 4,315	\$ 4,318	
Koochiching	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,818	
<i>LacQuiParle</i>	\$13,096	\$ 8,217	\$13,065	\$23,568*	
Lake	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,068	
Lake/Woods	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,318	
<i>LeSueur</i>	\$23,596	\$23,717	\$23,565	\$23,568	
<i>Lincoln</i>	\$ 4,346	\$ 4,467	\$ 4,315	\$23,568*	
<i>Lyon</i>	\$13,096	\$23,717	\$36,065	\$23,568**	Yes
Mahnomen	\$ 1,096	\$1,217	\$ 1,315	\$ 1,318	

Marshall	\$13,096	\$13,217	\$ 8,065	\$ 8,068	
Marsh-Beltrami	\$ 1,346	\$ 1,467	\$ 4,315	\$ 1,318	
Martin	\$13,096	\$13,217	\$13,065	\$13,068	
McLeod	\$13,096	\$ 4,467	\$ 8,065	\$ 4,318	
Meeker	\$13,096	\$13,217	\$13,065	\$ 8,068**	No (\$4,997)
Mille Lacs	\$ 4,346	\$ 1,467	\$ 1,815	\$ 1,818	
Morrison	\$ 8,096	\$ 4,467	\$ 8,065	\$ 4,318	
Mower	\$13,096	\$23,717	\$23,565	\$13,068**	No (\$10,497)
Murray	\$ 4,346	\$ 8,217	\$ 4,315	\$ 4,318	
Nicollet	\$13,096	\$13,217	\$23,565	\$23,568	
Nobles	\$13,096	\$ 8,217	\$13,065	\$ 4,318**	Yes
Norman	\$ 8,096	\$ 4,467	\$ 4,315	\$ 4,318	
Olmsted	\$ 1,346	\$ 4,467	\$ 4,315	\$ 4,318	
Otter Tail (east)	\$ 4,346	\$ 4,467	\$ 4,315	\$ 4,318	
Otter Tail (west)	\$ 8,096	\$ 4,467	\$ 4,315	\$ 8,068	
Pennington	\$ 1,096	\$ 1,217	\$ 1,315	\$ 4,318	
Pine	\$ 1,096	\$ 4,467	\$ 1,815	\$ 1,318	
Pipestone	\$ 1,346	\$ 1,467	\$ 1,815	\$ 4,318	
Polk (east)	\$ 1,346	\$ 4,467	\$ 4,315	\$ 4,318	
Polk (west)	\$ 1,346	\$ 1,217	\$ 1,815	\$ 1,318	
Pope	\$36,096	\$36,217	\$36,065	\$23,568**	No (\$12,497)
Red Lake	\$ 1,346	\$ 1,467	\$ 1,815	\$ 1,318	
Redwood	\$23,596	\$23,717	\$36,065	\$36,068	
Renville	\$23,596	\$36,217	\$36,065	\$36,068	
Rice	\$13,096	\$ 8,217	\$13,065	\$ 8,068**	No (\$4,997)
Rock	\$ 4,346	\$ 8,217	\$ 4,315	\$ 4,318	
Root River	\$ 8,096	\$13,217	\$ 8,065	\$ 4,318	
Roseau	\$ 1,096	\$ 1,467	\$ 1,315	\$ 1,818	
St. Louis (north)	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,318	
St. Louis (south)	\$ 1,096	\$ 1,217	\$ 1,315	\$ 1,318	
Scott	\$ 8,096	\$ 8,217	\$ 4,315	\$ 4,318	
Sherburne	\$ 1,096	\$ 1,217	\$ 1,315	\$ 4,318	
Sibley	\$ 8,096	\$23,717	\$13,065	\$ 4,318**	Yes
Stearns	\$13,096	\$ 8,217	\$ 8,065	\$ 8,068	
Steele	\$13,096	\$ 8,217	\$23,565	\$13,068**	No (\$10,497)
Stevens	\$13,096	\$13,217	\$ 8,065	\$ 4,318	
Swift	\$13,096	\$13,217	\$ 8,065	\$23,568*	
Todd	\$ 4,346	\$ 4,467	\$ 1,815	\$ 1,318	
Traverse	\$ 8,096	\$ 1,467	\$ 1,815	\$ 8,068	
Wabasha	\$13,096	\$ 8,217	\$ 4,315	\$ 4,318	
Wadena	\$ 1,346	\$ 4,467	\$ 4,315	\$ 4,318	
Waseca	\$23,596	\$23,717	\$ 8,065	\$ 8,068	
Washington	\$ 4,346	\$ 4,467	\$ 4,315	\$ 1,818	
Watonwan	\$13,096	\$ 8,217	\$ 8,065	\$23,568*	
Wilkin	\$ 8,096	\$13,217	\$13,065	\$ 4,318**	No (\$8,747)
Winona	\$23,596	\$23,717	\$ 8,065	\$ 4,318	

Wright	\$ 8,096	\$ 4,467	\$ 4,315	\$ 4,318	
<i>Yellow Medicine</i>	<u>\$13,096</u>	<u>\$ 8,217</u>	<u>\$13,065</u>	<u>\$23,568*</u>	
Total	~ \$750,000	~ \$750,000	~ \$750,000	~ \$750,000	\$93,720

Note: The *italicized SWCDs* are those SWCDs that received additional CREP administrative funds (about \$425,000 in each of FY's 1999 and 2000). The above amounts do not include these grants. Also, these additional CREP funds were not allocated through the easement services formula.

* denotes increase of about \$5,000 or more from last year (FY 00)

** denotes decrease of about \$5,000 or more from last year (FY 00)

Staff recommendation:

- Increase the FY 01 allocation of those "*** no" SWCDs (SWCDs with an allocation decrease of about \$5,000 or more from last year AND their workload did not decrease) to the FY00 funding level. The funds would be drawn from the FY01 CREP administrative funds. **\$93,720 is needed to increase the grants for ten SWCDs. Proposed increases are in (parentheses) in the right column. The associated decrease in CREP administrative funds is offset by the increase in FY01 easement services grants and the additional CREP administrative funding from bonding proceeds.**
- Review and possibly revise the existing easement services grant methodology to better reflect the current easement programs and needs of SWCDs. This effort will be completed prior to the FY 02 allocations.

<<<<The attached page describes the formula for allocating RIM Services Grants.>>>>

July 26, 2000 (Fredbo, T. and G. Larson)

RIM Reserve Service Grants

In May 1994 the Board adopted the current RIM services grant allocation methodology that has been used to this date to distribute the \$750,000. Past easement activity and the number of site inspections required for the upcoming year are the two parameters used in determining service grant amounts. The RIM database is programmed to run this formula.

Past easement activity is determined by the number of funded applications for all easement types (RIM, Wetland Reserve and CREP) taken over the past three years by each SWCD. These three years are weighted 50%, 30%, and 20%, with 50 percent for the most recent year.

The site inspection amount of the formula is based on the number of easements needing inspection for that year in each SWCD. The formula utilizes \$60 per inspection.

The weighted sum (in dollars) of funded applications and site inspection payments are placed in a range. An easement services grant is assigned to a given range as shown below:

<u>Range(\$)</u>	<u>Formula Grant amount (\$)</u>
30,000 - 45,000	35,000
15,000 - 29,999	22,500
9,000 - 14,999	12,000
5,000 - 8,999	7,000
1,000 - 4,999	3,250
500 - 999	750
20 - 499	250
0 - 20	0

Each formula grant amount is increased by \$1,000 dollars for the marketing needs related to easement programs. Rounding and the fact that Ramsey SWCD does not receive a grant results in the actual grant differing from the formula grant amount.

What are the steps in preparing a wellhead protection plan?

- ⇒ Determine how vulnerable the wellhead protection area is to pollution.
- ⇒ Identify land use and possible sources of pollution in the wellhead protection area.
- ⇒ Identify ways to prevent groundwater pollution.
- ⇒ Identify an alternate way to supply water if the public well becomes polluted.

What can you do?

To help prepare a plan:

- ⇒ Serve on workgroups.
- ⇒ Attend wellhead protection meetings.
- ⇒ Help identify land uses and possible sources of pollution.

To protect local groundwater:

- ⇒ Recognize and manage possible sources of pollution on your property.
- ⇒ Use hazardous products as directed, and dispose of them properly.
- ⇒ Conserve water.

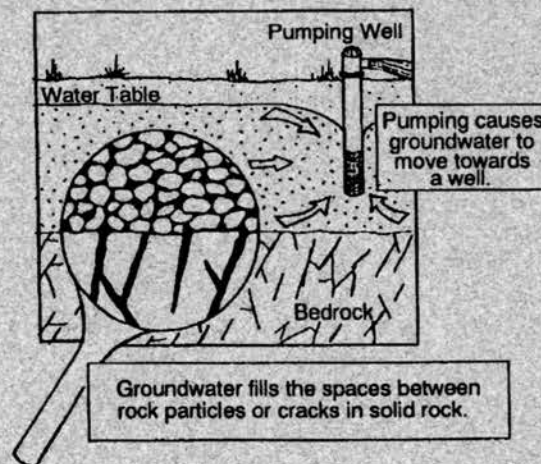
What is groundwater?

Groundwater is the water which fills the small spaces between rock particles (sand, gravel, etc.) or cracks in solid rock. Rain, melting snow, or surface water becomes groundwater by seeping into the ground and filling these spaces. The top of the water-saturated zone is called the "water table."

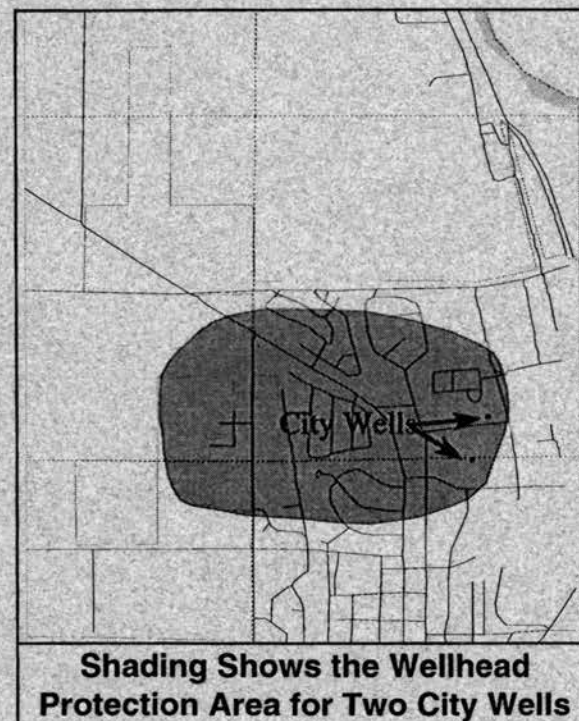
When water seeps in from the surface and reaches the water table, it begins moving towards points where it can escape, such as wells, streams, or lakes.

An **aquifer** is any type of geologic material, such as sand or sandstone, which can supply water to wells or springs.

The groundwater which supplies wells often comes from within a short distance (a few miles) of the well. How fast groundwater moves depends on how much the well is pumped and what type of rock particles or bedrock it is moving through.



PROTECTING DRINKING WATER THROUGH WELLHEAD PROTECTION



Division of Environmental Health
Source Water Protection Unit
Wellhead Protection Program

A statewide effort to protect public wells

The Minnesota Department of Health is working with communities and state and local agencies to protect public wells which supply drinking water. This cooperative effort is called the "Wellhead Protection Program." The goal of this program is to prevent pollution of public supply wells.

This first step is to find out where the water comes from which supplies the wells. Then possible sources of pollution are identified in this area, and the community develops a plan to manage them so they will not threaten drinking water.

The Minnesota Department of Health is the lead agency for the state's program and will assist communities with defining wellhead protection areas and developing plans to protect wells.

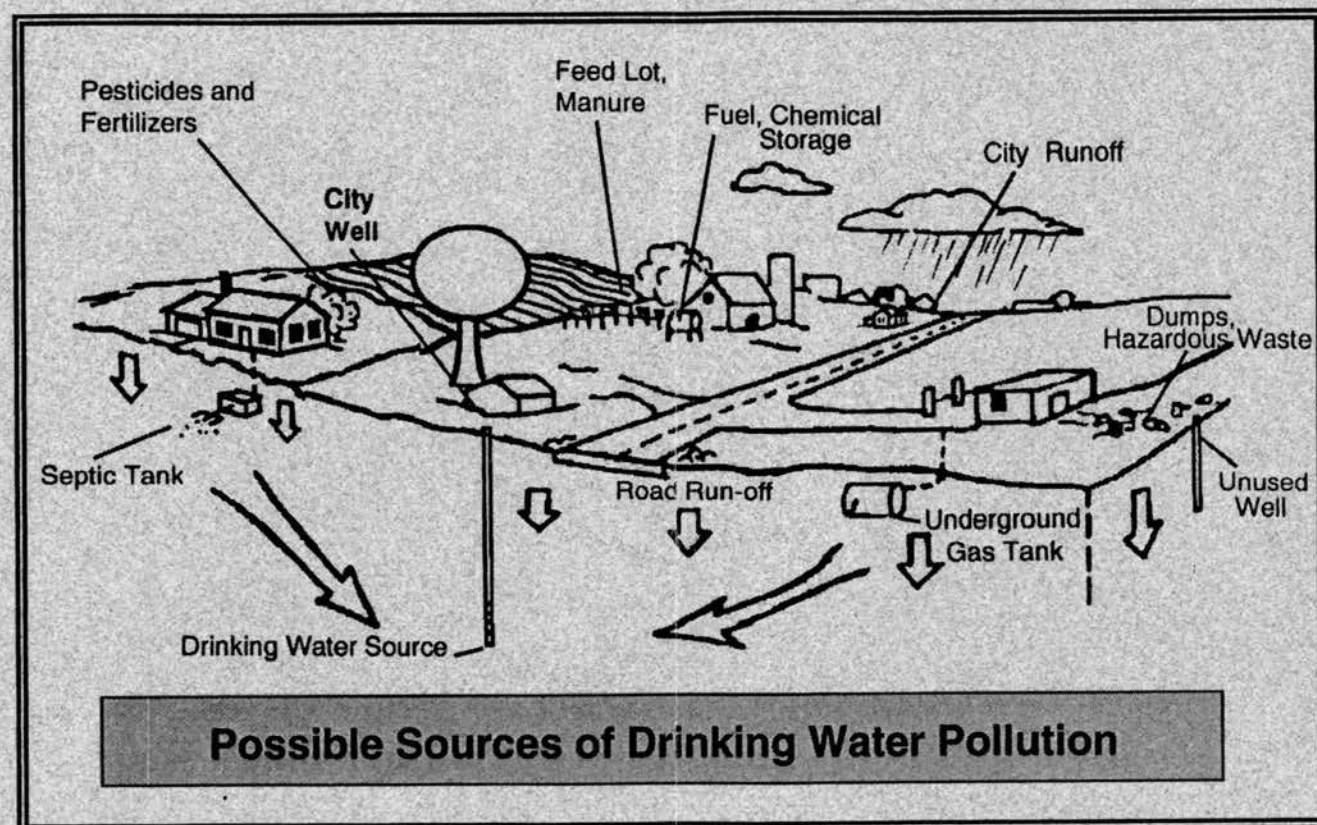
If you would like more information or would like to obtain this brochure in another format, please contact:

Minnesota Department of Health
Source Water Protection Unit
Drinking Water Protection Section
P.O. Box 64975
St. Paul, Minnesota 55164-0975

Unit Receptionist (651) 215-0800,
Division TDD (651) 215-0707, or
Minnesota Relay Service for Greater Minnesota
1-800-627-3529 (ask for [651] 215-0800).

Most people in Minnesota get their drinking water from wells. Why do wells sometimes become polluted?

Wells become polluted when substances that are harmful to human health get into the groundwater. Water from these wells can be dangerous to drink when the level of pollution rises above health standards.



Many of our everyday activities can cause groundwater pollution. Much can be done to prevent pollution, such as wise use of the land and chemicals. The expense of treating polluted water or drilling new wells can also be avoided.

Wellhead protection is a way to prevent drinking water from becoming polluted by managing possible sources of contamination in the area which supplies water to a public well. Wellhead protection will be an ongoing need for communities. Everyone has an important part to play in **protecting drinking water wells — today and for the future.**



WELLHEAD PROTECTION

WHAT IS IT? - Wellhead protection is program designed to help prevent contamination from entering public water supply wells at levels that present a human health concern.

WHY IS IT NEEDED? - Changes in land uses over time and the introduction of chemicals needed for everyday activities have affected the water quality in some of the aquifers used to supply drinking water. Siting new wells with regard to land uses and properly managing potential contamination sources are effective methods for protecting public water supply wells.

WHAT IS A PUBLIC WATER SUPPLY WELL? - A public water supply well serves 25 or more persons a day for at least 60 days a year. There are over 10,000 public water supply wells in Minnesota that are used by parks, campgrounds, wayside rests, businesses, schools, and communities.

WHAT LAWS REQUIRE WELLHEAD PROTECTION? - The federal Safe Drinking Water Act requires that states develop and implement wellhead protection programs. The Minnesota Legislature granted the Minnesota Department of Health authority to implement state rules requiring public water suppliers to prepare and develop wellhead protection plans?

WHERE ARE WELLHEAD PROTECTION EFFORTS FOCUSED? - The area where wellhead protection plans are implemented is called a wellhead protection area. It is the area where groundwater moves to supply a public water supply well.

**ARE ALL PUBLIC WATER SUPPLY WELLS
VULNERABLE TO CONTAMINATION?**

- No. Local geologic conditions affect the degree to which aquifers are directly connected to surface water and to the effects of land- and water-use practices.

**HOW DO PUBLIC WATER SUPPLIERS ENTER THE
WELLHEAD PROTECTION PROGRAM ?**

- The state wellhead protection rules require public water suppliers to enter the program when notified by the Minnesota Department of Health. The goal is to have all public water suppliers in the wellhead protection program by the year 2006.

**DO PUBLIC WATER SUPPLIERS RECEIVE ANY
ASSISTANCE WITH WELLHEAD PROTECTION?**

- Yes, the Minnesota Department of Health assigns staff to help public water suppliers prepare and implement wellhead protection plans.

WHAT IS THE ROLE FOR LOCAL GOVERNMENTS?

- Local governments (except for those who operate public water supply wells) are not required to do anything under state or federal regulations. However, local governments often participate on local wellhead protection planning teams and try to integrate wellhead protection efforts with local education, outreach, and regulatory programs.

**WHERE CAN I RECEIVE MORE INFORMATION
ABOUT THE WELLHEAD PROTECTION PROGRAM?**

Contact Bruce Olsen (651) 215-0796 or bruce.olsen@health.state.mn.us OR
Art Persons (507)292-5138 or art.persons@health.state.mn.us

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.225.

**ORDER WATERSHED
DISTRICT ESTABLISHMENT
PROCEEDINGS ABEYANCE**

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. **Establishment Petition.** The Petition (Exhibit 1) to establish the Shell Rock River Watershed District dated March 8, 2000, was filed with the Board 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 A. Distad, Freeborn County Auditor, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district. (Exhibit 3) The proposed watershed district lies within Freeborn County. Filed with the Petition were the required proofs of service on the Freeborn County Auditor, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters of the Department of Natural Resources. (Exhibit 2)

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2. **Property Description.** The territory to be included in the watershed district is 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.
3. **District Name.** The name of the proposed district is the "Shell Rock River Watershed District".
4. **Number of Managers.** The Petition specifies the proposed number of managers as seven (7).
5. **Necessity for Watershed District.** The Petition lists degradation of water quality since the 1920's, erosion, sedimentation and best management practice issues.
6. **Contemplated Improvements.** The 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.
7. **Hearing Order.** At its regular meeting on April 26, 2000, the Board determined that the Petition met the requirements of Minn. Stat. § 103D.221, Subd. 1, and consequently ordered a public hearing to be held on the Petition for the Shell Rock River Watershed District. (Exhibit 4)
8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, was published in the Albert Lea Tribune on May 19 and 25, 2000. (Exhibit 6) Further, a copy of the hearing notice was mailed to approximately 30 addressees including the Freeborn County Board of Commissioners, Freeborn County Auditor, Freeborn County Administrator, legal counsel for the petitioners, all of the cities in the proposed watershed district, all of the towns in the proposed watershed district, the SWCD, and the DNR. (Exhibit 5)
9. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources filed a written report pursuant to Minn. Stat. § 103D.215 on June 5, 2000, (Exhibit 8) and a clarification on June 20, 2000. (Exhibit 106)
10. **Public Hearing.** A public hearing was held on the establishment of the Shell Rock River Watershed District on June 5, 2000, at the Albert Lea Senior High School "Cap" Auditorium, 109 West Avenue, Albert Lea, Minnesota. The proceedings were tape recorded. The hearing panel consisted of Board members Ginny Imholte, Char Kahler, Allan Oehlke, and Jim Dahlvang as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 7 into the record by reading a brief description of each exhibit.

Exhibit 1. Shell Rock River Watershed District Establishment petition dated March 8, 2000, submitted by Kurt Deter together with approximately 755 petitioner signatures.

Exhibit 2. Affidavit of Service of Establishment Petition (Exhibit 1) on the Freeborn County Auditor, DNR Commissioner and DNR-Division of Waters Director.

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Exhibit 3. Letter dated March 14, 2000, from Dennis A. Distad, Freeborn County Auditor, certifying that more than 50 petitioner signatories are resident owners.

Exhibit 4. BWSR Order dated April 26, 2000, ordering Establishment Hearing.

Exhibit 5. Letter dated May 15, 2000, from Jim Haertel to approximately 30 addressees notifying of establishment hearing.

Exhibit 6. Affidavit of publication from the Albert Lea Tribune dated May 25, 2000, of legal notice for establishment hearing.

Exhibit 7. Map, approximately 33" x 43", depicting boundaries of proposed watershed district.

Exhibit 8. Letter dated June 5, 2000, from Kent Lokkesmoe, DNR-Waters including an e-mail dated April 10, 2000 from Bob Bezek to Joe Oschwald and a letter dated March 31, 2000 from Jeanine Vorland to Joe Oschwald generally questioning the necessity for watershed district establishment.

Exhibit 9. Written statement of William Bryson opposed to watershed district establishment.

Exhibit 10. Written statement of Alice Donovan opposed to watershed district establishment.

Exhibit 11. Copy of petition opposed to watershed district establishment with approximately 34 signatures.

Exhibit 12. Written statement of Mike Kelly opposed to watershed district establishment.

Exhibit 13. Copy of petition opposed to watershed district establishment with approximately 780 signatures, including but not limited to several brochures on conservation and lake management, letters to the editor, lakeshore homeowners group meetings information, Chamber of Commerce resolution, lake restoration committee information and the Freeborn County Shoreland Management Ordinance.

Exhibit 14. Excerpts from Freeborn County Comprehensive Water Plan Revised for 1997-2000.

Exhibit 15. October 30, 1991 Clean Water Partnership Grant Application – Albert Lea Lake Watershed Improvement Study.

Exhibit 16. Written statement of Nancy Jenson opposed to watershed district establishment.

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Exhibit 17. Written statement of Elna Ponto opposed to watershed district establishment with attachments the same as Exhibit 14 plus the "Freeborn County Water Plan Summary" by the Soil Conservation Service Board.

Exhibit 18. Copy of petition opposed to watershed district establishment with approximately 207 signatures.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until 4:30 PM on June 26, 2000, for receipt of written comments. The following exhibits were received while the record was open.

Exhibit 19. June 10, 2000 e-mail from Ray Hangge opposed to watershed district establishment.

Exhibit 20. June 8, 2000 letter from Arnold Levisen in favor of watershed district establishment.

Exhibit 21. June 11, 2000 letter from Richard Webber in favor of watershed district establishment.

Exhibit 22. June 12, 2000 letter from David Lundak, President of Norwest Bank in Albert Lea, in favor of watershed district establishment.

Exhibit 23. June 12, 2000 letter from Stephen Waldhoff in favor of watershed district establishment.

Exhibit 24. Letter received June 14, 2000 from Dan Johnson, Hayward Township Clerk, stating the Hayward Town Board unanimously voted to oppose watershed district establishment.

Exhibit 25. Letter received June 14, 2000 from Paul Ehlers in favor of watershed district establishment.

Exhibit 26. June 13, 2000 letter from Donald Koch, Shellrock Town Board Chair, stating the Board voted 3 to 0 to oppose watershed district establishment, and, if the watershed district is established it should not include the area south of Albert Lea Lake.

Exhibit 27. June 14, 2000 letter from Gaylord and Shirley Olson opposed to watershed district establishment.

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Exhibit 28. Letter received June 15, 2000 from David Wolter in favor of watershed district establishment.

Exhibit 29. June 12, 2000 letter from Steve Wright, Interstate Packaging Inc., in favor of watershed district establishment.

Exhibit 30. June 12, 2000 letter from Brad Wright, Interstate Packaging Inc., in favor of watershed district establishment.

Exhibit 31. June 14, 2000 letter from Kurt Deter, Counsel for Watershed District Petitioners, in favor of watershed district establishment.

Exhibit 32. June 17, 2000 letter from Winifred Oetjen in favor of watershed district establishment.

Exhibit 33. June 12, 2000 letter from Marlys Webber in favor of watershed district establishment.

Exhibit 34. June 14, 2000 letter from Frank and Pat Gjersvik opposed to watershed district establishment.

Exhibit 35. June 17, 2000 letter from Richard and Jeanne Ulve in favor of watershed district establishment.

Exhibit 36. June 13, 2000 letter from Leland Johnson opposed to watershed district establishment.

Exhibit 37. Letter received June 16, 2000 from Casey Prescoe in favor of watershed district establishment.

Exhibit 38. June 15, 2000 letter from Obert and Florence Rust in favor of watershed district establishment.

Exhibit 39. June 15, 2000 letter from Bill Stieler in favor of watershed district establishment.

Exhibit 40. June 14, 2000 letter from Gordon Hovde in favor of watershed district establishment.

Exhibit 41. Letter received June 19, 2000 from Vernon Haase in favor of watershed district establishment.

Exhibit 42. June 16, 2000 letter from LeRoy Maas in favor of watershed district establishment.

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Exhibit 43. June 14, 2000 letter from C.F. and Delores UeuHey in favor of watershed district establishment.

Exhibit 44. June 15, 2000 letter from M.L. Nelson in favor of watershed district establishment.

Exhibit 45. Letter received June 19, 2000 from Roger and Peggy Erickson in favor of watershed district establishment.

Exhibit 46. Letter received June 19, 2000 from Don Wedge in favor of watershed district establishment.

Exhibit 47. May 31, 2000 letter from Mr. and Mrs. Herbert Waalkens about their love of Albert Lea Lake.

Exhibit 48. June 6, 2000 letter from Marilyn Nelson including a video tape of walleye being caught on the Shell Rock River in favor of watershed district establishment.

Exhibit 49. Letter received June 20, 2000 from Gary Peterson in favor of watershed district establishment.

Exhibit 50. June 17, 2000 letter from Nancy Peterson in favor of watershed district establishment.

Exhibit 51. June 15, 2000 resolution from Freeborn SWCD opposed to watershed district establishment and endorsing accelerated upland treatment using existing authorities and programs.

Exhibit 52. June 19, 2000 letter from W.A. Winegar in favor of watershed district establishment.

Exhibit 53. June 18, 2000 letter from Wayne and Linda Applegate in favor of watershed district establishment.

Exhibit 54. June 18, 2000 letter from Ray Levine in favor of watershed district establishment.

Exhibit 55. June 17, 2000 letter from Arnold Bale in favor of watershed district establishment.

Exhibit 56. March 13, 2000 letter from Stephen Waldhoff to Albert Lea Tribune in favor of watershed district establishment.

Exhibit 57. June 18, 2000 letter from Bruce Haugsdal in favor of watershed district establishment.

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Exhibit 58. June 19, 2000 letter from Howard Ashcraft in favor of watershed district establishment.

Exhibit 59. June 16, 2000 letter from Clayton Nelson in favor of watershed district establishment.

Exhibit 60. June 16, 2000 letter from Josh Ladwig in favor of watershed district establishment.

Exhibit 61. June 16, 2000 letter from Steve and Jodi Ladwig in favor of watershed district establishment.

Exhibit 62. June 17, 2000 letter from Paul Kepple in favor of watershed district establishment.

Exhibit 63. June 13, 2000 letter from Chris and Tobi Utz in favor of watershed district establishment.

Exhibit 64. June 16, 2000 letter from Matt Ladwig in favor of watershed district establishment.

Exhibit 65. June 19, 2000 letter from David Wick in favor of watershed district establishment.

Exhibit 66. June 19, 2000 letter from Stan Sevaldson in favor of watershed district establishment.

Exhibit 67. May 4, 2000 e-mail from Mel Sinn, DNR-Waters regarding the watershed boundary map enclosed with the establishment petition.

Exhibit 68. June 14, 2000 article from BALM Currents, MPCA electronic newsletter, regarding water quality impairments and TMDL's on the Shell Rock River and Cedar River.

Exhibit 69. June 20, 2000 resolution from Freeborn County Board of Commissioners requesting the establishment proceedings be held in abeyance for one year and committing to a plan for the improvement of the Shell Rock River Watershed.

Exhibit 70. June 20, 2000 letter from Debra Stolarcek in favor of watershed district establishment.

Exhibit 71. June 20, 2000 letter from John Peterson in favor of watershed district establishment.

Exhibit 72. Letter received June 21, 2000 from Michael Gordon in favor of watershed district establishment.

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Exhibit 73. June 16, 2000 letter from Herb and Viola Ladwig in favor of watershed district establishment.

Exhibit 74. June 19, 2000 letter from Donald Chryst in favor of watershed district establishment.

Exhibit 75. June 19, 2000 letter from Paul Overgaard in favor of watershed district establishment.

Exhibit 76. June 19, 2000 letter from Neil Brownlow in favor of watershed district establishment.

Exhibit 77. Letter received June 21, 2000 from Shirlie Brownlow in favor of watershed district establishment.

Exhibit 78. June 21, 2000 letter from Dave Peterson, BWSR-Rochester, supporting Freeborn County Board resolution (Exhibit 69).

Exhibit 79. June 21, 2000 letter from Wendy Hagen opposed to watershed district establishment.

Exhibit 80. June 19, 2000 letter from Earl and Maurine Lurlsen in favor of watershed district establishment.

Exhibit 81. Letter received June 22, 2000 from Anne Lehman opposed to watershed district establishment.

Exhibit 82. June 21, 2000 letter from Harley Miller in favor of watershed district establishment and stating how the county has had ample time to act and BWSR should not grant the abeyance requested by the county.

Exhibit 83. June 20, 2000 letter from Dean and Sue Westrum opposed to watershed district establishment.

Exhibit 84. Letter received June 22, 2000 from Kenneth Nelson in favor of watershed district establishment.

Exhibit 85. June 21, 2000 letter from Rita Drescher opposed to watershed district establishment.

Exhibit 86. June 20, 2000 letter from Don Sorenson, Chairman of Albert Lea Lake Restoration Committee, in favor of watershed district establishment.

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Exhibit 87. Letter received June 23, 2000 from the Albert Lea – Freeborn County Chamber of Commerce including an editorial from the June 21, 2000 Albert Lea Tribune in favor of watershed district establishment.

Exhibit 88. June 6, 2000 letter from Judy Verdoorn, Senior Vice President and Branch Manager, Home Federal Savings Bank, in favor of watershed district establishment.

Exhibit 89. June 15, 2000 letter from Barry Jacobson, in favor of watershed district establishment.

Exhibit 90. June 21, 2000 letter from Michael Moore, President, Greater Jobs, Inc., in favor of watershed district establishment.

Exhibit 91. June 21, 2000 letter from Jim Murtaugh, in favor of watershed district establishment.

Exhibit 92. June 22, 2000 letter from Herbert Scherve, opposed to watershed district establishment.

Exhibit 93. June 22, 2000 letter from the Nunda Township Board opposed to watershed district establishment.

Exhibit 94. June 20, 2000 letter from Adrian Hestness in favor of watershed district establishment.

Exhibit 95. June 22, 2000 letter from Cathy Rofshus in favor of watershed district establishment.

Exhibit 96. June 26, 2000 letter from Mike Kelly, S.O.u.L. (Save Our Lakes), opposed to watershed district establishment.

Exhibit 97. June 26, 2000 letter from Kurt Deter in favor of watershed district establishment.

Exhibit 98. June 23, 2000 letter from Harley Miller including a June 23, 2000 Albert Lea Tribune article regarding the County Board's "gridlock" as described by an independent consulting firm's study.

Exhibit 99. June 23, 2000 letter from Karen Trow in favor of watershed district establishment.

Exhibit 100. June 24, 2000 letter from Ronald Jenson opposed to watershed district establishment.

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Exhibit 101. Letter received June 26, 2000 from Kenny Van Riper opposed to watershed district establishment.

Exhibit 102. Information received on June 26, 2000 from Mike Kelly opposed to watershed district establishment.

Exhibit 103. June 23, 2000 letter from Don Sorensen including articles from the Albert Lea Tribune in favor of watershed district establishment.

Exhibit 104. June 22, 2000 letter from Cheryl Schnarr opposed to watershed district establishment.

Exhibit 105. June 23, 2000 letter from Jane Ehrhard, Interim Coordinator, Albert Lea-Freeborn County Chamber of Commerce, in favor of watershed district establishment including a June 23, 2000 Albert Lea Tribune article regarding the County Board's "gridlock" as described by an independent consulting firm's study.

Exhibit 106. June 20, 2000 letter from Kent Lokkesmoe, DNR-Waters clarifying June 5, 2000 (Exhibit 8) letter.

11. **Board Staff Report.** The Board's southern region staff report dated June 21, 2000, (Exhibit 78) supported the Freeborn County Board of Commissioners resolution (Exhibit 69) that requested the establishment proceedings be held in abeyance for one year and committed for the improvement of the Shell Rock River watershed.
12. **Hearing Panel.** The hearing panel met on June 29, 2000, and, based on the oral and written record in this matter, decided with a majority vote to recommend to the full Board that the Shell Rock River Watershed District establishment proceedings be held in abeyance for up to one year if an agreement is entered into between Freeborn County, Freeborn SWCD, Albert Lea and the Board. Further, the agreement must include adoption of a workplan and budget, establishment and use of an advisory group, and adoption of a plan suitable for amending the comprehensive local water plan. Board staff were directed to prepare said agreement and have the hearing panel members review the draft agreement before going before the full Board. The draft agreement is attached and made a part of this Order hereof.

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CONCLUSIONS

1. The Petition for establishment of the Shell Rock River Watershed District is valid in accordance with Minn. Stat. § 103D.205.
 2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.
 3. All relevant substantive and procedural requirements of law and rule have been fulfilled.
-
4. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.
 5. The establishment proceedings for the Shell Rock River Watershed District should be held in abeyance for up to one year subject to the successful and timely completion of the conditions listed in the attached agreement.

ORDER

The Board hereby orders that the proceedings on the Establishment Petition for the Shell Rock River Watershed District be held in abeyance for up to one year subject to the successful and timely completion of the conditions listed in the agreement attached and made a part of this Order hereof.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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By: _____
Kathleen M. Roer, Chair

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AGREEMENT

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This agreement is made between the Freeborn County Board of Commissioners, the Freeborn County Soil and Water Conservation District, the City of Albert Lea and the Minnesota Board of Water and Soil Resources.

Whereas, a petition for establishment of a Shell Rock River Watershed District has been brought before the Board of Water and Soil Resources; and

Whereas, the Freeborn County Board of Commissioners has, through a resolution, requested the establishment petition be held in abeyance for one year to allow the county to address certain water resource issues; and

Whereas, there is a comprehensive local water planning process in Freeborn County that can provide a coordinated focus for addressing the water resource issues relating to the Shell Rock River watershed; and

Whereas, this comprehensive local water planning process provides for the involvement of all local units of government, interested citizens and interest groups; and

Whereas, the Board of Water and Soil Resources has the responsibility to ensure that appropriate water resource issues are properly addressed through comprehensive local water plans or watershed districts.

NOW THEREFORE BE IT RESOLVED THAT

The proceedings relating to the petition for establishment of the Shell Rock River Watershed District will be placed on hold for one year subject to the following conditions:

A. This Agreement must be signed by the Freeborn County Board of Commissioners, the Freeborn County Soil and Water Conservation District Board of Supervisors, the Albert Lea City Council, and the Minnesota Board of Water and Soil Resources Executive Director by September 30, 2000.

B. The county must adopt a workplan by November 1, 2000 that addresses water resource issues in the Shell Rock River watershed.

C. The county must include funding to implement the workplan referenced in "B" above and must include the funding in the county's preliminary levy certification for 2001 by September 15, 2000 and adopt the funding in a final budget by January 1, 2001.

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D. The workplan referenced in "B" above must include the development of a comprehensive plan for addressing the water resource issues in the Shell Rock River watershed that would consider the Advisory Committee (as referenced in "E" below) recommendations and be timely completed for the County Board's consideration prior to the requirement referenced in "G" below. The plan must include an assessment of Albert Lea Lake that specifically addresses dredging, the dam and water quality.

E. An Advisory Committee must be established and convene by October 1, 2000, which will include, at a minimum, representatives of: 1) all the signatories to this Agreement, 2) the petitioners, 3) the Department of Natural Resources, 4) the Pollution Control Agency, 5) the Albert Lea-Freeborn County Chamber of Commerce, 6) Save Our Lakes (SOuL), and 7) the Albert Lea Lakeshore Owners Association.

F. By June 1, 2001 a special taxing district pursuant to Minn. Stat. § 103B.331, Subd. 4 must be established for the Shell Rock River watershed that may be used for funding the budget referenced in "G" below.

G. By July 26, 2001 and in consideration of the Advisory Committee's recommendations, the Freeborn County Board of Commissioners must adopt a plan for the Shell Rock River watershed suitable for amending the Freeborn County Comprehensive Local Water Plan that includes an adequate budget for implementation of the plan.

H. The county must submit quarterly progress reports on the implementation of this agreement to the Board of Water and Soil Resources.

Chair, Freeborn County Board of Commissioners

Date

Chair, Freeborn County SWCD Board of Supervisors

Date

Mayor, City of Albert Lea

Date

Executive Director, Board of Water and Soil Resources

Date

DRAFT

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

DRAFT

In the Matter of the Boundary Change Petition
for the Minnehaha Creek Watershed District and
the Richfield-Bloomington Watershed Management
Organization in Hennepin County pursuant to
Minnesota Statutes § 103B.215

**ORDER
BOUNDARY
CHANGE
NOTICE OF
FILING**

Whereas, the Minnehaha Creek Watershed District (MCWD) and the Richfield-Bloomington Watershed Management Organization (RBWMO) filed a Petition dated June 19, 2000 with the Board of Water and Soil Resources (Board) on June 20, 2000, to change the MCWD boundaries pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS

1. **Petition.** The Petition to change the boundary of the MCWD was filed by the MCWD Board of Managers and the RBWMO with the Board on June 20, 2000.
2. **Property Description.** The territory to be transferred from the MCWD to the RBWMO is an Area in Hennepin County consisting of two portions in the City of Richfield, encompassing approximately 631 acres. The Petition describes the Area in detail in Exhibits 1, 3 and 4 of the Petition.

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3. **Reasons for change.** The Petition lists the following:

A. Area A (see Exhibit 1 of the Petition), measuring 487 acres, is tributary to Richfield Lake (Richfield Lake Drainage Area). Stormwater that drains to Richfield Lake flows by underground conduit to Wood Lake, which lies within the City of Richfield and within the boundaries of the RBWMO.

B. Area B (see Exhibit 1 of the Petition), measuring 144 acres, is tributary to Augsburg Pond (Augsburg Pond Drainage Area). Augsburg Pond presently is landlocked but, as specified in the 2001 – 2005 Richfield Capital Improvement Program, will be connected to Wood Lake in 2004.

C. Petitioners have concluded that it is reasonable, expedient, consistent with Minnesota State Statutes and in the public interest to modify the boundaries between the MCWD and RBWMO to include the Richfield Lake and Augsburg Pond Drainage Areas within the boundaries of the RBWMO.

D. The construction of a conduit from Richfield Lake to Wood Lake in 1996 directed the course of the flow of stormwater runoff so that the water flowing to the Richfield Lake Drainage Area is now tributary to Wood Lake and the RBWMO. On completion of the Augsburg Pond connection to Wood Lake, the Augsburg Pond Drainage Area also will be tributary to Wood Lake and the RBWMO. Under the circumstances of these actions, it is appropriate to modify the boundary between MCWD and RBWMO to recognize these hydrological changes.

E. Water quality and quantity consequences of activities in the Richfield Lake and, after outlet construction, the Augsburg Pond Drainage Areas will affect the quality and quantity of water downstream in the area of the RBWMO.

F. The Richfield Lake and Augsburg Pond Drainage Areas lie entirely within the City of Richfield, which is one of the two parties to the RBWMO Joint Powers Agreement. Use and development of land is regulated by the City of Richfield in accordance with its MCWD-approved local stormwater management plan. The City of Richfield has constructed, maintained and operated the storm sewer system in the area of Richfield Lake at the expense of Richfield taxpayer and ratepayers, including the owners of property in the Richfield Lake and Augsburg Pond Drainage Areas.

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4. **Statements of Concurrence.** The City of Richfield concurs in the Petition, as required by Minn. Stat. § 103B.215, Subd. 2 (c), as evidenced by Resolution No. 8869 attached to the Petition as Exhibit 2.
5. **Filing Notice.** Minn. Stat. § 103B.215, Subd. 3 requires a notice of filing be published twice and, if no timely request for hearing is received, the Board will make a decision on the Petition without conducting a public hearing.
6. **Subcommittee Assignment.** The Board's Metro Water Planning Subcommittee should bring a recommendation on the boundary change request to the full board.
7. **Hearing.** If a timely request for hearing is received, the Board's Executive Director should set a hearing time, date and location along with giving proper notice.
8. **Hearing Panel.** If a timely request for hearing is received, the Board's Metro Water Planning Subcommittee should preside over the hearing due to their familiarity with the issues.

CONCLUSIONS

1. The petition for boundary change for the Minnehaha Creek Watershed District and the Richfield-Bloomington Watershed Management Organization is valid in accordance with Minn. Stat. § 103B.215.
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 boundary change notice of filing and hearing.
4. Notice of filing should be published and, if a timely request for hearing is received, notice of hearing should be published with the Metro Water Planning Subcommittee presiding over the hearing that the Board's Executive Director sets.

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ORDER

The Board hereby orders that the Notice of Filing on the Petition for Boundary Change for the Minnehaha Creek Watershed District and the Richfield-Bloomington Watershed Management Organization be published and, if a timely request for hearing is received, notice of hearing should be published with the Metro Water Planning Subcommittee presiding over the hearing that the Board's Executive Director sets.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: **DRAFT**

Kathleen M. Roer, Chair

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

**In the Matter of the Comfort Lake-Forest Lake
Watershed District Board of Managers
Appointment**

**ORDER
MANAGER
APPOINTMENT**

Whereas, the Board of Water and Soil Resources (Board) established the Comfort Lake-Forest Lake Watershed District (CLFLWD) and appointed the first board of managers for one year terms of office on September 23, 1999 pursuant to Minn. Stat. § 103D.225, and;

Whereas, a vacancy has occurred on the CLFLWD Board of Managers, and;

Whereas, the Washington County Board of Commissioners has the authority to appoint successors to the first board of managers pursuant to Minn. Stat. § 103D.311, and;

Whereas, it may be unclear whether the Board or the Washington County Board of Commissioners is the appointing authority during the initial one year term of office, and;

Whereas, Washington County has interviewed and the Washington County Board of Commissioners recommends that Richard Damchik complete the remaining one year term of office on the CLFLWD Board of Managers, and;

Whereas, it is the intention of the Washington County Board of Commissioners to appoint Mr. Damchik to complete the remaining one year term of office on the CLFLWD Board of Managers in conjunction with the Board's appointment of same;

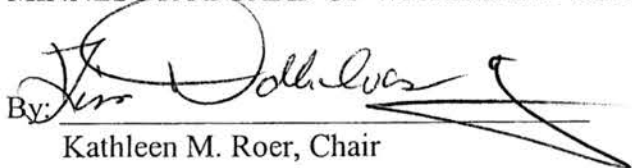
Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby appoints Richard Damchik to complete the remaining one year term of office for the board manager vacancy on the Comfort Lake-Forest Lake Watershed District Board of Managers in conjunction with the Washington County Board of Commissioners appointment of same.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Kathleen M. Roer, Chair

Pilot Projects for Restructuring the Organization and Operation of Special Purpose Districts that Manage Natural Resources

2000 Minnesota Session Laws, Chapter 321

History/Background

- **1930's Soil and Water Conservation Districts** authorized to form in response to dust bowl conditions to assist private landowners to manage their soil and water resources.
- **1950's Watershed Districts** authorized to form to implement water management projects including local responsibilities for federal watershed projects.
- **1980's Watershed Management Organizations** mandated in the seven county metro area to enable communities to cooperatively plan and manage their land and water resources.
- **1970's Lake Improvement Districts** authorized to form in response to lakeshore owners needs to plan and implement protection activities for lakes.
- The role of local governments in managing natural resources has been the ongoing subject of studies for years. Organizational change recommendations have rarely been implemented.
- In 1987 the Board of Water and Soil Resources (BWSR) was created by merging three smaller state boards into one with a primary responsibility to coordinate the water and land management responsibilities of local government with state and federal agencies. This is done largely through plan approval authorities, grants administration and day-to-day staff services.
- Comprehensive local water planning (since mid 1980's) works towards coordination of local government activities. Statutes of individual special purpose districts are biased towards their creation and maintenance as separate entities.
- Staff from Minnesota Planning, the Board of Water and Soil Resources and the Board of Government Innovation and Cooperation (BGIC) got together and proposed extending certain authorities of the BGIC that apply to special purpose local governments to special purpose districts which deal with natural resources.

Legislation

- Bills were introduced (SF 3369, Ring; HF3596, Ozment), passed and signed into law as 2000 Minnesota Session Laws, Chapter 321.

- The legislation provides for the following:

1. Defines "special purpose districts" as: watershed districts (103D); soil and water conservation districts (103C); watershed management organizations (103B); lake improvement districts (103B); and, other joint powers boards which include these special purpose districts as members.

2. Authorizes pilot projects for the development of alternative models for the management of Minnesota's natural resources at the local level and authorizes grants.

3. Directs the Board of Government Innovation and Cooperation and the Board of Water and Soil Resources to cooperate implement this law. The BGIC has the authority to approve pilot projects and award grants.

4. Requires annual reports to the legislature and a final report by November 15, 2003, making recommendations as to the viability of implementing alternative models that demonstrate efficient and effective government structures at the local level.

Involvement of Affected Parties

- In legislation itself

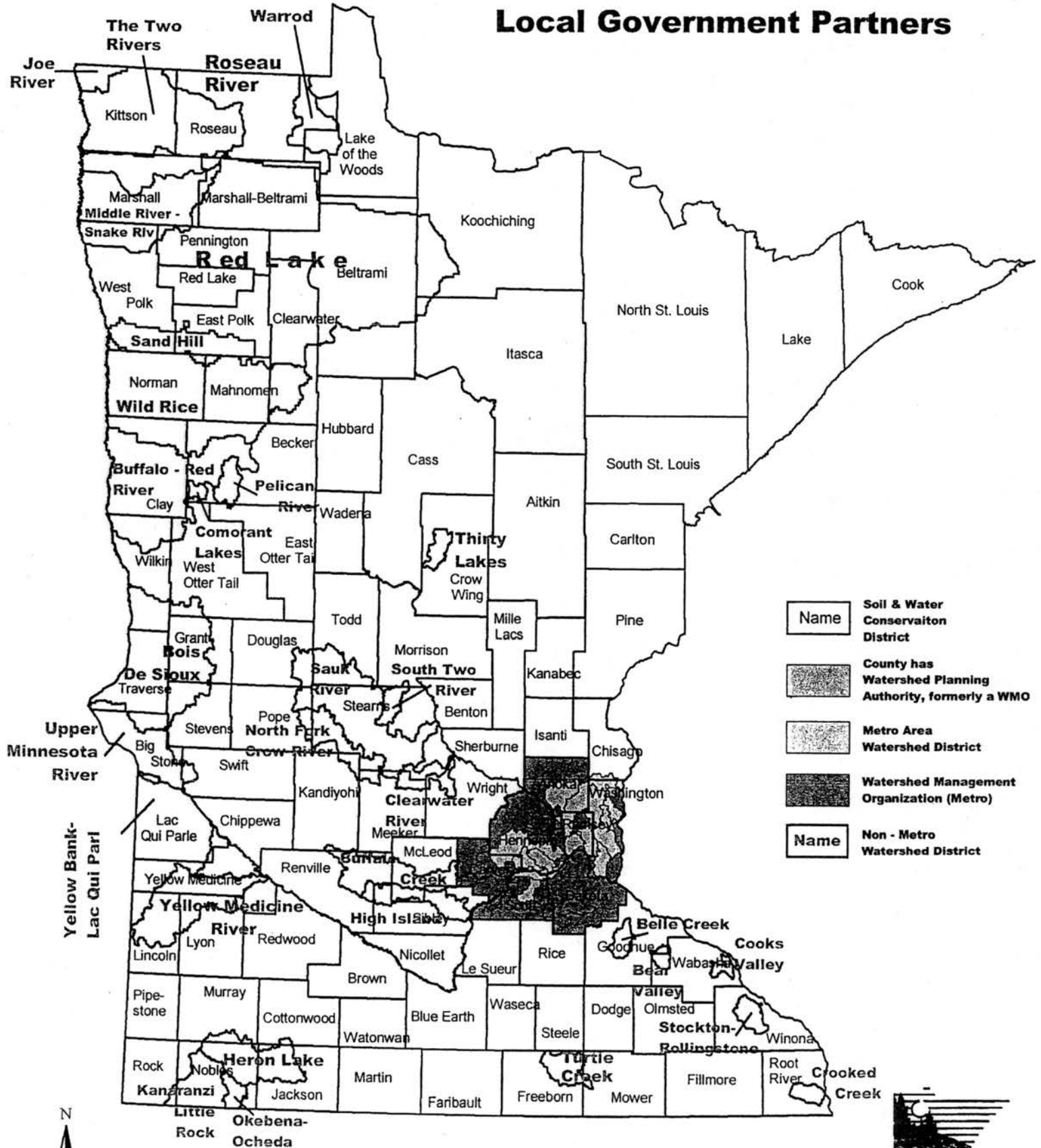
- Since the legislative session

- Current status and involvement

Implementation Scenario

<u>What</u>	<u>Who</u>	<u>When</u>
Draft RFP	BWSR	July, 2000
RFP Review/recs.	BWSR MN Planning LGU Associations	July/Aug., 2000
Approve RFP	BGIC	August, 2000
Market/Communicate RFP	All partners	Sept. to Nov., 2000
Review/score/rank/recommend	BWSR	December, 2000
Consider recs./Award grants & projects	BGIC	Dec, 2000 – Jan, 2001
Pilot Project Implementation	Local Governments	2001 to 2002

Board of Water & Soil Resources and their Local Government Partners





Minnesota Session Laws

Minnesota Session Laws - 2000

Key: ~~language to be deleted~~...new language Change language enhancement display.

Legislative history and Authors

CHAPTER 321-S.F.No. 3369

An act relating to the environment; providing for grants for special purpose districts with environmental responsibilities; authorizing pilot projects for the restructuring of the organization and operation of special purpose districts; authorizing grants from the board of government innovation and cooperation for the development and implementation of pilot projects.

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

Section 1. [SPECIAL PURPOSE DISTRICT PILOT PROJECTS.]

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply in this section.

(a) "Board" means the board of government innovation and cooperation established in Minnesota Statutes, section 465.796.

(b) "Special purpose district" means a watershed district established under Minnesota Statutes, chapter 103D, soil and water conservation districts established under Minnesota Statutes, chapter 103C, lake improvement districts established under Minnesota Statutes, sections 103B.501 to 103B.581, watershed management organizations established under Minnesota Statutes, section 103B.205, and other joint powers boards which include these special purpose districts as members.

(c) "Governing body" means, in the case of a county, the county board, and in the case of a special purpose district, the board established by statute or joint powers agreement to adopt policies and procedures on behalf of the special purpose district.

Subd. 2. [ALTERNATIVE NATURAL RESOURCE MANAGEMENT MODELS.] The board, in cooperation with the board of water and soil resources established under Minnesota Statutes, section 103B.101, must solicit proposals from two or more special purpose districts, or one or more special purpose districts working with one or more counties, for the development and implementation of pilot projects that demonstrate alternative models for managing natural resources at the local level. The proposals must be for consolidating natural resource management responsibilities and authority of the participating special purpose districts and participating counties into a more efficient and effective structure. The board, in consultation with the board of water and soil resources, must award a grant to one or more proposals. The grant must be paid from the existing general fund appropriation to the board for promoting cooperation and combination agreements between general purpose units of government. To be eligible for receipt of aid under this subdivision, the governing bodies of the participating

special purpose districts and counties must have approved a resolution expressing their intent to develop and implement a proposal for an alternative model for managing natural resources at the local level. The proposal must be on a form prescribed by the board and must provide a proposed budget detailing how the requested aid is to be used. The grant may be up to \$100,000 for each proposal approved. The board must consider the number of participating organizations, the geographic area involved, and the complexity of the proposed model in determining the amount of the grant.

Subd. 3. [IMPLEMENTATION.] Notwithstanding any other law to the contrary, the board, in consultation with the board of water and soil resources, may approve the implementation of a model developed under subdivision 2, if the model has been approved by a majority vote of each of the governing bodies of participating special purpose districts and counties. If the pilot project requires law or rule changes for permanent implementation, implementation under this subdivision must not continue beyond a four-year period from the date the model is first approved by the board without further authorization in law.

Subd. 4. [REPORT TO THE LEGISLATURE.] The board and the board of water and soil resources must cooperate to implement this section. The board must report to the legislature annually on the development and implementation of alternative models resulting from this section. Based on the results of pilot projects implemented under this section, the board must submit a recommendation to the legislature as to the viability of implementing alternative models that demonstrate efficient and effective government structures at the local level. This recommendation must be made no later than November 15, 2003.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after its final enactment.

Presented to the governor March 31, 2000

Signed by the governor April 4, 2000, 3:17 p.m.

July 11, 2000

To: Board Members

Fr: Tim Fredbo, Easement Program Manager

Re: FY 01 - 02 Easement Program Workplan - **Request for Approval**

The attached work plan has been submitted to the Legislative Commission on Minnesota Resources (LCMR) for their review. Their review is advisory only, but we must submit a work plan to them before we can expend any of the bond funds. The work plan is in the format required by the LCMR, so it is a bit lengthy. Information pertinent to the new appropriation received for CREP and RIM Reserve is contained in the shaded text on pages 7 through 9. Pages 16 through 18 under the IV. Context heading also contains background information important to the BWSR's easement programs.

Following is a brief outline of our work plan for the \$21,500,000 appropriation.

\$1,000,000 to acquire RIM Reserve and PWP easements

\$990,000 will be used to acquire easements and establish conservation practices

\$ 10,000 will be used to reimburse SWCDs for their title insurance costs

With only \$1.0 million available for "regular" RIM all the money will be available for the fall 2000 (FY-01) signup. Only perpetual easements will be considered for funding.

BWSR easement staff and the RSSL team have developed the following proposed guidance that will be followed when conducting the signup. This guidance criteria was also endorsed by the RIM/CREP Advisory Committee at their June 14, 2000 meeting.

"Regular" RIM Reserve signup guidance:

- Priority outside the MN River watershed area
- Wetland restorations and riparian areas will be only easement types eligible for application
- Priority to contiguous projects involving more than one landowner
- Wetland restoration applications received will be evaluated for potential partnering opportunities with the USDA NRCS 30 year Wetland Reserve Program (WRP)
- Priority to riparian easements already in continuous CRP filter strips or forest riparian buffers
- Emphasize larger parcel sizes
- *"sensitive ground water areas"*

add → ***\$20,000,000 for the Conservation Reserve Enhancement Program (CREP)***

\$18,216,000 to acquire easements and establish practices

\$ 184,000 to reimburse SWCDs for title insurance costs

\$ 1,600,000* for implementation costs to accelerate CREP

* The BWSR has received approval from the Dept. of Finance to take this amount from bonding

As approved by the Board at their June 29, 2000 meeting, up to \$1.5 million of the CREP appropriation is available for limited duration easement applications from landowners. These limited duration applications will be funded on a first come, first served basis until we reach the \$1.5 million limit.

The BWSR will be able to approximately secure an additional 30,000 acres of CREP with this appropriation. With the 1998 appropriation the BWSR has enrolled 13,189 acres into CREP (not including the 6,780 acres of existing applications pending that will be funded from the 2000 appropriation for CREP). With all money appropriated for CREP to date the BWSR will be able to enroll approximately 43,000 acres, which is 57,000 acres short of our 100,000 acre goal. We still need \$40 million of state funds to achieve the goal for CREP.

\$500,000 for administrative expenses to implement CREP and RIM Reserve

This appropriation is from the general fund and will be used to fund the personnel costs associated with the SWCD positions that have been hired to implement CREP at the local county level.

14.5 existing

Date of Report: July 10, 2000

Date of Work Program Approval:

Date of Next Status Report: March 2001

Project Completion Date:

LCMR Work Program 2000 (for FY01-02)

I. PROJECT TITLE: RIM, PWP & CREP CONSERVATION EASEMENTS

Project Manager: Tim Fredbo
Affiliation: Easement Program Manager, Board of Water and Soil Resources
Mailing Address: One West Water Street, St. Paul, MN 55107
Telephone Number: (651) 296-0880 **FAX:** (651) 297-5615
Email Address: tim.fredbo@bwsr.state.mn.us

	<u>Appropriation</u>	<u>Balance</u>
<u>2000 Work Program</u>	\$21,500,000	\$21,500,000

Previously Approved Requests

Bonding

98 RIM & PWP	\$15,000,000	\$230,000
96 RIM & PWP	\$11,500,000	0
94 RIM & PWP	9,000,000	0
93 RIM	500,000	0
92 RIM	1,250,000	0
91 RIM	1,900,000	0
91 RIM	5,000,000	0
91 PWP	7,000,000	0

Note: Figures above reflect balances at one point in time. Program obligations, encumbrances and expenditures continuously change as payments are made; landowners cancel applications and accounts are reimbursed.

Trust Fund and Future Resources Fund

93 RIM	823,000	0
91 RIM & PWP	600,000	0
91 RIM	400,000	0

A. LEGAL CITATIONS

Bonding

2000 Appropriation Language

MN Session Law, Chap. 492, Sec. 9, Subd. 2, 3 and 4

Subd. 2. RIM and PWP Conservation Easements

\$ 1,000,000

This appropriation is for the following purposes:

(1) to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in MN Statutes, section 103F.515 and;

(2) to acquire perpetual conservation easements on existing type 1, 2, 3, and 6 wetlands and adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with MN Statutes, section 103F.516.

Subd. 3. MN River Basin Conservation Reserve Enhancement Program

\$20,000,000

To acquire easements and implement conservation practices on frequently flooded cropland, including land within the 100-year floodplain and the major tributaries; on marginal cropland along rivers and streams; and on drained or altered wetlands in the Minnesota river basin to protect soil, enhance water quality, and support fish and wildlife habitat as provided in Minnesota Statutes, sections 103F.515 and 103F.516.

Subd. 4. Implementation

\$ 500,000

This appropriation is from the general fund.

For administrative expenses to implement subdivisions 2 and 3.

1998 Appropriation Language

MN Session Law, Chap. 404, Sec. 10, Subd. 2

\$15,000,000

RIM and PWP Conservation Easements

This appropriation is for the following purposes:

(1) to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in MN Statutes, section 103F.515; and

(2) to acquire perpetual conservation easements on existing type 1, 2, 3, and 6 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with MN Statutes, section 103F.516.

Up to \$250,000 may be used for the acquisition of flood storage easements that allow haying, grazing, or other activities approved by the board when the flood storage is not needed, and for the cost of constructing related dikes and other structures necessary to maintain water in the flood storage easement areas. Up to ten percent of the appropriation may be used for professional and technical services related to acquisition of the easement.

The board, in consultation with the commissioner of natural resources, must select at least two local government units for participation in the flood storage easement pilot

program based on the potential and need for flood water storage in the local area. The board may acquire the easement directly or provide grants to the local government units for their acquisition of easements that conform with the requirements established by the board. A conservation easement must be for at least ten years. The board or the local government unit must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish conservation practices required by the easement, up to 75% of the total eligible cost, not to exceed an average of \$75 per acre; and

(2) 25 percent of the payment rate for 20 year easements acquired under MN Statutes, section 103F.515; or

(3) an alternative payment system for easements as may be determined by the board, in consultation with the commissioner of natural resources.

By January 15, 2000, the board, in conjunction with the commissioner of natural resources, shall report to the senate environment and agricultural budget division and the house environment, natural resources, and agricultural finance committee on the acquisition of easements under this paragraph. The report must include an analysis of the benefit to expansion of the program in other areas of the state that are prone to flooding and on the adequacy of payments under the pilot program.

Up to \$1,000,000 is for professional and technical services necessary to administer the program.

1996 Appropriation Language

ML 1996, Chap. 463, Sec. 11, Subd. 3

\$11,500,000

RIM and PWP Conservation Easements

This appropriation is for the following purposes:

(a) to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515; and

(b) to acquire perpetual conservation easements on existing 1,2, 3 and 6 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with Minnesota Statutes, section 103F.516.

© Up to \$1,500,000 may be used for the acquisition of limited conservation easements that allow cropping or grazing at reduced payment rates on land that is currently or within the last two years has been enrolled in the federal Conservation Reserve Program (CRP), under United States Code, title 16, section 3831. The board, in conjunction with the commissioner of agriculture, must select counties for participation in the program based on:

- (1) the number of CRP acres;
- (2) the number of whole farm CRP acres;
- (3) the number of highly erodible CRP acres;

- (4) local soil conservation initiatives in place;
- (5) the potential for negative water quality impacts from CRP acres converted to agricultural crop production; and
- (6) the potential to complement public wildlife lands and other conservation lands, including protected grassland prairies.

A conservation easement must be for 20 years and require that the activities on the enrolled lands comply with a conservation plan that will limit soil erosion within the soil loss tolerance, as defined in rules adopted under Minnesota Statutes, section 103F.411. Payments for conservation easements and practices under this program are as follows:

- (1) to establish permanent conservation practices required by the conservation plan, for the installation of permanent livestock watering systems, or for the installation of permanent fencing for grazing systems, up to 75 percent of the total eligible costs, not to exceed an average of \$65 per acre; and
- (2) ten annual payments each equal to five percent of the payment rate for 20-year easements acquired under Minnesota Statutes, section 103F.515 for land restricted to grazing and haying under the conservation plan; or
- (3) ten annual payments each equal to two and one-half percent of the payment rate for 20-year easements acquired under Minnesota Statutes, section 103F.515 for land where cropping is allowed under the conservation plan.

The board may only acquire an easement under this paragraph after it determines that there is adequate funding appropriated to make the annual payments required for the duration of the easement and the landowner agrees to convey at least ten percent of the landowner's CRP land in a permanent easement under Minnesota Statutes, section 103F.515. Priority must be given for land being conveyed or leased to beginning farmers, as defined under Minnesota Statutes, section 41C.02, subdivision 6. Up to 20 percent of the appropriation may be used for professional and technical services related to acquisition of the easements. By March 15, 1997, the board, in conjunction with the commissioner of agriculture, shall report to the finance division of the senate environment and natural resources committee and the house of representative environment and natural resources finance committee on the acquisition of easements under this paragraph. The report must include an analysis of the need for expansion of the program to all agricultural areas of the state in order to protect water quality and provide necessary wildlife habitat, and the adequacy of payments under the program.

1994 Appropriation Language

ML 1994, Chap. 643, Sect. 26, Subd. 3

\$ 9,000,000

RIM Conservation Easement Acquisition

This appropriation is for the purposes specified in paragraphs (a) and (c).

- (a) To acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515.

(b) To acquire perpetual conservation easements on existing type 1, 2, and 3 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with Minnesota Statutes, section 103F.516.

(c) Up to \$300,000 of this appropriation may be used to establish and restore wetlands to provide credits for deposit in the state wetland bank established under Minnesota Statutes, section 103G.2242, subdivision 1. The board may enter into agreements with local government units and the commissioner of transportation for this purpose. An agreement with the commissioner of transportation may provide for borrowing or acquiring existing wetland credits from the wetland bank established by the commissioner. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of paragraph (b).

1993 Appropriation Language

ML 1993, Chap. 373, Sec. 13, Subd. 1

\$ 500,000

Conservation Reserve

\$500,000 of the appropriation in Laws 1989, chapter 300, article 1, section 19, item (a), to dredge the upper harbor area of Duluth harbor, is reappropriated to the board of water and soil resources for the Reinvest in Minnesota conservation reserve program under Minnesota Statutes, section 103F.515.

1992 Appropriation Language

ML 1992, Chap. 558, Sec. 19

\$ 1,250,000

Board of Water and Soil Resources

To the board of water and soil resources for the reinvest in Minnesota conservation reserve program under Minnesota Statutes, section 103F.515.

1991 Appropriation Language

ML 1991, Chap. 254, Art. 1, Sect. 17(a)

\$ 1,900,000

(a) To the board of water and soil resources for the reinvest in Minnesota conservation reserve program, under Minnesota Statutes, section 103F.515: \$1,900,000;

ML 1991, Chap. 354, Art. 11, Sect. 1, Subd. 1(a)

\$ 5,000,000

(a) \$5,000,000 is appropriated to the board of water and soil resources for wetland restoration under Minnesota Statutes, section 103F.515; and

ML 1991, Chap. 354, Art. 11, Sect. 1, Subd. 1(b)

\$ 7,000,000

(b) \$7,000,000 is appropriated to the board of water and soil resources for acquisition of conservation easements on wetlands.

1990 Appropriation Language

ML 1990, Chap. 610, Art. 1, Sect. 15

\$ 2,395,000

Board of Water and Soil Resources

-1,645,000

To the board of water and soil resources for the Reinvest in Minnesota resources program. This appropriation is from the infrastructure development fund. This appropriation is to acquire conservation easements under Minnesota Statutes,

\$ 750,000

section 40.43, subdivision 3. The board shall give priority of acquiring easements on cropland in sensitive groundwater areas. Administrative costs for one position of the board are to be paid from this appropriation. \$1,645,000 of this appropriation is to construct the Wellner-Hageman dam.

1989 Appropriation Language

ML 1989, Chap. 300, Art. 1, Sect. 12

\$1,500,000

Board of Water and Soil Resources

To the board of water and soil resources for the reinvest in Minnesota resources program. This appropriation is from the reinvest in Minnesota resources fund to acquire conservation easements under Minnesota Statutes, section 40.43, subdivision 3.

The board shall give priority to acquiring easements on cropland in sensitive groundwater areas. The approved complement of the board of water and soil resources is increased by one position to administer these projects, to be paid from this appropriation.

1987 Appropriation Language

ML 1987, Chap. 400, Sect. 12

\$9,000,000

Agriculture

This appropriation is from the Reinvest in Minnesota resources fund for the conservation reserve program under Minnesota Statutes, section 40.43, to be available until expended. The commissioner shall provide the necessary professional services for the performance of duties from the appropriation under this section.

The approved complement of the department of agriculture is increased by one position in the unclassified service to implement this section. The position must be a coordinator to work with other agencies to implement this section.

During the biennium, notwithstanding any other law, easements granted under this act may be permanent or if limited duration, highest priority must be given to permanent easements consistent with the purposes of this act. Easements of limited duration must be for at least 20 years with provisions for renewal for at least another 20 year period.

1986 Appropriation Language

ML 1986, Chap. 383, Sect. 17, Subd. 3(a)

\$ 9,400,000

Commissioner of Agriculture

\$10,000,000 is appropriated to the commissioner of agriculture:

(a) from the bond proceeds account of the Reinvest in Minnesota resources fund for the conservation reserve program under section 4 to be available until expended.

Trust Fund

1991 Appropriation Language

ML 1991, Chap. 254, Sect. 14, Subd. 6(d)

\$ 600,000

Conservation Reserve Easements

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources to acquire perpetual easements on wetlands and to acquire perpetual easements under Minnesota Statutes, section 103F.515, subdivision 3, with priority for wetland areas, to enhance wildlife habitat, control erosion, and improve water quality.

ML 1991, Chap. 254, Sect. 14, Subd. 9(h)

\$ 400,000

Easement Acquisition on Restored Wetlands

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources for a pilot program to acquire permanent conservation easements on federally restored or enhanced wetlands and adjacent lands in cooperation with the United States Fish and Wildlife Service and the Izaak Walton League.

1993 Appropriation Language

ML 1993, Chap. 172, Sect. 14, Subd. 3(e)

\$ 500,000

Reinvest in Minnesota - Conservation Reserve Easements

\$500,000 of this appropriation is from the trust fund and \$323,000 of this appropriation is from the future resources fund to the board of water and soil resources to accelerate the RIM program to acquire perpetual conservation easements on marginal agricultural lands. Up to \$165,000 may be used to implement conservation practices on the easements. None of this appropriation may be used for administrative costs.

Future Resources Fund

1993 Appropriation Language

ML 1993, Chap. 172, Sect. 14, Subd. 3(e)

\$ 323,000

Reinvest in Minnesota - Conservation Reserve Easements

\$500,000 of this appropriation is from the trust fund and \$323,000 of this appropriation is from the future resources fund to the board of water and soil resources to accelerate the RIM program to acquire perpetual conservation easements on marginal agricultural lands. Up to \$165,000 may be used to implement conservation practices on the easements. None of this appropriation may be used for administrative costs.

II. & III. PROJECT SUMMARY AND RESULTS:

Accomplishments To-date

Since 1986, approximately \$73.6 million (does not include 2000 appropriation) have been appropriated to the BWSR easement programs. The state has secured 2,864 easements that protect 97,429 environmentally sensitive acres. Over 693 wetland basins have been restored encompassing 8,364

wetland acres. *Attachment 1* illustrates the location of easements across the state that have been secured with the BWSR's various easement programs.

Financial summary and anticipated results of items requested for approval for use of the 2000 appropriation - \$21,500,000.

- A. \$1,000,000 to acquire RIM Reserve and PWP conservation easements pursuant to Subd.2, paragraphs (1) and (2) allocated as follows:

Title Insurance (1%)

\$ 10,000

Acquisition (99%)

\$ 990,000

To acquire conservation easements and establish associated conservation practice (payments to landowners).

\$1,000,000

Total for Section A

Based on an average easement cost (payment to landowner for easement and conservation practice establishment) of \$1,000/acre the BWSR will be able to secure approximately 990 acres of new easements.

With only \$1.0 M available for new easements the BWSR will make all the money available for landowner sign-up in FY 01, with a sign-up deadline in late fall 2000. Only perpetual easements will be considered for funding.

The following criteria will be followed when conducting the sign-up:

- Priority will be given to applications outside the MN River watershed area
- Drained wetlands for restoration and riparian areas will be the only eligible land types
- Priority will be given to larger, contiguous projects that involve multiple landowners
- All wetland restoration applications received will be evaluated for potential partnering possibilities with the USDA 30 year Wetland Reserve Program (WRP)
- Priority will be given to easement applications already enrolled in the USDA CRP

- B. \$20,000,000 to acquire CREP easements in the MN River Basin pursuant to Subd.3 allocated as follows:

Personnel (8%)

\$ 1,600,000

For professional and technical services necessary to acquire easements and install conservation practices

Title Insurance (1%)

\$ 184,000

Acquisition (91%)

\$18,216,000

To acquire easements and establish conservation practices

\$20,000,000

Total for Section B

The BWSR has received approval from the Department of Finance to utilize up to \$1,600,000 of the CREP appropriation for the professional and technical service costs necessary to implement an accelerated CREP in FY 01. The BWSR needs to process approximately 110 easements per month, compared to our present rate of 30 per month, to meet the 100,000 acre goal by September 30, 2002. The \$1.6 million will be utilized as follows:

- \$777,000 to BWSR to fund 5 existing staff and hire, or contract for, 8 temporary positions. All these positions will be involved in the realty and technical aspects involved with the easement acquisition process.
- \$773,000 to SWCDs to hire up to 16 temporary positions to implement CREP locally.
- \$ 50,000 to pay for one-half the salary of two DNR foresters who are responsible for developing tree planting plans for landowners involved with CREP.

Based on an average state easement cost (payment to landowner for easement and conservation practice establishment) of \$650/acre for CREP, the BWSR will be able to secure an additional 28,000 acres of easement lands. The CREP partnership with the USDA Farm Service Agency leverages approximately \$2.3 federal dollars for each state \$1. The \$18,216,000 state will leverage \$41,897,000 federal dollars.

Eligible land for easements taken under CREP include drained wetlands for restoration, cropland in the 100-year floodplain of rivers and streams, and riparian cropland suited for buffer strip plantings. Applications from landowners are accepted on a continuous basis. The BWSR places a priority on perpetual easement applications, though we do offer 35 and 50 year limited duration easement options for CREP. Up to \$1.5 million of the \$18.2 million available will be used for limited duration CREP easements.

The BWSR has already received, and approved, 207 CREP applications from willing landowners that will be funded from this appropriation. These pending applications encompass 6,780 acres at a state cost of \$4,727,683.

C. \$500,000 for administrative expenses to implement CREP pursuant to Subd. 4.

\$500,000

Total for Section C

This appropriation is from the general fund and will be used to fund the personnel costs associated with the SWCD positions that have been hired to implement CREP at the local level. The BWSR will disburse this money via grants to the local SWCDs.

D. Fund balances from prior years' appropriations

\$230,000

Total for Section D

This balance is still available from the 1998 appropriation amount for the flood storage easement program (Section II. B of the 1998 work plan)

\$21,730,000

Total for Sections A, B, C, D

Financial summary and anticipated results of items requested for approval for use of the 1998 appropriation - \$15,000,000.

- A. \$14,750,000 to acquire conservation easements pursuant to paragraphs (1) and (2) allocated as follows:

Personnel (6%)

\$ 852,500

For professional services necessary to acquire easements and provide technical assistance to SWCDs and landowners.

Title Insurance (1%)

\$ 147,500

Acquisition (93%)

\$13,750,000

To acquire conservation easements and establish associated conservation practices.

\$14,750,000

Total for Section A

The \$13,750,000 will be made available for easement acquisition in the following manner:

1. \$6,875,000 for the Conservation Reserve Enhancement Program (CREP) for MN River watershed. This partnership with the USDA Farm Service Agency leverages approximately \$2.3 federal dollars for each state \$1.

\$6,875,000 (State \$)*

\$15,812,500 (Federal \$)

\$22,687,500 = 10,110 acres under easement*

*based on \$680/acre average state easement acquisition cost

Status Update - March 1999

The CREP Agreement between the state and the USDA Farm Service Agency (FSA) was approved on February 19, 1998. The BWSR began accepting applications for the program in September of 1998. To date, there are 75 approved applications for the CREP which encompass 2,447 acres in the Minnesota River watershed. The state cost for these easements, which place a perpetual RIM Reserve easement on the land after the USDA FSA 15 year Conservation Reserve Program (CRP) contract expires, is \$1,666,076. The federal CRP cost is approximately \$3.5 million for these CREP acres. Without the CREP partnership with FSA it would have cost the state \$3,226,276 to acquire these 2,447 easement acres under the RIM Reserve program alone. This partnership has saved the state \$1,566,200. *Attachment 2* shows the locations of the CREP easements on a state map and the second page of the attachment shows activity by county.

We anticipate demand for CREP to increase dramatically in 1999. Many SWCDs are experiencing heavy numbers of interested landowners. New programs take more time than anticipated to catch on with landowners and some SWCDs. After funding the CREP easements from 1998 we have a balance of \$5,208,924 available for new CREP easements in 1999 (FY 2000).

Status Update - October 1999

Since the last work plan update in March of 1999 activity in CREP has been quite heavy. The BWSR has approved 223 more CREP applications received from landowners in the MN River watershed. This exhausts the \$5,208,924 available from the 98 appropriation. To date, the CREP has secured 298 easement applications on 10,196 acres at a cost to the state of \$6,995,951. *Attachment 2* has been revised to show the locations of the CREP easements on a map of the state and the second page shows activity by county. The federal CRP cost for these easements is approximately \$14.3 million. This partnership with the USDA has saved the state \$4.7 million when compared to what it would have cost to secure the easements via RIM Reserve alone.

Status Update - March 2000

CREP continues to be a very strong program. Since our last status report we were able to fund an additional 62 applications. This was possible as we shifted \$1.12 million from the RIM/WRP partnership effort (section A.2 of this work plan) and utilized \$1,037,431 from prior year bond account balances (section C of this work plan). To date, the CREP has secured 360 easement applications on 13,189 acres at a cost to the state of \$9,094,013 (\$8,056,582 from '98 appropriation + \$1,037,431 from prior years). *Attachment 2* has been revised to show the locations of the CREP easements on a map of the state and the second page shows activity by county.

\$6,875,000	Approved for CREP
<u>-\$1,666,076</u>	1998 sign-up
\$5,208,924	Available for CREP
+\$1,121,358	balance from section A.2 (RIM/WRP)
<u>+\$ 60,224</u>	balance from sec. A.3 (regular RIM)
\$6,390,506	Available for CREP
<u>- \$6,390,506</u>	1999 CREP signup
0	Balance

In addition to the 360 applications for \$9,094,013 that we have funds available for, the BWSR has continued to accept applications for CREP from willing landowners. These applications are being held in a pending status with their funding contingent on the 2000 Legislature appropriation for CREP. This pending list contains 101 additional applications on 3,700 acres at a cost of \$2.2 million.

2. \$2,000,000 for the wetland restoration partnership effort with the USDA Natural Resources Conservation Service, Wetland Reserve Program (WRP). This partnering effort also leverages \$2 federal dollars for each state \$1.

\$2,000,000 (State \$)*

\$4,000,000 (Federal \$)

\$6,000,000 = 5,000 acres of wetland restoration easements*

*based on \$400/acre average state easement acquisition cost

Status Update - March 1999

Twenty seven applications for this RIM/WRP partnership were approved for funding in 1998. These 27 applications contain 1,791 acres and will cost the state \$1,007,271. *Attachment 2* shows the location and totals for easements acquired via this partnership. These applications were funded with dollars made available as a result of this partnership freeing up previously obligated funds from 1997 RIM applications originally approved for funding by RIM alone. The entire \$2,000,000 approved in this work plan for this partnership is still available for new sign-ups in 1999.

Status Update - October 1999

An additional five applications for 1,552 acres have been approved for this partnership since March of 1999. In 1998 and 1999 (FY 99-00) the BWSR has secured a total of 33 wetland restoration easements on 3,343 acres at a cost to the state of \$1,394,678. These easements and their locations are shown on *Attachment 2*. These applications were funded with dollars made available as a result of this partnership freeing up previously obligated funds from 1997 and 1998 RIM applications originally approved for funding by RIM alone. The entire \$2,000,000 approved in this work plan for this RIM/WRP partnership is still available.

The RIM/WRP partnership agreement between the USDA Natural Resources Conservation Service (NRCS) and the BWSR was approved in December of 1997. Since that time we have partnered to secure wetland restoration easements on 6,131 acres. The total state cost to secure these easements is \$2,425,455 and the federal NRCS cost is \$5,176,942. This partnership has enabled the state to save \$2,735,954 compared to what it would have cost us to fund these easements via RIM Reserve alone.

The USDA NRCS in Minnesota currently has no WRP dollars left in their FY99 budget. As a result, we will not be taking any more easements in under this partnership until after the NRCS receives their FY 2000 WRP budget, sometime after December 1, 1999.

Since we have exhausted our supply of available CREP \$s from the 1998 appropriation (\$6,875,000 as approved in this work plan for CREP) the BWSR will be taking \$1.0 million and using it for CREP, as federal dollars are currently available for this partnership. The remaining \$1.0 million will be used for new RIM/WRP partnership applications once the NRCS FY 2000 budget dollars become available.

Status Update - March 2000

The NRCS received it's WRP fund allocation in December of 1999. We subsequently held a sign-up for this wetland restoration partnership during January and February 2000. We had \$1,000,000 available for the 99-02 sign-up. The BWSR funded an additional 31 applications at a cost of \$878,642. This brings the total funded applications in FY99-00 to 64, which encompass 4,091 easement acres at a state cost of \$2,273,320. *Attachment 2* shows the location and totals for easements acquired via this partnership. The federal NRCS cost to secure these easements is approximately \$5.2 million (leveraged federal \$s).

Since 1997 this partnership has secured 122 wetland restoration easements on 7,839 acres. The partnership will restore 220 drained wetland basins totaling 2,131 acres. This partnership enables the state to secure permanent easements at roughly one half the cost when compared to RIM Reserve alone.

RIM/WRP financial summary:

\$2,000,000 Available for RIM/WRP
 - 1,000,000 for CREP (Sec. A.1)
- 878,642 (99-02 sign-up)
 \$ 121,358 balance to CREP (Sec. A.1)

3. \$4,875,000 for "regular" RIM Reserve and PWP

Based on an average easement cost of \$960/acre, the following results are anticipated:

<i>Easement Type</i>	<i>Acres</i>	<i>Cost</i>
RIM - wetland restorations	1,200	\$1,152,000
RIM - riparian lands	1,800	1,728,000
RIM - marginal ag land	778	747,000
RIM - sensitive groundwater	300	288,000
PWP	<u>1,000</u>	<u>960,000</u>
Total	5,078	\$4,875,000

Status Update - March 1999

One sign-up was held for the "regular" RIM Reserve and PWP easement program in 1998. A total of 83 applications on 3,171 acres were funded at a cost of \$2,900,618. *Attachment 2* shows the location of these applications and the activity by county or SWCD. Sign-up results by easement type are shown below:

<i>Easement Type</i>	<i>Acres</i>	<i>Cost</i>
RIM - wetland restorations	269	\$ 170,703
RIM - riparian lands	2,052	1,961,573
RIM - marginal ag land	505	399,468
RIM - sensitive groundwater	78	103,797
PWP	<u>267</u>	<u>265,077</u>
Total	3,171	\$2,900,618

After funding the above applications we have a balance of \$1,974,382 available for RIM Reserve and PWP easement acquisition in 1999 (FY 2000).

\$4,875,000 Approved for RIM and PWP
- 2,900,618 (1998 sign-up)
 \$1,974,382 Available for 1999 sign-up

Status Update - October 1999

The regular RIM Reserve and PWP easement program sign-up for this fall (99-03) is currently underway at local SWCD field offices. Results of the sign-up will not be known until February of 2000 and will be reported on in the next work plan status report in March 2000.

Status Update - March 2000

A total of 252 applications were approved for funding from the 99-03 sign-up. These applications are on 5,214 acres at a cost of \$3,339,776 (\$2,169,136 from the '98 appropriation + \$1,170,640 from prior accts., Sec. C of this work plan). *Attachment 2* shows locations of these easements and activity by county for all easements secured in 1998 and 1999 (FY-99-00). Sign-up results by easement type are shown below.

<i>Easement Type</i>	<i>Acres</i>	<i>Cost</i>
RIM - wetland restorations	477	\$ 460,392
RIM - riparian lands	807	736,674
RIM - marginal ag land	334	298,205
RIM - CRP extension	3,319	1,586,095
PWP	<u>277</u>	<u>258,410</u>
Total	5,214	\$3,339,776

A large portion of this sign-up was used for "CRP extension" easements. These easements are perpetual riparian easements placed on the same lands where filter strip and riparian buffer strips are already in place under existing CRP contracts. These applications allow the state to extend these CRP contracts for perpetuity, while paying a "CREP like" payment to the landowner. As in CREP, these "CREP like" payments cost the state roughly half what a regular RIM Reserve easement would cost.

"Regular" RIM Reserve and PWP financial summary:

\$4,875,000	Approved for RIM and PWP
<u>- 2,900,618</u>	(98-03 sign-up)
\$1,974,382	Available for 99-03 sign-up
<u>+ 254,978</u>	Cancellations from 98-03
\$2,229,360	Available for 99-03 sign-up
<u>- 2,169,136</u>	Used for 99-03 sign-up (+ \$1,170,640 from Sec. C)
\$ 60,224	Balance to CREP (Sec. A.1)

Section A Financial Summary - March 2000

\$14,750,000	Appropriated
- 1,000,000	Personnel and Title Ins. Costs
- 8,056,582	'98 and '99 CREP sign-up (section A. 1)
- 878,642	'98 and '99 WRP sign-up (section A. 2)
<u>- 4,814,776</u>	'98 and '99 "regular" RIM and PWP sign-up (section A. 3.)
0	Balance

B. \$250,000 for pilot flood storage easement program allocated as follows:

Personnel (10%)

\$ 25,000 professional and technical services necessary to acquire easements.

Acquisition (90%)

\$ 225,000 Acquire conservation easements and establish associated conservation practices.

\$ 250,000 Total for Section B

The BWSR, in consultation with the Department of Natural Resources, plans on making these flood storage easement program dollars available via grants to a minimum of two local government units in the Red River watershed area. Grant requirements and performance standards for the potential grantees are currently being worked on.

Status Update - March 1999

Two grants in the amount of \$10,000 each were awarded to Red Lake and Wild Rice Watershed Districts by the BWSR in December 1998. These grants are for the professional and technical services necessary to establish the flood storage easement program. Staff from these two watershed districts are currently working with BWSR staff to develop pilot proposals that will be presented to the BWSR for approval in May or June, 1999.

Status Update - October 1999

Proposals from Red Lake and Wild Rice WDs have been approved by the BWSR. Potential flood storage easement areas are currently being identified, though no easements have been secured to date.

Status Update - March 2000

The watershed districts are still working out the details with identified landowners. Easements should be secured in the near future.

Section B Financial Summary - March 2000

\$250,000	Appropriated
<u>-20,000</u>	Grants to Wild Rice and Red Lake WDs
\$230,000	Available for Flood Storage easements

C. Fund balances from prior years' bonding appropriations. (Updated March 2000)

Status Update - March 1999

Prior year bond account balances increased by \$393,857. Prior to the 1999 RIM Reserve and PWP sign-up, an analysis of account balances will be undertaken to identify the amount of additional funds that will be available for easement acquisition. It is anticipated that these balances will be increasing due to landowner cancellations, grant reimbursements, and unspent conservation practice dollars.

Status Update - October 1999

The BWSR currently has a balance of \$1,889,825 that will be obligated to CREP and regular RIM Reserve easement applications during the sign-up that is currently underway at local SWCDs.

Status Update - March 2000

The BWSR had a balance of \$2,208,071 in late October of 1999. This was an increase of \$318,246 over the \$1,889,825 available as of the last work plan update. This was due to two landowners canceling in early October. This new balance was obligated to CREP and 'regular' RIM in the following manner:

\$ 2,208,071 Remaining fund balances from '91 through '96 RIM bonding appropriations.
\$1,037,431 was obligated to CREP (Sec. A.1 of this work plan), and \$1,170,640 was obligated to 99-03 RIM Reserve sign-up (Sec. A.3 of this work plan).

\$ 2,208,071 Total for Section C

Section C financial summary - March 2000:

\$2,208,071 Balance available
- 1,037,431 obligated to CREP (Sec. A.1 of work plan)
- 1,170,640 obligated to RIM 99-03 (Sec. A.3 of work plan)
0 balance

\$17,208,071 Total for Sections A, B, C (Increase of \$318,246)

Financial Summary - March 2000

\$ 17,208,071 Total for Sections A, B, C
-16,978,071 Total obligations from A, B, C
\$ 230,000 Balance available

IV. CONTEXT:

A. Significance: RIM and PWP protect the state's water and soil resources by retiring marginal agricultural lands, restoring drained wetlands and protecting existing wetlands that are highly susceptible to alteration.

B. Project Relationships:

1. *SWCDs* - RIM and PWP conservation easement programs are implemented at the local county level by Soil and Water Conservation Districts (SWCDs).
2. *CREP* - The BWSR has entered into an agreement with the USDA Farm Services Agency (FSA) to participate in a Conservation Reserve Enhancement Program (CREP) in the Minnesota River watershed. The CREP will partner RIM Reserve easements with 15 year CRP contracts to enroll a goal acreage of 100,000 acres by Sept. 31, 2002. The partnership leverages approximately 2.3 federal dollars for each state easement dollar committed. Simply put, the CREP places a perpetual RIM Reserve easement on lands enrolled into the USDA 15 year CRP program, utilizing the CRP payments made to landowners to reduce the states' easement acquisition cost. The CREP has

targeted flood prone land, riparian buffer and filter strip land, and wetlands which can be restored for enrollment into the program. Easement applications for CREP are taken on a continuous sign-up basis.

CREP has enrolled 13,189 acres with the 1998 appropriation (does not include the pending applications for an additional 6,780 acres). With the 2000 appropriation for CREP (\$20,000,000) the BWSR will be able to enroll another 30,000 acres. This will give us a total of approximately 43,000 acres, still 57,000 short of our 100,000 acre goal for CREP. The BWSR will still need \$40.0 million of state funds to achieve the CREP goal.

3. *WRP* - The BWSR has a signed agreement with the USDA Natural Resources Conservation Service (NRCS) to jointly fund wetland restoration easements via the RIM Reserve and NRCS Wetland Reserve Program (WRP). This partnership program is available statewide. Landowners who apply and are accepted, enter into a 30 year WRP easement and a perpetual RIM Reserve easement on the same parcel of land. This partnership also leverages approximately 2 federal dollars for each state dollar. Leveraged federal dollars will enable state RIM Reserve dollars to go further in addressing our state's wetland restoration and enhancement efforts. Since the BWSR only received \$1.0 million for 'regular' RIM Reserve we will not be handling a separate sign-up for this program in FY 01-02. The BWSR will review the applications it receives for RIM Reserve wetland restorations for their potential partnership possibilities with the USDA WRP program.

C. Targeting and Program Priorities

1. *Statewide priorities* - The resource protection and improvement priorities that have been established by the BWSR for the RIM Reserve and PWP easements that we acquire are that they should: 1) protect and improve water quality, 2) reduce soil erosion, and 3) enhance fish and wildlife habitat. In light of these priorities the BWSR seeks to acquire easements that have a history of cropping and grazing and are in close proximity to surface and ground water resources. Riparian easements, wetland restoration easements, and sensitive ground water easements are the priority easement types for the RIM Reserve. Existing wetlands that are cropped and/or exempt and at risk of conversion are the priority for PWP easements. Both the CREP and WRP partnerships will be acquiring riparian and wetland restoration RIM easements, and cropped PWP easements.

2. *Local priorities* - Easement applications submitted by landowners are prioritized by the SWCD as to how well they achieve local resource protection goals as set forth in local water plans, SWCD comprehensive plans and by the local RIM screening committee. Prioritized applications are then submitted to the BWSR for funding consideration. Local RIM screening committees are made up of representatives from conservation and environmental groups, farm organizations and various federal and state agencies. In addition to identifying resource protection priorities, the RIM screening often assists the SWCD with prioritizing applications.

D. Easement Acquisition Procedures

Once an application has been approved for funding, the local SWCD gathers the information necessary to develop an agreement between the state and the landowner to enter into a conservation

easement. During this process, land ownership is verified, a legal description and map of the easement area are prepared and a conservation plan is developed. Once the agreement is signed by the landowners and the state, the easement and conservation practice funds are encumbered.

The state purchases a title insurance policy on each proposed easement area. This allows for the resolution of any title problems that the state determines may pose a threat to the legal interests the state acquires upon conveyance of the easement (i.e., the cropping and grazing rights and the requirement that the conservation practices agreed to by the landowner and the state will be established and maintained). Upon the recording of the conservation easement and the state's approval of the final title policy, the state will issue the easement payment. The easement payment is based on the Assessor's Township Average Market Value (ATAMV) as provided by the Minnesota Department of Revenue.

TYPE OF LAND	PERPETUAL	LIMITED
LANDS WITH CROP HISTORY	90% of the ATAMV	75% of the ATAMV
LANDS WITHOUT CROP HISTORY	60% of the ATAMV	45% of the ATAMV
Wetland W/out Crop History	50% of the ATAMV	N/A

The general procedure to acquire a conservation easement is illustrated in a flowchart found in *Attachment 3*. Once the easement acquisition is complete the SWCD assists the landowner to establish the conservation practices as documented in the conservation plan. Engineering assistance is provided to the SWCD and the landowner by the BWSR where needed (e.g., wetland restoration projects). Expenses incurred to install conservation practices will be reimbursed up to the statutory limits when the SWCD certifies that the practice has been adequately installed and submits an itemized expense voucher to the BWSR.

E. Time: Funds will be encumbered (easement applications approved) within the next two years. Easements will be conveyed and practices established over the next four to five years.

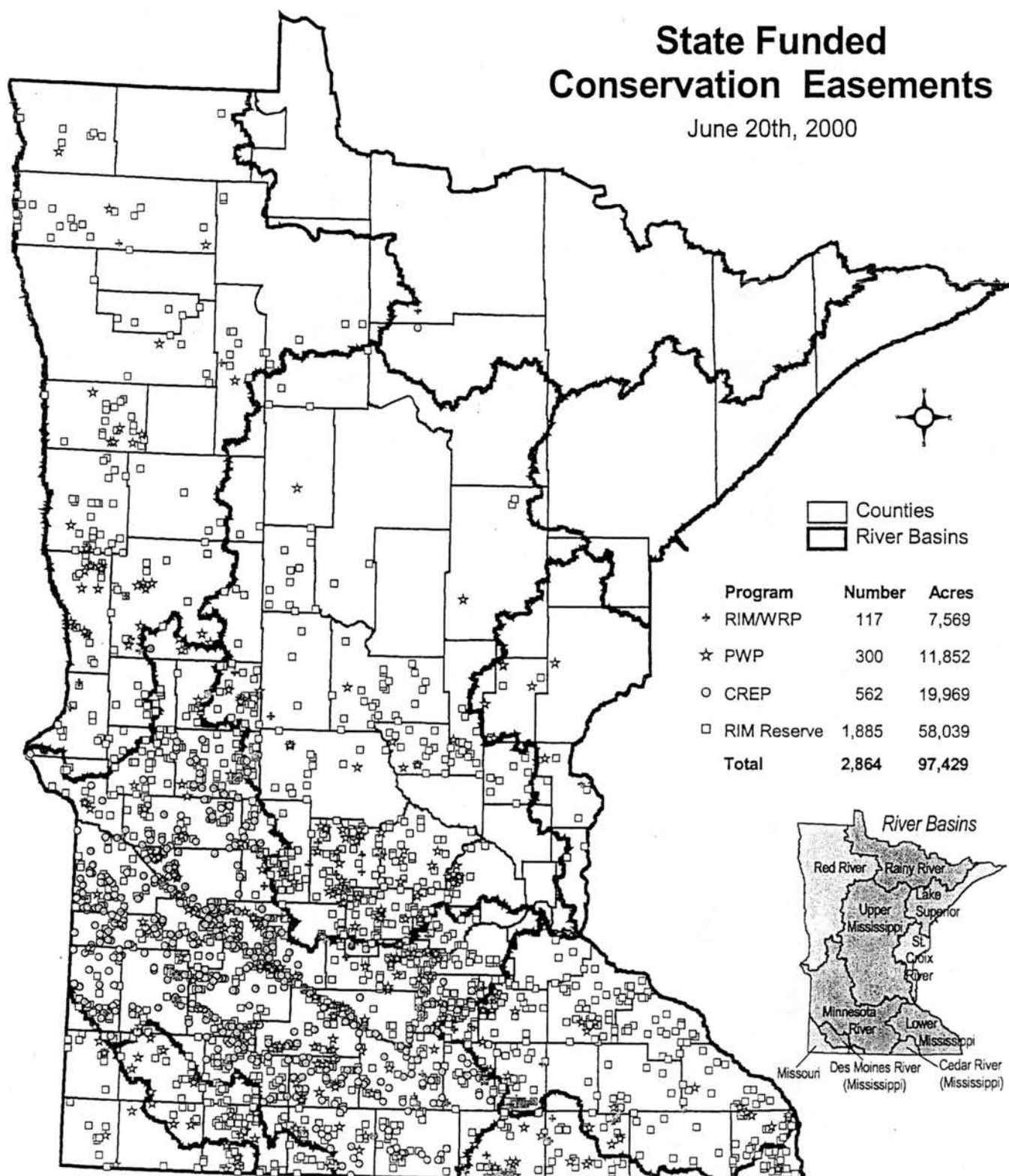
F. Budget Context: See front page for funding balances.

V. LOCATION: Ecological classification location is statewide.

VI. REPORTING REQUIREMENTS: The BWSR will provide semi-annual work program update reports by March 15 and September 15 of each year.

State Funded Conservation Easements

June 20th, 2000



RIM/WRP: Minnesota's Reinvest in Minnesota (RIM) Reserve Program combined with federal Wetland Reserve Program (WRP).

PWP: Rim Reserve Permanent Wetland Preserves (PWP) for existing wetlands at high risk of being drained or filled.

CREP: Conservation Reserve Enhancement Program (CREP), combines RIM Reserve with the federal Conservation Reserve Program (CRP). Easements must be in the Minnesota River basin.

RIM Reserve: Minnesota's set-aside program removes lands from agricultural production to benefit water quality and fish and wildlife habitat.

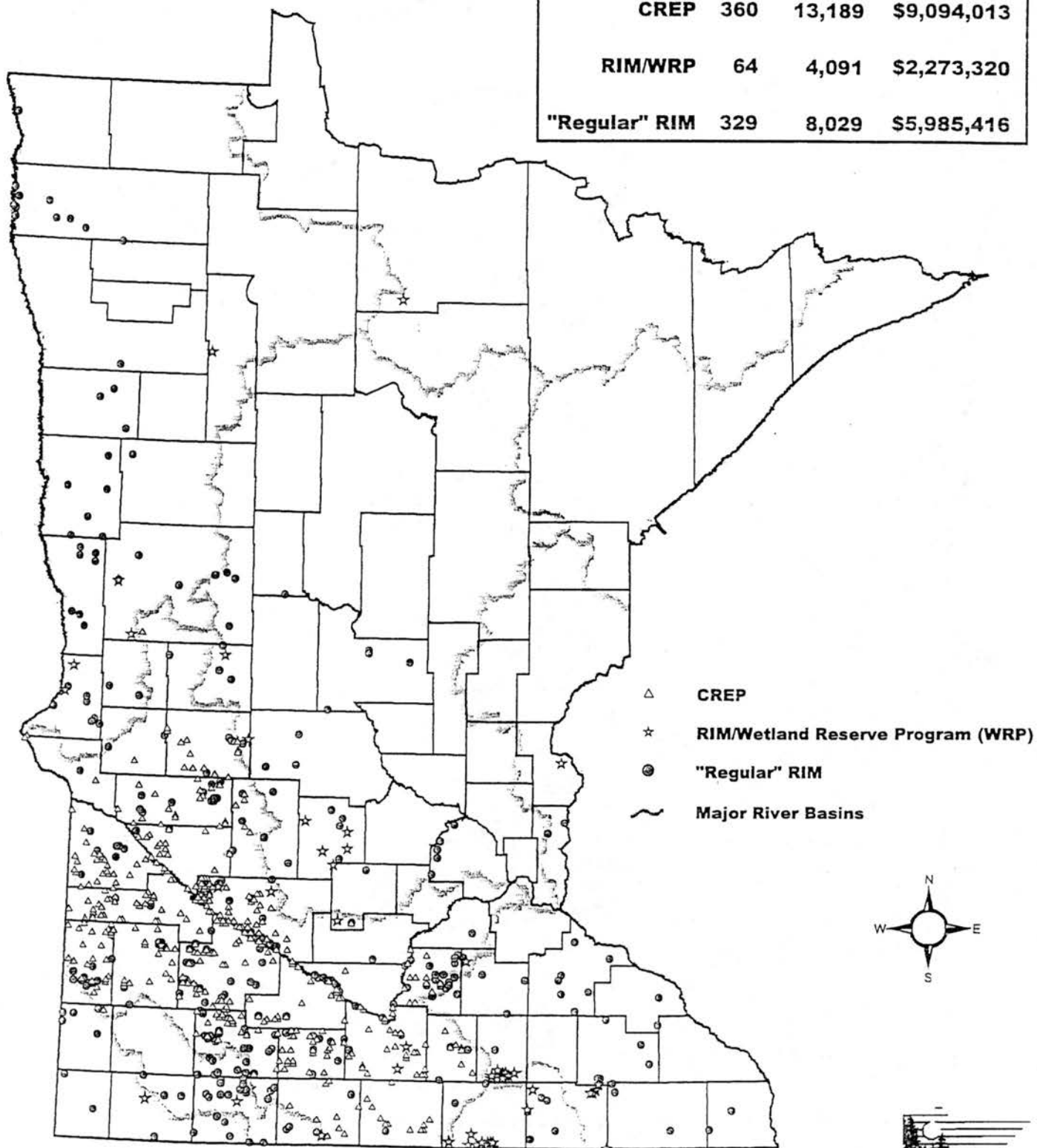


Conservation Easement Program Approved Applications 1998 & 1999

Attachment 2

Page 1

	Number of Easements	Acres	Dollars
CREP	360	13,189	\$9,094,013
RIM/WRP	64	4,091	\$2,273,320
"Regular" RIM	329	8,029	\$5,985,416



1998 & 99 Conservation Easements
(approved applications-to-date, FY99-00)

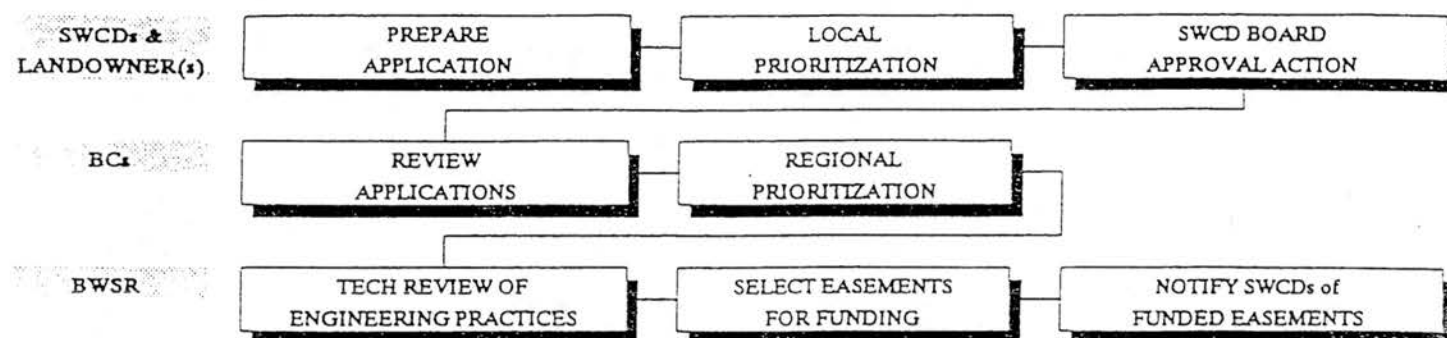
Page 2

	CREP		RIM/WRP		RIM		TOTAL	
	Easement Acres	Total Payments	Easement Acres	Total Payments	Easement Acres	Total Payments	Easement Acres	Total Payments
Big Stone	26.4	9,117.50	0.0	0.00	132.2	97,931.62	158.6	107,049.12
Blue Earth	497.6	361,685.97	208.7	130,315.35	105.1	109,918.22	811.4	601,919.54
Brown	731.4	594,045.51	0.0	0.00	36.3	16,529.29	767.7	610,574.80
Chippewa	674.1	498,964.48	0.0	0.00	20.1	15,930.36	694.2	514,894.84
Clay	0.0	0.00	0.0	0.00	200.7	100,020.89	200.7	100,020.89
Clearwater	0.0	0.00	148.4	50,687.50	0.0	0.00	148.4	50,687.50
Cottonwood	872.0	608,553.30	0.0	0.00	202.9	102,419.60	1,074.9	710,972.90
Douglas	0.0	0.00	0.0	0.00	100.2	52,259.95	100.2	52,259.95
Faribault	266.7	190,404.80	0.0	0.00	9.0	15,346.62	275.7	205,751.42
Fillmore	0.0	0.00	0.0	0.00	96.1	49,517.48	96.1	49,517.48
Freeborn	0.0	0.00	1,127.9	635,306.50	155.0	148,317.31	1,282.9	783,623.81
Goodhue	0.0	0.00	0.0	0.00	122.3	87,304.79	122.3	87,304.79
Grant	0.0	0.00	0.0	0.00	166.6	120,570.67	166.6	120,570.67
Hennepin	0.0	0.00	0.0	0.00	227.6	411,640.33	227.6	411,640.33
Root River	0.0	0.00	0.0	0.00	134.0	112,277.42	134.0	112,277.42
Jackson	0.0	0.00	181.3	77,635.57	355.2	344,680.66	536.5	422,316.23
Kandiyohi	342.2	249,515.47	0.0	0.00	145.2	158,755.35	487.4	408,270.82
Kittson	0.0	0.00	0.0	0.00	56.0	40,248.88	56.0	40,248.88
Koochiching	0.0	0.00	893.1	54,196.69	0.0	0.00	893.1	54,196.69
Lac Qui Parle	1,471.3	942,826.51	0.0	0.00	111.4	46,795.98	1,582.7	989,622.49
Le Sueur	591.2	497,122.66	0.0	0.00	302.7	234,745.53	893.9	731,868.19
Lincoln	1,305.3	641,649.95	0.0	0.00	226.5	84,700.12	1,531.8	726,350.07
Lyon	814.6	542,845.98	73.0	33,901.24	144.4	153,805.86	1,032.0	730,553.08
McLeod	106.5	94,572.68	130.3	72,567.50	23.6	20,586.85	260.4	187,727.03
Marshall	0.0	0.00	0.0	0.00	224.3	93,414.95	224.3	93,414.95
Martin	287.2	238,429.23	22.0	15,876.38	65.8	85,814.76	375.0	340,120.37
Meeker	0.0	0.00	189.9	93,261.99	108.2	72,609.32	298.1	165,871.31
Morrison	0.0	0.00	0.0	0.00	176.0	82,069.48	176.0	82,069.48
Mower	0.0	0.00	388.8	266,380.84	117.5	151,093.56	506.3	417,474.40
Nicollet	651.8	459,529.38	0.0	0.00	708.3	441,469.33	1,360.1	900,998.71
Nobles	0.0	0.00	139.5	66,862.71	85.5	88,827.69	225.0	155,690.40
Norman	0.0	0.00	0.0	0.00	142.5	44,868.50	142.5	44,868.50
Olmsted	0.0	0.00	47.9	26,130.00	221.3	239,306.84	269.2	265,436.84
East Ottertail	0.0	0.00	0.0	0.00	104.9	44,915.17	104.9	44,915.17
West Ottertail	3.1	1,213.59	73.4	24,688.07	82.6	51,704.96	159.1	77,606.62
Pennington	0.0	0.00	0.0	0.00	40.0	12,922.22	40.0	12,922.22
Pipestone	21.0	14,613.12	0.0	0.00	252.6	99,145.39	273.6	113,758.51
East Polk	0.0	0.00	0.0	0.00	11.2	6,866.72	11.2	6,866.72
Pope	575.2	306,122.15	191.9	30,541.15	211.0	147,704.80	978.1	484,368.10
Redwood	2,534.0	1,735,113.92	0.0	0.00	233.1	170,346.71	2,767.1	1,905,460.63
Renville	1,786.2	1,337,487.47	218.4	124,060.64	290.8	325,102.21	2,295.4	1,786,650.32
Rice	0.0	0.00	56.7	41,110.64	81.5	123,441.37	138.2	164,552.01
Rock	0.0	0.00	0.0	0.00	114.0	83,958.02	114.0	83,958.02
Scott	0.0	0.00	0.0	0.00	38.3	16,279.58	38.3	16,279.58
Sibley	0.0	0.00	0.0	0.00	1.6	2,555.75	1.6	2,555.75
Stearns	0.0	0.00	0.0	0.00	228.1	109,656.62	228.1	109,656.62
Steele	0.0	0.00	820.9	478,304.68	41.3	23,542.39	862.2	501,847.07
Stevens	27.0	10,818.36	0.0	0.00	79.1	74,695.72	106.1	85,514.08
Swift	472.6	330,413.50	0.0	0.00	314.0	151,202.33	786.6	481,615.83
Traverse	120.5	49,503.85	153.3	49,655.84	190.4	75,102.52	464.2	174,262.21
Wabasha	0.0	0.00	0.0	0.00	96.3	107,587.28	96.3	107,587.28
Wadena	0.0	0.00	0.0	0.00	36.5	11,039.47	36.5	11,039.47
Waseca	116.3	104,620.73	0.0	0.00	55.6	57,274.19	171.9	161,894.92
Washington	0.0	0.00	0.0	0.00	12.4	18,966.23	12.4	18,966.23
Watsonwan	695.9	570,408.20	0.0	0.00	167.1	165,340.32	863.0	735,748.52
Wilkin	0.0	0.00	0.0	0.00	265.8	185,255.80	265.8	185,255.80
Wright	0.0	0.00	0.0	0.00	62.3	60,428.87	62.3	60,428.87
Yellow Medicine	1,483.9	852,727.28	0.0	0.00	66.9	23,202.42	1,550.8	875,929.70

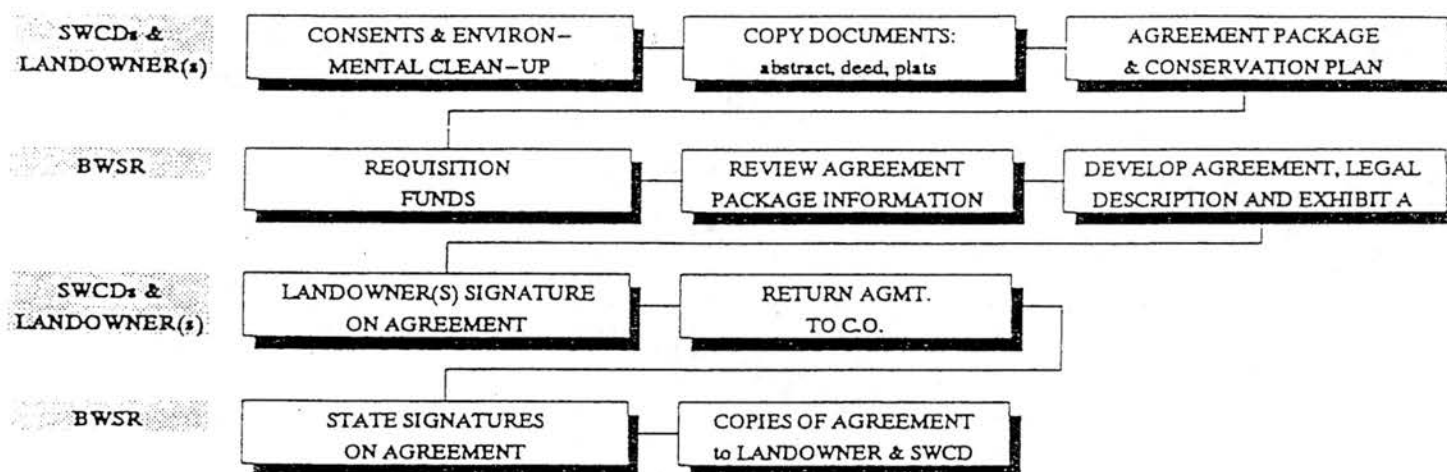
March, 2000

A.1 CONSERVATION EASEMENT ACQUISITION FLOWCHART

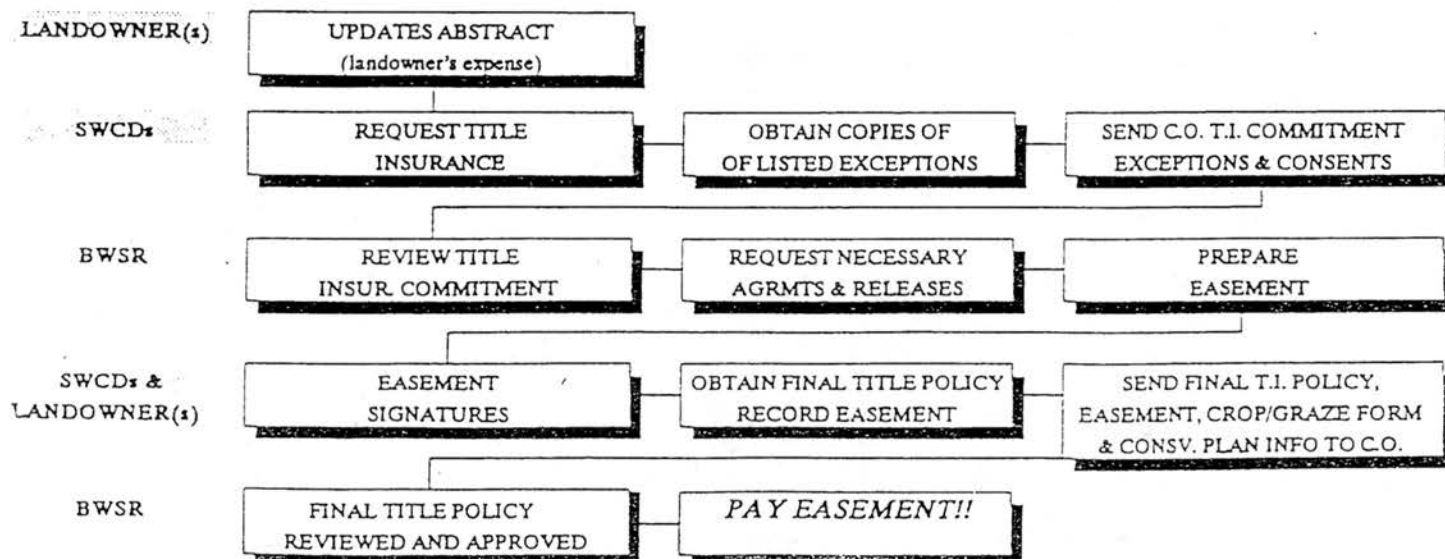
APPLICATION STAGE



AGREEMENT STAGE



EASEMENT STAGE



Temporary Land Retirement Program

The 2000 Minnesota State Legislature provided BWSR with 2.65 million dollars to implement a three year land retirement program to provide short term economic assistance to landowners. It was the intent of this legislation to target the Red River Valley due to devastating flooding and several years of crop failure due to disease. Counties being proposed to participate in this program are: **Clay, Polk, Red Lake, Pennington, Marshall, Kittson and, Roseau** based on 1998 and 1999 disaster declarations. Legislation makes class I, II, and III lands eligible. Based on 1982 N.R.I. data (our most current data) BWSR staff propose the following allocations by county. Legislation allows for 10 percent of the total allocation to be used for administration:

Clay	\$387,750
Polk	\$672,100
Red Lake	\$129,250
Pennington	\$206,800
Marshall	\$517,000
Kittson	\$310,200
Roseau	\$361,900
BWSR admin	\$ 65,000

\$2,650,000

Based on the above proposed county allocations, the following lists the approximate acres and number of participants per county. These calculations are based on the average CRP soil rental rate per county, 160 acres per participant, and an average estimated establishment cost.

Clay	1,550 acres	10 participants
Polk	2,600 acres	16 participants
Red Lake	590 acres	4 participants
Pennington	810 acres	5 participants
Marshall	2,150 acres	13 participants
Kittson	1,400 acres	9 participants
Rosseau	1,800 acres	11 participants

August 2000

DRAFT DRAFT DRAFT DRAFT

**BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
10990 95TH STREET, NW
MONTICELLO, MINNESOTA
AUGUST 23, 2000**

BOARD MEMBERS PRESENT:

Kathleen Roer, Jim Dahlvang, Jerome Deal, Jack Frost, Dwain Otte, Allan Oehlke, Clair Nelson, Lee Coe, Dan Wilson-MDH, Ginny Imholte, Rod Massey-PCA, Mark Dittrich-MDA, Jim Anderson-MES,

BOARD MEMBERS ABSENT:

Char Kahler, Paul Krabbenhoft, Darrell Bruggman, Wayne Edgerton-DNR

STAFF PRESENT:

Ron Harnack, Doug Thomas, Al Kean, Greg Larson, Steve Woods, Jeff Nielsen, Mary Jo Anderson, Marybeth Block, Peter Raeker, Ron Shelito

OTHERS PRESENT:

LeAnn Buck, MASWCD
Franklin Denn, MAT

Chair Roer called the meeting to order at 8:30 a.m.

00-66 **Adopt Agenda** – Moved by Clair Nelson, seconded by Ginny Imholte to adopt the agenda as presented. Motion passed on a voice vote.

00-67 **Approval of Minutes of July 26, 2000** – Moved by Lee Coe, seconded by Jerome Deal, to approve the minutes of July 26, 2000, as circulated. Motion passed on a voice vote.

New Business

FY01 Non-Point Engineering Assistance (NPEA) Grant - Greg Larson presented background information and the proposed base grants for eleven SWCD NPEA joint powers boards (JPBs). This is a non-competitive annual grant allocated to JPBs, to be used by each JPB to employ an engineer and technician to help landowners implement erosion control and water quality improvement practices with priority to state cost-share and non-point loan program practices. Discussion followed. Staff recommends approval of the proposed grants totaling \$1,222,323. Moved by Jack Frost, seconded by Clair Nelson, to approve the NPEA grants for FY01. Motion passed on a voice vote.

00-68

BWSR Meeting Minutes
August 23, 2000
Page Two

Minnesota River Basin Water Quality Improvement Projects – Ron Harnack stated that in January 2000, the Board approved the LCMR Minnesota River Basin Water Quality Improvement Projects. Two projects funded have been canceled. The request is to approve the reallocation of these funds to the Scott SWCD for three project applications that are ready for fall construction starts. Moved by Dwain Otte, seconded by Jerome Deal, to approve the Minnesota River Basin Water Quality Improvement Projects. Motion passed on a voice vote.

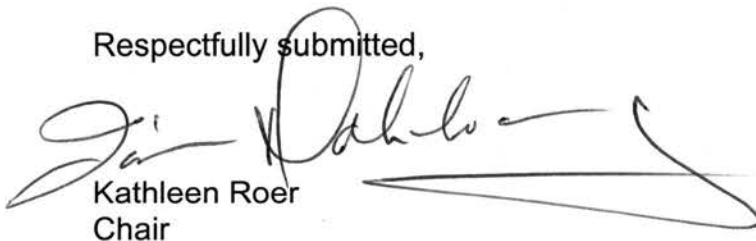
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00-69

Biennial Budget – Ron Harnack reported that the Governor intends to deliver a leaner budget for the biennium. Ron stated that this is a unique process; most of the money is committed by previous years' allocations. There will be limited spending to the 5%-6% inflationary adjustment. The Administration requests that each agency have a 2½% reduction, including all programs if they want to be in a "challenge pool" of funds. Agencies must submit their first draft, as well as initiatives, by September 15. No new applications will be accepted until the 2½% reductions are in place. Ron stated that we will look at our agency's core mission, activities that are least related to the Governor's big plan, and processes that create efficiencies. Ron suggested that the BWSR's Administrative Advisory Committee meet to discuss the implications of the biennial budget. Ron stated that a conference call will be held on September 8 at 1:00 p.m. with staff to discuss this issue. The Administrative Advisory Committee will be included in that conference call. Discussion followed. Ron stated that information will be sent out to the Board members to keep them informed.

Chair Roer adjourned the meeting at 8:55 a.m. The BWSR Retreat will begin at 9:00 a.m.

Respectfully submitted,



Kathleen Roer
Chair

**BOARD OF WATER AND SOIL RESOURCES
RIVERWOOD CONFERENCE CENTER
10990 95TH STREET, NW
MONTICELLO, MINNESOTA 55362
AUGUST 23, 2000**

AGENDA

8:30 a.m.

Call Meeting to Order

Adopt Agenda

Approval of Minutes of July 26, 2000

New Business

1. FY01 Non Point Engineering Assistance Grant –
DECISION
2. Minnesota River Basin Water Quality Improvement
Projects – DECISION

9:00 a.m.

Adjourn Board Meeting, Begin Board Retreat

AGENDA

- | | |
|-------|---|
| 9:00 | Introductions & Ground rules |
| 9:20 | Review the 1997 BWSR Strategic Plan |
| 9:55 | Stretch break |
| 10:00 | Perspectives of the Executive Director |
| 10:30 | Break |
| 10:40 | Top 3 issues |
| 11:15 | Rotation 1: Small Group Discussions |
| 12:00 | Lunch |
| 12:45 | Rotation 2: Small Group Discussions |
| 1:30 | Rotation 3: Small Group Discussions |
| 2:00 | Small Group Reports |
| 2:30 | Break |
| 2:40 | What did you like or dislike about the day? |
| 2:50 | What are the next steps? |
| 3:15 | Adjourn |

Attachment B

Group Assignments

Group One:

Kathi Roer, citizen
Darrel Bruggman, county
Jerome Deal, watershed
Jim Anderson, UMES
Tammy McGlone, BWSR
Ron Shelito, BWSR
Steve Woods, BWSR
Marybeth Block, facilitator

Group Three:

Allan Oehlke, swcd
Lee Coe, citizen
Ginny Imholt, watershed
Clair Nelson, county
Mark Dittrich, MDA
Doug Thomas, BWSR
Greg Larson, BWSR
Ron Harnack, facilitator

Group Two:

Dwain Otte, swcd
Jack Frost, watershed
Jim Dahlvang, county
Rod Massey, MPCA
Dan Wilson, MDH
Al Kean, BWSR
Jeff Nielsen, BWSR
MaryJo Anderson, facilitator

Not able to attend:

A representative from DNR (Wednesday)
Char Kahler, citizen
Paul Krabbenhoft, swcd

BWSR Strategic Plan Update

Riverwood Convention
Center
August 23, 2000

8/22/00

1

BWSR MISSION

The Mission of the Minnesota Board of Water and Soil Resources Is to Assist Local Governments to Manage and Conserve Their Irreplaceable Water & Soil Resources.

8/22/00

2

Board Tenets

- At the local level
- Voluntarily
- Comprehensively & collaboratively

8/22/00

3

Strategies

- **Encourage local resource planning & protection efforts**
- Build on local water planning and implementation
- Promote a watershed based management approach

8/22/00

4

SRATETIES Cont

- **Support local resource management activities**
 - Provide a forum to foster working relationships among state, regional, local & federal governments
 - Work to enhance local government efficiency, effectiveness and accountability

8/22/00

5

Statetegies Continued

- **Develop & maintain the capability to deliver competent service to local units of government**
 - **Technical capability:**
 - Soil conservation
 - Engineering
 - Groundwater
 - Wetlands
 - Information management
 - Communications
 - Planning & administration

8/22/00

6

Strategic Plan Weaknesses

- Unclear outcomes
- No specific measures of success
- No 5 to 10 year goals and objectives to direct programs and budgets

8/22/00

7

What's on the Horizon

- Implementing the state water plan
- Watershed based management
- Effective and efficient delivery of soil & water conservation
- Streamlining programs and processes

8/22/00

8

Implementing the state water plan

- Build on the water planning process
- Promote and expect watershed based management
- Advocate the land-use connection – *As the land goes so goes the natural resources*
- Enhance local technical, administrative and financial capacity & authority
- Coordinate state technical and financial resources to local government

8/22/00

9

Defining Watershed Based Management

- Is it watershed districts?
- Is it soil & water conservation districts?
- Is it county water planning & implementation?
- Is it metro water management?
- Is it a specific way or style of governance?

8/22/00

10

Watershed Based Management Is:

- A framework of
 - Authorities
 - Responsibilities
 - Principles
 - Goals
 - Objectives
 - Inventories & assessments
 - Outcomes
 - Capacity/capability

8/22/00

11

Watershed Based Mgmt Elements Continued

- Guiding principles
 - Sufficient authority to achieve outcomes
 - Financial authority, capacity and independence
 - Administrative and technical staffing capacity
 - Administration
 - Technical
 - Legal
 - Citizen involvement
 - ??????

8/22/00

12

Challenges – Performance Based Rules

- Integrated rule making
 - County water plans
 - Metro water plans
 - Watershed district plans
 - SWCD plans
 - Lake improvement district plans

8/22/00

13

Challenges - Grants

- Enhancing grants administration
 - Build off natural resources block grant (NRBG)
 - River basin base and competitive grants
 - WEB based application and reporting
 - Enhanced agency coordination
 - Enhanced efficiency and effectiveness

8/22/00

14

Challenges – integrating state-local efforts

- Enhanced agency coordination & support
 - Agency participation in local process
 - State goals & outcomes integrated with local plans
 - State capacity focused on realizing local plan outcomes
 - Communication & coordination through BWSR board

8/22/00

15

Challenges – building capacity vs beurocracy

- Revisit the recommendations from *cross currents*
 - Reducing or eliminating local government barriers to efficient governance
 - Create opportunities for local government governance options
 - Provide incentives for local government efficiencies and capacity building

8/22/00

16

Creating Governance Opportunities

- Washington County Study – Aquarius
- Scott & Carver County Initiatives
- Board of Innovation
 - A catalyst
 - BWSR an active partner?
 - Yes
 - No

8/22/00

17

Conclusions

- Watershed based local water management
- Watershed based governance can realize enhanced delivery system efficiency & effectiveness
- BWSR through the membership on the board can provide effective leadership

8/22/00

18



Watershed Based Management Is Shared

- Vision
- Goals
- Objectives
- Responsibility
- Shared
- Accountability
- Success

8/22/00

19

Setting the Stage

- Constituency
 - Who are our major customers?
- Current board mission & strategies
- Overview of MN's water mgmt. framework
- Overview of the new state water plan
- Parting thoughts

8/22-23 BWSR Retreat

1

Current Strategic Plan Strategies

- Encourage local resource planning and protection at the local level through:
 - Comprehensive local water planning
 - Watershed based management

8/22-23 BWSR Retreat

3

Mission Statement

- The mission of the Minnesota Board of Water and Soil Resources is to assist local governments manage and conserve their irreplaceable water and soil resources

8/22-23 BWSR Retreat

2

Current Strategic Plan Strategies

- Supporting local resource management activities by:
 - Providing a forum to foster working relationships among state, regional and local units of government
 - Maintaining and enhancing the efficiency and effectiveness of the resource management programs the board administers

8/22-23 BWSR Retreat

4

Current Strategic Plan Strategies

- Develop and maintain the [board's] capability to deliver competent service to LGU's by:
 - Developing and maintaining the capability of staff and board members to provide competent technical and leadership assistance
 - Seeking opportunities to develop and carry out new initiatives to manage soil and water resources

8/22-23 BWSR Retreat

5

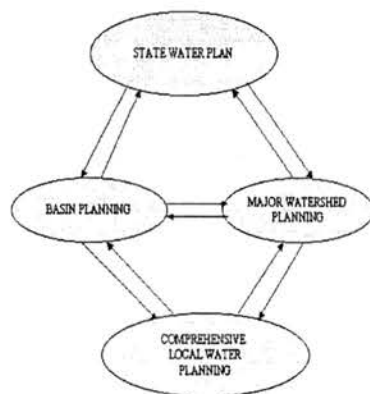
Water Planning Framework Results

- Allows each level to do what it is best at doing
- If successful it should result in
 - A state plan with broad goals, objectives and indicators
 - Basin plans that are comprehensive
 - Major watershed level plans which identify specific problem areas, pollutants and reduction targets
 - Local plans that are focused on implementation

8/22-23 BWSR Retreat

7

Minnesota's Water Planning Framework



8/22-23 BWSR Retreat

6

The State Water Plan

- Legislatively mandated 10 year plan
- This legislatively mandated plan is a major part of Governor Ventura's Water Management Unification Initiative designed to:
 - Focus on major water basins to recognize their differences
 - Unifying water management through inter-agency teams in each basin
 - Measuring results by developing and tracking progress toward a statewide framework of goals and objectives adapted to each plan

8/22-23 BWSR Retreat

8

Minnesota's Major River Basins



8/22-23 BWSR Retreat

9

Minnesota Watermarks the first step (cont.)

- Identified cross cutting themes
 - Local planning and funding
 - Land use
 - Prevention
 - Education and stewardship climate effects
 - coordination

8/22-23 BWSR Retreat

11

Minnesota Watermarks the first step

- First step in the State's plan to protect and conserve Minnesota's water
- Start of a ten year process to unify efforts and measure results
- Focuses on 4 goals, nine objectives and ten indicators
- Includes basin specific objectives and indicators

8/22-23 BWSR Retreat

10

Minnesota Watermarks the next step

- The next water policy report is due to the legislature in September 2002
- Work will begin now to identify
 - Key strategies and related responsibilities
 - Track our progress toward the goals and objectives in Minnesota Watermarks
 - Set ten year targets
 - Evaluate existing actions and programs

8/22-23 BWSR Retreat

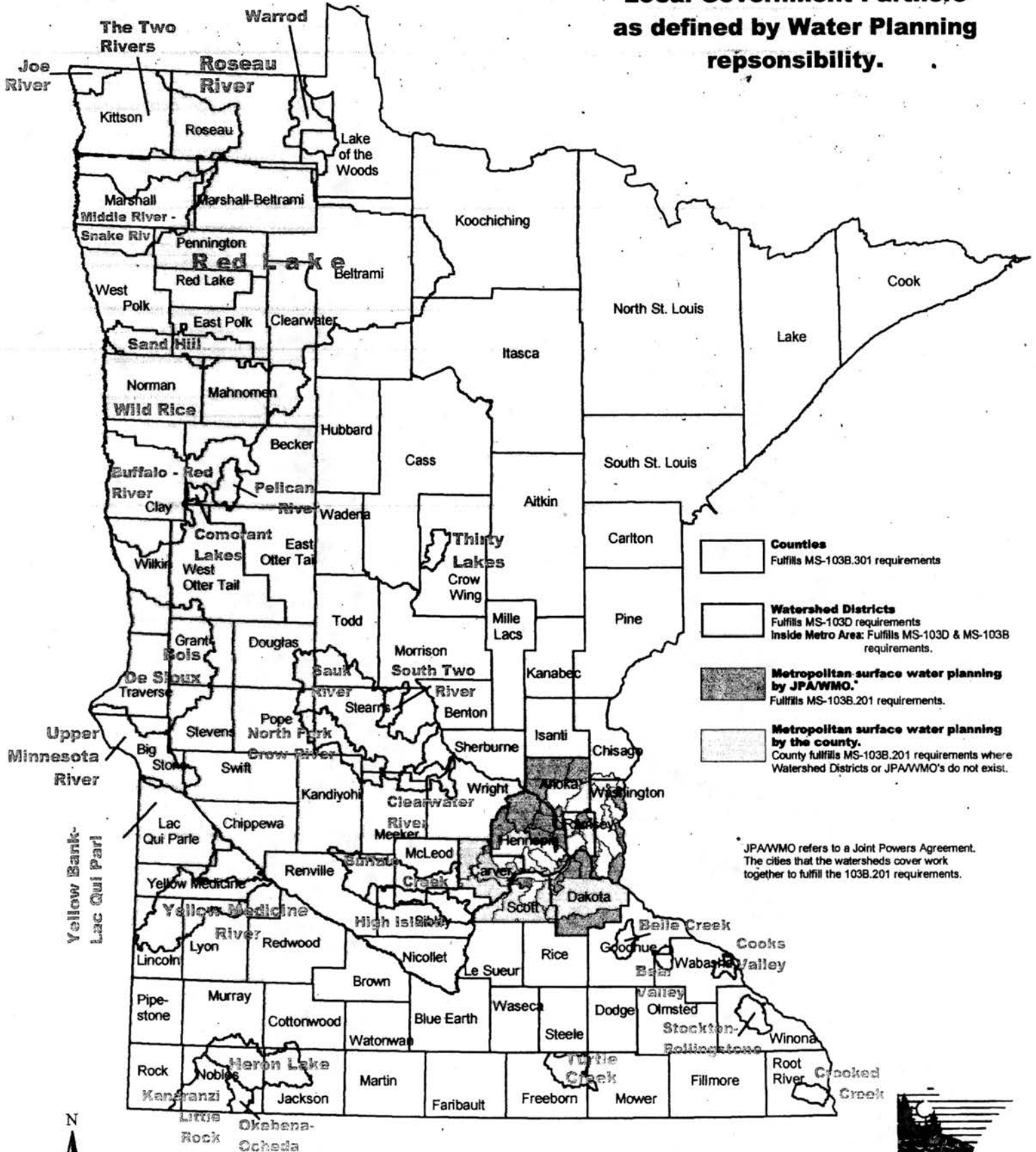
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Parting Thoughts

- ✿ The weak link in the water planning framework seems to be with basin and major watershed level planning
- ✿ Since 1989 and the groundwater protection act there is an expectation that BWSR will play an important coordinating role in water resources management
- ✿ The state will continue to place even greater reliance on local governments to protect water resources in the future

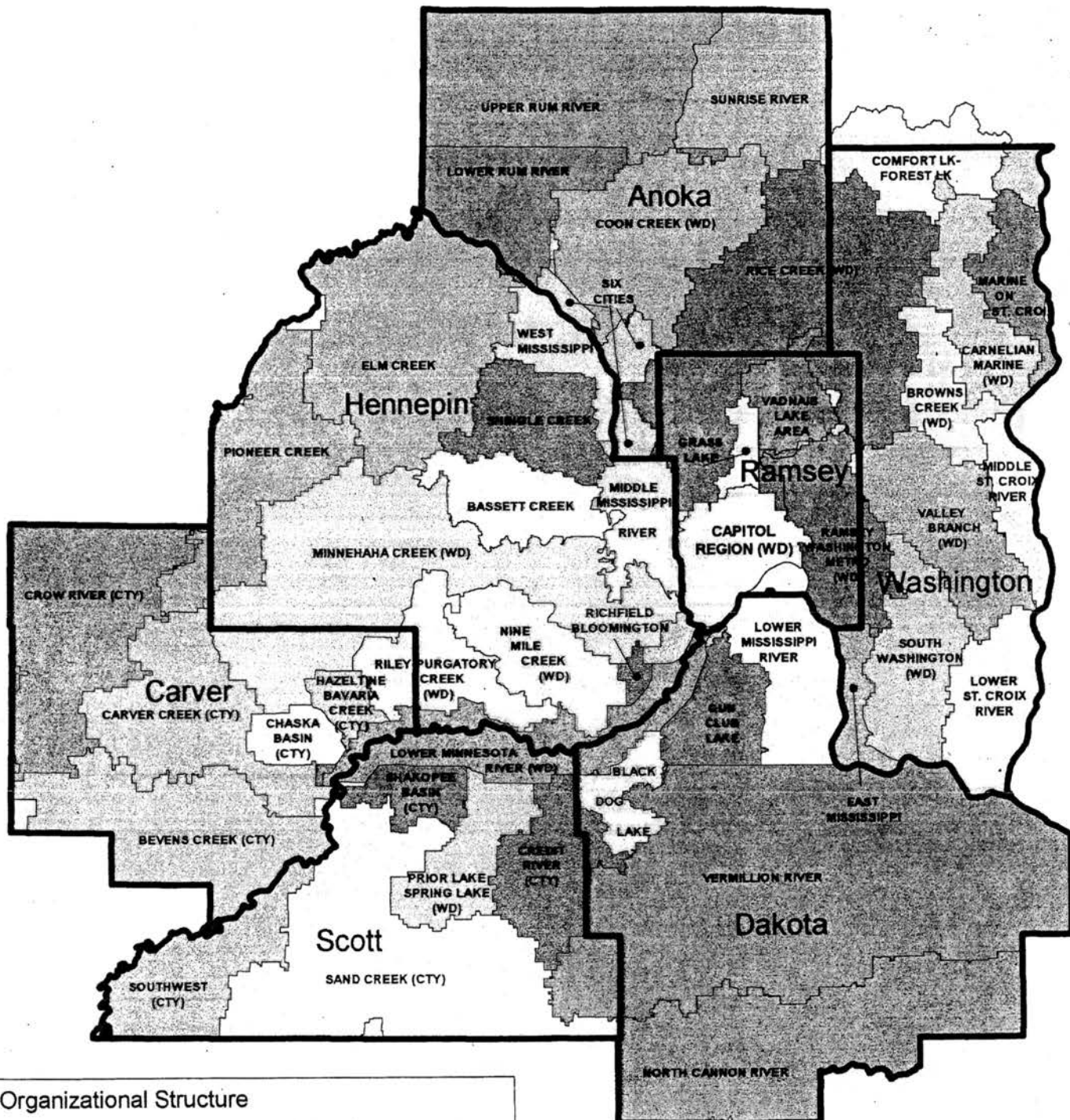
Board of Water & Soil Resources
and some of their
Local Government Partners
as defined by Water Planning
responsibility.



Watershed Management Organizations

in the Twin Cities Metropolitan Area

March, 1999



Organizational Structure

- (WD) Administration provided through Watershed District Structure.
- (CTY) Administration provided through County Government Structure.
- (not noted) Administration provided through Joint Powers Agreement Structure.

* These boundaries are being updated, they are to be used for reference only.

Board Retreat Notes August 22 & 23, 2000

THE STATE WATER PLAN

The State Water Plan is a legislative mandate. The current plan *Minnesota Watermarks*, is designed to:

- focus on major watershed basins and thereby acknowledge the geographic differences in the state that affect water management;
- unify water management in the major basins through interagency teams; and
- measure results by developing a statewide framework goals and objectives, adapted to each basin.

This plan was drafted with *substantial input* from local water managers within the major river basins.

Minnesota Watermarks is the start of a ten-year process that will attempt to unify water management efforts and measure progress meeting the four goals, nine objectives and ten indicators identified within the plan. To meet those ends, key strategies and roles will soon be identified along with ten-year targets.

THE BWSR STRATEGIC PLAN, CIRCA 1987

Plan strengths:

- like the Board's Tenants section
- strategies are good (Strategies section)
- short and easy to read
- clearly communicates the belief that decisions are best made at the local level
- general nature keeps the document current – as written it's timeless
- like the Board's Mission section

Consider building in:

- private lands
- land use/development policy
- define BWSRs niche, what makes it unique
- how new landowners get educated
- regional management without creating more government
- differentiating between protection and restoration
- how to communicate lessons learned in one area of the state so it can benefit another area.

Consider building in (contd.):

- involvement with production agriculture
 - BWSR visibility – how we market ourselves
 - bridging local – regional – state responsibilities and roles
 - prioritization of efforts
 - keep up with emerging trends
 - do more to strengthen state and local relations and understanding of roles
 - bwsr's role in forestry
 - protect and maintain the ability to respond quickly
 - clear outcomes
 - measures of success
-

WHAT'S ON THE HORIZON? BWSR's role in:

- 1) Implementing the State Water Plan by promoting that the plan:**
 - a. build on local water planning process;
 - b. promote and expect watershed based management;
 - c. recognize and address the land use connection;
 - d. enhance local technical, administrative and financial capability and authority; and
 - e. coordinate state technical and financial resources to local governments.
- 2) Promoting watershed based management by:**
 - a. defining it;
 - b. setting guiding principles for it;
 - c. laying out a framework for it; and
 - d. getting state resource management agencies to agree on above items.
- 3) Meeting challenges, such as:**
 - a. performance based rules (suggests integrating rules for county water planning, metro water planning, watershed district plans, swcd plans, lake improvement district plans;
 - b. enhancing grants administration;
 - c. integrating state and local efforts
 - d. building capacity v. bureaucracy; and
 - e. creating opportunities for new governance structures.

Conclusions:

- Watershed based management is the best framework for managing water resources;
- Watershed based governance can realize enhanced delivery system through improved efficiency and effectiveness; and
- BWSR, through its board members and their affiliation, can provide effective leadership.

SMALL GROUP DISCUSSION HIGHLIGHTS (see addendum for small group records.)

Issue 1: Define watershed based management and how BWSR will live it.

Water managed according to hydrologic boundaries by "nested" levels of government is an efficient and effective approach to water management.

The state agencies responsible for water & land management need to identify water management framework, including outcomes and what each level's role is achieving that outcome.

Any framework must build in communication links back and forth between the levels.

Don't ignore the small hydrologic units as this is where citizen's can relate and get involved.

Issue 2: What is BWSR's role in promoting efficient delivery of water management 1) through local governance structures; and 2) through BWSR's unique membership that can streamline state programs and resources?

LGU governance structure

Streamline the number of LGUs.

The Board role is not to define how local governments should organize. But it is appropriate for the Board to set criteria that would indicate local governments are efficient and effective in managing the water resources under their jurisdiction for the long-term. Then LGUs or agency staff can compare their organization to the criteria to see where things are in place and where they are missing.

Streamline Resources

Because BWSR represents local government units and the state agencies, it should lead efforts to coordinate and cooperate land and water management activities as all levels. To do this the board should: a) develop a cooperation strategy framework; b) get all agencies to buy into it c) communicate reasonable and practical goals and identify the roles of regional administrators and supervisors. BWSR members must be catalysts. Coordination/cooperation areas: grants, studies, work plans, priorities, etc.

Issue 3: How is the board going to bring SOIL back into the board of water and SOIL resources?

Need to bring (back?) an emphasis to soils and define and prioritize what soil-related outcome(s) the board wants to achieve. Need to improve technical capability in soil conservation and soil science. The board may want to consider broadening the effort to Land Stewardship to not only encompass soil conservation but also address ag land preservation and other related land issues. Efforts of the BWSR should be focused on the acres where water and soil intersect, then on the highly erodible acres.

ADDENDUM TO

Board Retreat Notes

Small Group Discussion Records

ISSUE #1: Watershed Based Management

- state water plan
- ecosystems
- land use relationships
- agency organization - basin – county ??
- soils
- basin – watershed – adoption of?? Org structure by basin
- surface water – groundwater – allocation of water
- expectations of watershed based management
- wetlands
- TMDLs

HORSES

- ****Role for BWSR liaison/advocate for local and state water planning. Further the development of where that goes.**
- Barrier: Multiple-layers
- Benefits: where there is a great movement toward achieving is more rapid
- Multiple layers allows groups to advocate on behalf of their needs
- SWP may not be as effective as hoped but need connection state – local. BWSR approval or plans?
- ****Get interested parties involved early on in watershed efforts**
- State water plan could be a framework with proper level of involvement..
- ****BWSR's role: advocate, catalyst**
- Watershed: question of scale
- WBM: management on a hydrologic boundary. Different levels/capabilities can work together toward on ultimate goal for basin.
- ****Nested approach – get political out – hydrological**
- BWSR define roles/responsibilities of the different hydrologic levels
- Organize according to hydro boundaries – difficult to do totally = county
- WMB something unites the managers to manage on hydro boundaries
- What's the interaction between local water plans and watershed district plans
- WMB tie in units of government within watershed
- ****Agree on key concepts and goals to guide LGUs in that watershed i.e. roadbuilding, subdivision**
- Afraid of losing authority
- Expanding taxing authority (WDs) often met with opposition
- WBM doesn't necessarily mean watershed districts, it's a boundary uniting common interests
- BWSR needs to define a framework for Watershed Based Management.
- Advocate WBM integrates land use planning
- Land use plans sometimes used as dispute resolution
- ****slosh back/forth local and state goals**

FROGS

- ****Need to define scale – basin – watershed start here, agree on what they mean**
- Need to have different scales but must designate who decides the scales; what are the outcomes you are going to manage for
- Do we want to manage on hydrologic boundaries?
- No one perfect system
- ****Like concept of nested approach: basin/watershed/county/SWCD**

- Basin often thought of as MN, Red, Upper Mississippi
- Hydrologic boundaries: surface water vs. ground water
- Define what you're managing on a hydrologic scale, managing people? Managing resources?
- From a strategic plan viewpoint watershed approach can make sense
- ****Can't draw definite lines, need ability to waiver between scales**
- ****Feels like the people in the state need to pick mgmt boundaries: ecosystem? watershed?**
- BWSR may be best to pick because of its unique membership
- ****High power needs to set the outcomes. Scales will be dictated by them**
- If we manage hydrologic boundaries may have different "standards/practices" within a given county. Comfortable with that.
- Two main issues: who defines scale; how do you implement
- The larger the scale the larger the projects are i.e., farm feedlot v. basin – 100,000 acre reservoir
- Bigger the scope greater the tendency to lose individual efforts
- There is a niche for the big projects as well

LIONS

- ****Like to see BWSR look at minor watersheds because you get citizen involvement, buy in is important**
- Need guidelines, broad direction for locals to organize under
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- Easier for the citizens to rally around small scale (minors)
- Metro encompasses four basins but little interaction with basins – should it be separate
- Establish basin guidelines – water quality action; - natural resources (water, land, wildlife)
- Guidelines need to accommodate the differences in the basin
- Break basin guidelines down at the major watershed level
- Local managers can use major watershed guidelines to guide/prioritize their implementation approach
- Erase disconnect major watersheds and local resource managers
- Acknowledge the intangibles – climate, air
- Is Minnesota considered watershed management model? Not real efficient

ISSUE #1: Watershed Based Management - Conclusions

HORSES

Jerome Deal, spokesman

- Uncomfortable with SWP
- WBM – lots of ideas, get parties involved in the watershed plan is the main issue, get political out of it-need for hydrological boundaries. BWSRs role is to play in between all of this, define framework; slosh back/forth local and state goals

FROGSDwain Otte, spokesman

- Define scale, basin/watershed, like concept of nesting approach
- Define what you're managing on a hydrological scale? People or resources?
- Can't draw definite lines, need ability to waiver
- Feels like the people in state need to pick management boundaries
- Who defines the scale, how do you implement

LIONS Jack Frost, spokesman

- Most citizens get involved at a local level, need local at minor watersheds so they get county, ripple down effect
- MN JPB is not the best model for the State of Minnesota

ISSUE #2 – *Efficient Delivery*

- local governance structures
- BWSR Board (membership) to streamline/optimize available resources
- streamline WCA to reduce the resources (time) it consumes
- TMDLs

LIONS

(#1 – local governance structures)

- More with less

Barrier:

- How to get all agencies looking at/working toward same goal?
- Problem; mixed messages nothing done/inefficient

Policy:

- Communication/coordination with legislature on down to local unit
- Will BWSR develop strategy to deal with cooperation issue?
- Role of BWSR in coordination/cooperation
- Support from executive branch
- Regional offices: where should they be?

Strategy:

- All agencies buy into framework
- Develop interagency work group
- Develop framework
- Buy-in from agencies
- Communicate reasonable and practical goals
- Role of regional administrator/supervisors
- BWSR members become catalysts

(#2 – BWSR board (membership) to streamline/optimize available resources)

Policy:

- Electronic delivery of services
- Simplify application process

Barrier:

- Uncoordinated efforts between agencies
- Training/funding
- Application process – not all counties ready for electronic delivery

Benefit:

- Less paper

Strategies:

- Do it!
- Identify people who don't have access

(#3 – streamline WCA to reduce the resources (time) it consumes)

Barrier:

- people's perceptions of WCA
- USDA and Army Corps of Engineers

Policy:

- Complex issue – takes resources

Strategy:

- BWSR staff out of day-to-day administration

FROGS

(#3 and others)

Barrier:

- BWSR not a catalyst now, for interagency resolution of issues
- Conflicting priorities – local vs. state

Strategy:

- 404 program – need to coordinate between agencies outcome? Consolidation?
- Define outcomes
- Streamline LGU (fewer numbers)

Policy:

- Consequences are rare for unmet outcomes

(#4 – TMDLs)

Strategy:

- BWSR partner with PCA; get the word out
- TMDL can target watershed management

Barriers:

- Locals don't know what it is
- Political perception that we're helping only those with problems

Benefit:

- Help define outcomes at watershed level
-

HORSES

(#1 and #2)

Policy:

- We have forum (interagency communication)

Strategy:

- Get line staff talking more
- one group decides on grants
- Get away from one size fits all – keep focus on local
- Keep review of grants on regional level
- One work plan – integrated work plans/criteria among agencies

Barrier:

- Agency has different programs tied to funding sources. We don't understand programs (while we get our own programs done)
-

ISSUE #2: *Efficient Delivery - Conclusions*

LIONS Jack Frost, spokesman

- Do more with less, must be more efficient, regional offices; BWASR should look at way administratively to coordinate regionally to make much more efficient usage for citizens.
- BWSR role to involve the right people, BWSR's involvement with locals ties to coordinate these efforts, coordination between all agencies.

HORSES Ron Shelito, spokesman

- **Efficiency is good, cooperation, BWSR should do more of both**
 - Forum with board make-up for interagency coordination, focus on those things
 - Grants, one size fits all, make less work; efficiency needed there, be careful not to over-fix program and pile in with a bunch of other things/agencies to make a big process
-

- Do as much coordination as possible, details locally, rather than create another black hole in St. Paul
- Efficiencies made within our own agency before we preach to other agencies about coordination and efficiency

FROGS Dwain Otte, spokesman

- BWSR is not a catalyst now for resolution of issues
- 404 program need to coordinate
- Policy in place is cost-share, consequences for automatic outcomes
- Conflicting priorities through delivery system of local thru State
- Define outcomes
- Streamline LGU, can LGU authority be assigned to someone else
- How to get the word out, PCA define outcomes at watershed levels
- TMDL can target watershed management
- Political perception that we're helping of those with problems

ISSUE #3: Soil Conservation

- Coordination of agency initiatives
- Soil productivity
- Water quality
- Soil erosion agriculture
- Soil quality
- Nutrient management – soil quality parameters
- Sediment and erosion in urban areas
- Land capability/sustainability

Comparative Priority

- Water quality
- CREP
- WCA
- Soils

Soil Conservation – bring emphasis back

- a) production agriculture
- b) soil surveys
- c) soil quality
- d) agriculture
- e) urban
- f) forestry
- g) lakes

Policy Issues:

- 1) Technical capacity is lacking training (varies across the state ability to relate with CCs)
- 2) Assessment of problems
 - data
 - NRI
 - Soil surveys
- 3) Public vs. private role
- 4) **Dollars have remained the same for 20 years**
- 5) Priority for dollars
- 6) Is there "public interest"

- 7) Agency roles and level of activity?
MES, PCA, MDA, BWSR, Health
- 8) Is this currently a priority?
- 9) Who do we serve
 - is it outcome based?
 - Is it size of producer based?
- 10) What's the outcome we (BWSR) want to see?
- 11) Revisit soil loss limits legislation
 - every city and county should have ordinance
 - T by 2010

BWSR Strategies:

- 1) Training in soil conservation and soil science, more specialized programs
- 2) Alternative crops, ie trees
- 3) Establish a state soil scientist/specialist position
- 4) Public "state" of soils in Minnesota
- 5) Update in GIS soil mapping
- 6) Relating soil conservation with existing initiatives (each agency playing a role)
- 7) Relating quality – erosion – productivity, etc.
- 8) Play strong role in 202 farm bill conservation element development
- 9) Agricultural land preservation
- 10) Land Stewardship
- 11) Focus on soil/water quality relationship
- 12) Focus on 2.5 marginal, 2.5 erodible
- 13) Build soil conservation into current programs – grants – plan approvals

ISSUE #3: Soil Conservation - Conclusions

FROGSD Wain Otte, spokesman

- How to bring emphasis of soil back into the mix, is it out of the mix?
- Coordination of agency initiatives
- Soil productivity
- Soil erosion agro
- Soil quality
- Nutrient management – soil quality para
- Sediment and erosion in urban areas
- Land capability/sustainability
- Who do we serve
- What's the outcomes

HORSES Jim Anderson, spokesman

- Agricultural land preservation
- Land Stewardship, management
- Focus on soil/water quality relationship – where does BWSR fit into the scheme of things?
- Focus on 2.5 marginal and 2.5 erodible
- Building Soil conservation into current programs, grants, soil piece gets addressed in those

LIONS Jack Frost, spokesman
had no further conclusions on this

Transcript from Small Group Reports

Watershed Based Management

Group 1 Jerome Deal

State Water Plan – too much of a top down approach

Role of BWSR is a liaison

What is Watershed Management?

Does it mean watershed – not necessarily, Igus working within that boundary

Main thing is to get people within that boundary involved

Each unit of government is capable of doing things better

Overall plan needs to describe what the next unit down is best at doing

Watershed Approach is to get the political out – go with hydrologic boundary

Quite an overlay of plans we need to connect: Basin, local watersheds, county water plans

BWSRs role is played in between those levels

Goal is to guide the Igus through, BWSR needs to create a master plan that defines the framework for watershed-based management.

Have to go back and forth between state and local. BWSR needs to take the local plans and ideas back to the state level.

Group Two: Dwain Otte

Define the terms relating to scale – groundwater or surface water boundaries?

What are the outcomes we are managing for? Define what you are managing for?

Need ability to waiver back and forth between different scales.

Who defines the scale of watershed-based management? Who implements?

State needs to pick the management boundaries so all agencies are using the same boundaries. BWSR may be best to pick.

Bigger the scale the greater the tendency to do large projects, less likely to do the small, individual practices

Group Three: Jack Frost

"Ditto" but one thing to add: To get people involved you need to manage at a smaller scale. Hard to get the citizens of Alexandria to rally around the Minnesota River when there is a hundred mile disconnect. Don't forget the small watersheds.

MN River is not necessarily the right model to follow.

Efficient delivery of services

Group 3 – Jack

Everyone is trying to do more with less – passing the overflow down to the next level.
Fed – State – Watershed – County

Regional offices need to be co-located. BWSR should take a look at if there is a way to consolidate state services at the regional level in the same area.

Each agency has their own perspective on what's happening. BWSR's trying to get the local perspective, need to get involved with the other agencies as well. E.g., PCA and Ag both do a MN River Study individually, could have combined. BWSR maybe could serve to consolidate/coordinate those efforts. BWSR coordinates statewide issues.

Group 1: Ron

Slogan: One hundred years of tradition unhampered by progress.

BWSR needs to put more focus on interagency coordination.

Grants could have efficiencies but need to be careful not to "overfix" what is working now.

Do as much coordination/detailed thinking/detailed decision-making out where the projects and programs are being delivered as opposed to St. Paul.

Address improved efficiencies within BWSR first before we focus heavily on improved efficiency and coordination with other agencies.

Group 2: Dwain

BWSR needs to coordinate the 404 program between agencies

How do we define outcomes and tie them to the dollars we put out

Streamline the LGUs, maybe we need fewer numbers (regarding WCA)

TMDLs – how do partner with PCA to get the word out. Help define outcomes at the watershed level. Can target watershed activities.

Ron: What did you do with local governance? Avoid it like the plague?

Group 2 spent some time on it. (Doug)

The board needs to be involved at a level of establishing principles or things that you need to have in place to have effective and efficient management. Then our staff would use those principles to work with LGUs that are having difficulties. Role is not to define how they should organize, but to set a level or bar that would say "effective or efficient water management means you have this, this and this in place". Boards role from a policy perspective would be to develop those criteria which would give staff and others the basis to go out and say you don't have these things in place this is probably why you are experiencing difficulty you are and you

guys need to come up with strategies that will help you address those things that will in the end translate into efficient and effective water management.

LeAnn – I guess the question for me is if we can't define watershed management and determine our outcomes how are we going to trigger a question on local governance systems or structures.

Doug – I think it gets into (being efficient and effective) financial aspect, capable administration – a number of things they should be doing from an organizational level that makes them effective.

Ron – I didn't hear anyone focus in on that issue (local governance structure) but I didn't want to get a context of it in relation to our efforts with the Board of Government and Innovation – if we're going to avoid the issue we better know now before we get our feet much wetter.

Doug – WE talked a little about in terms of BERBI – they are going through some real pains in terms of how they are working. It seems if we had those guidelines identified and we could go and say "from the Board's perspective these are the kinds of things you need to have in place". Then the locals can do a self assessment and look at what they have, compare that with the guidelines identified by the board see where things are missing and then the board can go in and have that discussion and resolution. It's like what Washington County did to get to the point where they said these are the things that have to be in place in order to have efficient management and protection of water resources in the county long-term. They went back and looked at the existing structures and determined where they had that in place and where they didn't and that translated into a water management organizational restructure recommendation.

??? - One of the things we talked about was duplication of efforts on the local level and the state level.

Soil Conservation Group:

Dwain

How do we bring soils back in the mix.
(Read from the tag sheets - See Addendum report)

Group One: Jim Anderson

A lot of the same discussion as previous group.

Ag Land Preservation discussion led us to the idea that we are really talking about something larger than just soil conservation – more like Land Stewardship. Use that terminology to avoid land use that can push hot buttons. Land stewardship infers land management. If your looking at the issue from a land stewardship perspective you recognize that soil and ag productivity is important but where does BWSR fit in? Scenario: on one hand you may have high ag lands that you want to keep in production – that may be MDA and extension's role keeping those productive lands (education standpoint). On the part of the perspective is marginal lands – particularly where that land interfaces with water – is maybe one way to focus soils and the soil/water relationship. That maybe could be the number one soil focus, then the second focus is the highly erodible land not interfacing with water. Relates back to soil productivity. The strategy is to build those elements into current programs and build in expectations into existing programs where the soil productivity and stewardship gets built in.

Jeff N. we had a similar discussion (number 7) regarding agency's role cuz PCA or AG or for example when Health does well head protection and they have their well head protection zone, you can tie in soil productivity, soil quality, nutrient management, fertilizer/pest application license. Every agency is doing something different. Different agencies will do different things in that same soil conservation effort.

A Proposal from Marybeth Block regarding updating the BWSR Strategic Plan

1. **Introduce the Business Strategy Model (BMS)** to the Board, carefully explaining what it is, why it was developed and how it will be used. Be aware that some things, such as the rewording of the mission statement, may be unsettling to them. The BMS can address the prioritization of efforts (mentioned as a strategic plan "build-in" at the retreat).
2. **Board Membership.** Having the agency representatives as voting members on the board added to its uniqueness and can and should be used to foster coordination among state agencies and local units of government. This section could be expanded to build in defining BWSRs uniqueness and its niche, as suggested at the retreat.
3. **The Board's Mission.** Decide whether or not the private lands issue is important enough to add to the mission statement, or at the very least mention in the narrative of this section. Rather than referring to *Minnesota Milestones* make a reference to *Minnesota Watermarks*.
4. Consider adding **BWSR policy statements** regarding: land development, forestry, involvement with production agriculture, soil conservation
5. **Review the trends**, decide whether they are still applicable and decide if any new ones need to be added.
6. **Review the current strategies.** Determine how to build in measurable outcomes (could do as an addendum to the body of the plan). The outline below pairs the strategies listed in the current plan (bold small letters and roman numeral) with ideas generated at the retreat (numbers and small letters). At some point BWSR needs to identify outcomes (goals?) for the strategies and actions/responsible parties/timelines for the outcomes.

a. Encourage local resource planning and protection.

- i. Comprehensive local water planning
 1. Integrate rules addressing planning at the local level
 2. Build on local water planning implementation (ask Ron H for more explanation of this)
 3. Ensure plans are in a watershed context
- ii. Watershed-based management approach
 1. Establish guiding principles for watershed-based management that encompasses the important elements related to authorities, fiscal capability, administrative and technical capacity and citizen involvement.
 2. Identify and define a water management framework
 3. Determine governance roles and general outcomes for each level.
 4. Get agency agreement on the framework, roles and outcomes.
 5. Build communication links among all the levels

b. Support local resource activities.

- i. Promote and use the Board as a forum to foster working relationships among state, regional and local units of government.
 - 1. Develop a strategy for cooperation and coordination among state agencies.
 - 2. Get all agencies to formally agree to the cooperation strategy.
 - 3. Board members advocate on behalf of the strategy.
- ii. Enhance efficiency and effectiveness
 - 1. The Board will develop criteria to assess the efficiency and effectiveness of local units of government.
 - 2. Assessment areas would include:
 - a. Administrative
 - b. Fiscal
 - c. Planning
 - d. Water management: surface, ground, quantity, quality
 - e. Land management: soil conservation, ag land preservation, urban and small acreage development
 - 3. Study the benefits of streamlining grants with other agencies.
- iii. Build soil conservation/management outcomes into current BWSR programs and services.

c. Develop and maintain the capability to develop competent services

- i. Improve technical capability in soil conservation and soil science.

BWSR RETREAT
Riverwood Conference Center
Monticello, Minnesota
August 23, 2000

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FROGS

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ISSUE #1: *Watershed Based Management - Conclusions*

HORSES Jerome Deal, spokesman

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ISSUE #2 – *Efficient Delivery*

- local governance structures
 - BWSR Board (membership) to streamline/optimize available resources
 - streamline WCA to reduce the resources (time) it consumes
 - TMDLs
-

LIONS

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- Buy-in from agencies
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(#2 – BWSR board (membership) to streamline/optimize available resources)

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- Electronic delivery of services
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- Application process – not all counties ready for electronic delivery

Benefit:

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FROGS

(#3 and others)

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- Conflicting priorities – local vs. state

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- 404 program – need to coordinate between agencies outcome? Consolidation?
- Define outcomes
- Streamline LGU (fewer numbers)

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- Consequences are rare for unmet outcomes

(#4 – TMDLs)

Strategy:

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- TMDL can target watershed management

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- Locals don't know what it is
- Political perception that we're helping only those with problems

Benefit:

- Help define outcomes at watershed level
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HORSES

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- one group decides on grants
- Get away from one size fits all – keep focus on local
- Keep review of grants on regional level
- One work plan – integrated work plans/criteria among agencies

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- Agency have different programs tied to funding sources. We don't understand programs (while we get our own programs done)
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ISSUE #2: *Efficient Delivery - Conclusions*

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- BWSR role to involve the right people, BWSR's involvement with locals ties to coordinate these efforts, coordination between all agencies.

HORSES Ron Shelito, spokesman

- Efficiency is good, cooperation, BWSR should do more of both
- Forum with board make-up for interagency coordination, focus on those things
- Grants, one size fits all, make less work; efficiency needed there, be careful not to over-fix program and pile in with a bunch of other things/agencies to make a big process
- Do as much coordination as possible, details locally, rather than create another black hole in St. Paul
- Efficiencies made within our own agency before we preach to other agencies about coordination and efficiency

FROGS Dwain Otte, spokesman

- BWSR is not a catalyst now for resolution of issues
- 404 program need to coordinate
- Policy in place is cost-share, consequences for automatic outcomes
- Conflicting priorities through delivery system of local thru State
- Define outcomes
- Streamline LGU, can LGU authority be assigned to someone else
- How to get the word out, PCA define outcomes at watershed levels
- TMDL can target watershed management
- Political perception that we're helping of those with problems

ISSUE #3: *Soil Conservation*

- Coordination of agency initiatives
- Soil productivity
- Water quality
- Soil erosion agriculture
- Soil quality
- Nutrient management – soil quality parameters
- Sediment and erosion in urban areas
- Land capability/sustainability

Comparative Priority

- Water quality
- CREP
- WCA
- Soils

Soil Conservation – bring emphasis back

- a) production agriculture
- b) soil surveys
- c) soil quality
- d) agriculture
- e) urban
- f) forestry
- g) lakes

Policy Issues:

- 1) Technical capacity is lacking training (varies across the state ability to relate with CCs)
- 2) Assessment of problems
 - data
 - NRI
 - Soil surveys
- 3) Public vs. private role
- 4) Dollars have remained the same for 20 years
- 5) Priority for dollars
- 6) Is there “public interest”
- 7) Agency roles and level of activity?
MES, PCA, MDA, BWSR, Health
- 8) Is this currently a priority?
- 9) Who do we serve
 - is it outcome based?
 - Is it size of producer based?
- 10) What's the outcome we (BWSR) want to see?
- 11) Revisit soil loss limits legislation
 - every city and county should have ordinance
 - T by 2010

BWSR Strategies:

- 1) Training in soil conservation and soil science, more specialized programs
 - 2) Alternative crops, ie trees
 - 3) Establish a state soil scientist/specialist position
 - 4) Public "state" of soils in Minnesota
 - 5) Update in GIS soil mapping
 - 6) Relating soil conservation with existing initiatives (each agency playing a role)
 - 7) Relating quality – erosion – productivity, etc.
 - 8) Play strong role in 202 farm bill conservation element development
 - 9) Agricultural land preservation
 - 10) Land Stewardship
 - 11) Focus on soil/water quality relationship
 - 12) Focus on 2.5 marginal, 2.5 erodible
 - 13) Build soil conservation into current programs – grants – plan approvals
-

ISSUE #3: Soil Conservation - Conclusions

FROGS

Dwain Otte, spokesman

- How to bring emphasis of soil back into the mix, is it out of the mix?
 - Coordination of agency initiatives
 - Soil productivity
 - Soil erosion agr
 - Soil quality
 - Nutrient management – soil quality para
 - Sediment and erosion in urban areas
 - Land capability/sustainability
 - Who do we serve
 - What's the outcomes
-

HORSES

Jim Anderson, spokesman

- Agricultural land preservation
 - Land Stewardship, management
 - Focus on soil/water quality relationship – where does BWSR fit into the scheme of things?
 - Focus on 2.5 marginal and 2.5 erodible
 - Building Soil conservation into current programs, grants, soil piece gets addressed in those
-

LIONS

Jack Frost, spokesman

had no further conclusions on this

Attendees at BWSR Retreat

Board Members

Kathleen Roer
Jim Dahlvang
Darrell Bruggman
Dwain Otte
Allan Oehlke
Ginny Imholte
Jerome Deal
Clair Nelson
Jack Frost
Lee Coe

Jim Anderson
Mark Dittrich
Dan Wilson
Rod Massey

Staff

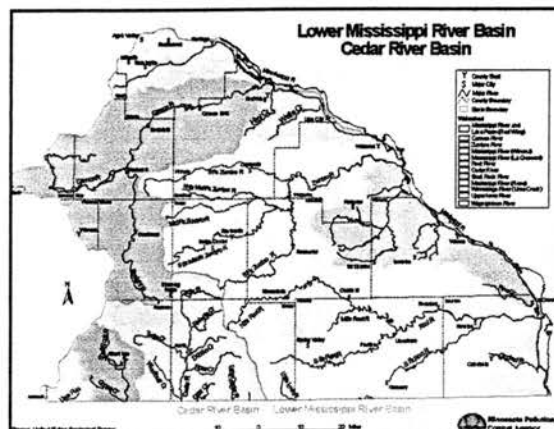
Ron Harnack
Marybeth Block
Doug Thomas
Al Kean
Tammy McGlone
Steve Woods
Jeff Nielsen
Ron Shelito
Greg Larson
Mary Jo Anderson
Peter Raeker

LeAnn Buck

balmm

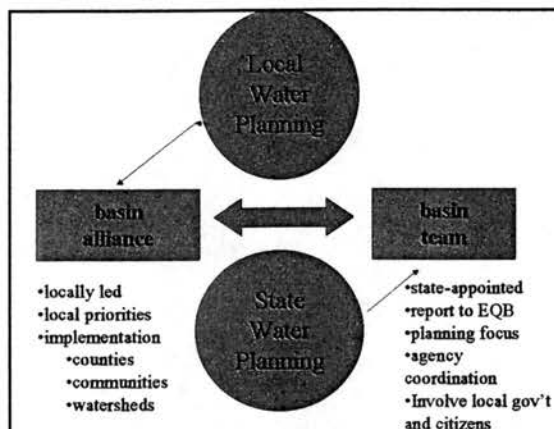


The Basin Alliance for the Lower Mississippi -- in Minnesota



About BALMM

- Locally Led Basin Alliance
- NOT a new layer of government
- Land and Water Management Agencies
 - County, State, Federal – other
- Goal: Improve and Protect Water Quality
- Implement Strategies through Collaboration



Basin Alliance

- Origin
- Members
 - County/SWCD
 - Watershed/Private
 - State/Federal
- Principles
 - Locally led
 - No new layer of gov't
 - Implementation focus
- Alliance Activities
 - Water Plan 2000
 - 10 Land Management Objectives
 - Developing Strategies
 - Scoping Document
 - Timeline

Basin Plan Scoping Document

How it was developed

- Started with Environmental/Land-Use Goals for Water Plan 2000
- Teams formed to write the 10 strategies
- Strategies presented, critiqued at monthly balmm meetings
- Citizen Forums used to get citizen input
- Broad review of draft scoping document

Basin Plan Scoping Document

- Basin Information
 - Geology, History, Land Use
 - Water Quality Conditions and Trends
 - Streams
 - Lakes
 - Groundwater
 - Land-Water Relationships
- Goals and Strategies
 - Environmental Goals
 - Water Quality
 - Water Quantity
 - Aquatic Ecosystem
 - Geographic Strategies
 - Watersheds
 - Aquifers
 - Floodplains
 - 7 Land-Use Strategies

Key Basin Characteristics



- High sensitivity to groundwater contamination
- 736 miles designated trout streams
- High sediment yields in Mississippi River tributaries

Basin Characteristics, cont

- Standard Exceedences
 - Turbidity
 - Fecal coliform bacteria
- Phosphorus impacts
 - Lakes Pepin, Byllesby, Zumbro, others
- Nitrate Nitrogen
 - private well detections
 - stream concentrations rising over decades
- High Restoration Potential
 - Mixed Landscapes
 - Cold-water streams
 - 1st order streams -- rapid recovery after storms
 - Increasing citizen involvement in monitoring, watersheds

Land-Use Strategies

- Perennial Vegetation
- Wetland Protection & Restoration
- Soil Conservation on Row-Crop Land
- Urban and Rural-Residential Land Management
- Nutrient and Pesticide Management
- Animal Feedlot Management
- Mining Activities Management

Monitoring & Evaluation

- Pollutant Loads
- Biological Monitoring
- Correlate Land Use and Water Quality
- Physical Condition Monitoring
- Best Attainable Stream Conditions
- Ground Water Monitoring

Watershed Management

- Stream Restoration
 - Basin: Strategy Development
 - Major Watershed: Assessment
 - Minor Watershed
 - Implementation
- Lake Restoration



Aquifer Protection

- Wellhead Protection
 - Potential Contaminant Sources
- Private Drinking Water Wells
 - Well Boring, Sealing
- Vulnerable Areas
 - Sinkholes, Recharge Areas



Floodplain Management



- Flood-Damage Reduction
 - Nonstructural Methods
- Ecosystem Management
 - Floodplain connectivity
- Mississippi Dredging
 - Best Management Practices

Perennial Vegetation



- Increase Acreage
- Maintain/increase beef and dairy production
- Pasture Conservation
 - Rotational Grazing
- Forest Management
- Increase Stream Buffers

Wetland Preservation & Restoration

- Update Wetland Inventory
- Assess Need for Protection/Restoration
- Streamline wetland conservation programs
- Education and Outreach



Row-Crop Land Conservation



- Conservation Tillage
- Incentives
- Canning Crop Land
- T by 2010
 - T-2T -- residue, buffers
 - 2T-4T + waterways
 - 4T-plus + terraces, grade stabilization, push-up ponds, etc.

Urban, Rural Residential Land

- Stormwater Runoff
 - Phase II Permits
- Individual Sewage Treatment Systems
 - Education
 - Amend Ordinances
- Urban Growth Management
 - Define urban growth boundaries



Nutrient & Pesticide Management

- No Fall Application of Nitrogen to Crops
- Promote Manure Management Planning
- Integrated Pest Management
- Promote U of M recommended rates



Animal Feedlot Management



- Comprehensive Registration
- Promote "Open Lot Agreement" in new rules
- Identify priority areas for inspection, assistance, etc.

Aggregate Mining

- Inventory quarries
- Coordinate permitting
 - county conditional use permits
 - MPCA water quality permits
 - DNR water appropriation permits
- Ensure that new mines obtain appropriate environmental review



How LGUs can use the Scoping Document

- Incorporate goals, strategies into local plan revisions
- Cite as basis for grant applications
- Help coordinate watershed activities across county boundaries

Why Support **balmm**?

- It's Locally Led -- linked to local water plans
- It's Linked to State Water Plan 2000 (watermarks)
- It's Basin Scale -- follows a watershed approach
- It's Directed to achieve Quantified Goals
 - bacteria, turbidity, nutrients
 - regional approach to TMDLs
- It features Collaborative Strategies --
 - the only way goals can be achieved

Water and Land Resource Goals and Strategies

Lower Mississippi River Basin Scoping Document

I: Water and Land Resource Goals

A: Water Quality Goals

Groundwater Protection:

- NO_3 -Nitrogen < 10 mg/L
- Fecal coliform bacteria, NO_3 -N and 85 listed contaminants: reduce concentrations and detections in public and private wells to meet state drinking water standards.

Surface Water Quality:

Rivers: Minimum of 10 inches (25 cm) of transparency¹

- Reverse trend of increasing NO_3 -N concentrations in streams
- Achieve fecal coliform bacteria standard in lakes and streams.²
- *Mississippi River:* Reduce sediment load

Lakes: Maintain/increase clarity as measured by Secchi disk

- Reduce P loads to reduce algae blooms and maintain O_2 levels

B: Water Quantity Goals: Keep stream and spring flows and groundwater levels within historic ranges.

C: Aquatic Ecosystem Goals

- Mussels: maintain diversity of native species
- Aquatic insects: establish baseline Index of Biotic Integrity
- Fish:
 - Cold-water streams: introduce/maintain brook trout
 - Warm-water streams: maintain/incr. smallmouth bass
 - Mississippi River: maintain/increase walleye
- Reptiles/amphibians: maintain toad and frog populations; reduce deformities
- Birds: maintain/increase perching birds, shore birds, puddle ducks and diving ducks, and territories occupied by bald eagles.
- Mississippi River: slow sedimentation and aging of navigation pools, maximizing biodiversity, meeting reasonable transportation needs.

II: Geographic Management Strategies (Place-Based Approaches to Managing Water Quality and Water Quantity)

A: Watershed Management

- Stream Restoration Strategies
 - Lower Mississippi River Basin
 - Major Watershed
 - Minor Watershed
- Lake Restoration Strategies

B: Aquifer Protection

- Sensitive area protection
- Public wellhead protection
- Private wellhead protection

C: Floodplain Management

- State Floodplain Management Policy Implementation
- Management of Floodplains for Ecological Benefits
- Mississippi River Floodplain

¹ About equivalent to turbidity standard (< 25 NTUs) or Total Suspended Solids SS) < 90 mg/L

² < 200 org./100 ml monthly mean, or 2000 org./100 ml in 10 percent of samples

III: Land-Use Strategies: (To accomplish Water Quality & Water Quantity and Aquatic Ecosystem Goals through one or more Geographic Management Strategies)

1. Perennial Vegetation: Maintain/increase acreage
 - Maintain/increase land in hay & pasture; woods & meadow
 - Area in pasture and noncultivated cropland is restored to 1982 levels (630,000 acres) from current estimates (448,000 acres)
 - Increase stream miles of riparian buffers at least 50 feet wide on protected waters, using native vegetation.
 - Increase the use of hay in contour farming.
2. Wetland Restoration/Protection:
 - Increase acres of high-quality wetlands.
 - Increase acres where land is managed to protect and enhance wetland functions that provide a wide range of ecological benefits.
3. Row-Crop Land Conservation:
 - Achieve soil loss < T by 2010.
 - Increase percentage of row-crop land with at least 30 percent crop residue cover, after planting, as a rotation average.
 - Increase the percentage of surface tile intakes and drainage ditches that are buffered to reduce losses of sediment and other contaminants.
4. Urban and Rural Residential Land Management:
 - Offset/reduce surface runoff (residential, commercial, industrial)
 - Increase percentage of population with "adequate" wastewater treatment (properly functioning septic systems; phosphorus removal from wastewater treatment facilities upstream of affected waters (include Lakes Zumbro, Byllesby and Pepin)
 - Achieve compact development, where feasible and consistent with local and tribal planning, to maximize preservation of farmland and natural areas.
5. Farm/Urban Nutrient Management:
 - Apply commercial nitrogen fertilizer at University of Minnesota-recommended rates, taking account of crop needs and all sources (manure, previous legume crop, etc.)
 - Reduce and eventually eliminate fall application of nitrogen fertilizer in the karst region, as called for in state recommendations for nitrogen management.
 - Apply commercial phosphate fertilizer at University of Minnesota-recommended rates in a manner that minimizes surface runoff.
 - Use phosphate-free fertilizer on lawns, golf courses, parks, etc.
 - Increase the use of Integrated Pest Management
 - Increase the use of low-maintenance grass species in urban areas.
6. Animal Feedlot Management:
 - Ensure that feedlots are permitted or registered and achieve compliance with feedlot rules by 2009 through feedlot runoff controls, manure storage, manure/nutrient management, rotational grazing and other practices.
7. Mining Activities Management:
 - Inventory quarries and aggregate sites;
 - Treat storm water and process water discharge;
 - Implement measures to protect groundwater;
 - Reclaim abandoned mines.

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Basin Alliance for the Lower Mississippi in Minnesota